

INTERNATIONAL LABOUR CONFERENCE

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THIRTY-SEVENTH SESSION

GENEVA, 1954

ADDENDUM

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:

Convention No. 94.

Argentina, Canada, Ceylon, Chile, Denmark, Dominican Republic, Federal Republic of Germany, Greece, Iceland, India, Ireland, Italy, Japan, New Zealand, Norway, Pakistan, Philippines, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Viet-Nam, Yugoslavia.

Recommendation No. 84.

Argentina, Austria, Belgium, Canada, Ceylon, Chile, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Greece, Iceland, India, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Pakistan, Philippines, Sweden, Switzerland, Turkey, Union of South

Africa, United Kingdom, United States, Viet-Nam, Yugoslavia.

Convention No. 95 and Recommendation No. 85.

Argentina, Austria, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Greece, Iceland, India, Ireland, Italy, Japan, New Zealand, Norway, Pakistan, Philippines, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Viet-Nam, Yugoslavia.

The Government of Afghanistan states that there are no representative organisations of employers and workers.



INTERNATIONAL LABOUR CONFERENCE

THIRTY-SEVENTH SESSION

GENEVA, 1954

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

Third Item on the Agenda

INTERNATIONAL LABOUR OFFICE

GENEVA, 1954

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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 1952 to 30 June 1953, contains information on the 72 Conventions in force at the beginning of this period.

A total of 1,026 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 15 March 1954, the opening date of the 24th Session of the Committee of Experts on the Application of Conventions and Recommendations, which finished its work on 27 March 1954. The report of the Committee, which is communicated to the Conference as Report III (Part IV), is printed separately.

Geneva, May 1954.

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.

A decision given by a court of law during the period under review ruled that the provisions of Act No. 11544 respecting daily hours of work have the force of public law and must be observed by the parties to a contract.

Appended to the report are various documents containing detailed information showing the position in the different provinces with regard to the application of the legislative texts which give effect to the Conventions ratified by Argentina. The information supplied shows that 64,327 visits of inspection were made in undertakings of all kinds and that 893 contraventions were reported under Act No. 11544.

Belgium.

Royal Order of 30 April 1953 regarding compensation for night work, payable to persons employed in oil mills.

Royal Order of 7 May 1953 regarding compensatory rest for night work, payable to persons employed in flour mills.

The above Orders, issued under the Act of 9 June 1945, make binding the decisions given by the relevant National Joint Committee. The Order of 30 April 1953 provides for compensatory payment for night work to workers employed in oil mills; the Order of 7 May 1953 provides for a period of compensatory rest with pay to workers employed at night in flour mills. In both cases the special payment is granted irrespective of any overtime compensation due to the worker under the Act of 14 June 1921.

During the period under review 143 decisions were given by courts of law with regard to the application of the Convention; in 92 of these cases there were convictions.

The number of persons employed in the undertakings visited by the Social Inspection Service during this period was 470,163; 333 contraventions were reported. A total of 97,962 hours of overtime was worked, with authorisation, by 1,183 workers.

Burma.

Article 1. Section 57 (1) of the Factories Act, 1951, provides that the President may make rules prescribing that all or any of the provisions of the Act should apply to building operations and engineering works and to any line or siding which is not part of a railway line or tram line which is used for the purposes thereof.

Article 7. Not all work in the oilfields is considered as necessarily continuous, but any such work will be classified in the regulations now being made.

Seven contraventions were reported during the year.

Canada.

British Columbia.

Various Orders adopted under the Hours of Work Act, and relating to the transportation industry, to commercial travellers and to the granting of temporary exemption from hours of work provisions.

Manitoba.

Act to amend the 1953 Hours and Conditions of Work Act.
Regulation No. 22/52, issued under the Minimum Wage Act, relating to overtime for women workers.

Saskatchewan.

Act to amend the Hours of Work Act, 1953, and the Orders issued thereunder.

In British Columbia the Hours of Work Orders for the transportation industry were revised. Order No. 22A redefines "transportation industry", which now includes truckdrivers, motorcycle operators, their helpers, etc., and warehousemen. Order No. 23A permits employees in the transportation industry to work beyond the eight-hour and 44-hour limits imposed by the Act whatever hours are necessary to meet the requirements of the industry, but imposes punitive overtime rates. Under a Minimum Wage Order applicable to this group of workers, overtime is payable at the rate of one-and-a-half times the regular rate for the first two-and-a-half hours, or less, worked in excess of eight-and-a-half hours a day; at double time for all hours in excess of 11 a day; and in the case of overtime not covered by these two provisions, at one-and-a-half times the regular rate for all hours worked in excess of 47 in a week.

The amendment to the Manitoba Hours and Conditions of Work Act brought under the Act the Local Government District of Snow Lake. Another amendment permits employees to work up to 11 hours a day without overtime pay during the week of Remembrance Day, 11 November (a statutory holiday). The revised regulations under the Manitoba Minimum Wage Act restrict the overtime which may be worked by women to three hours in a day, 12 in a week and 24 in a month. Another change permits women in shops to work up to 11 hours in a day at regular rates of pay, provided that the weekly hours do not exceed 44.

The Saskatchewan Hours of Work Act was amended to continue, until 1 April 1954, the stipulation against a reduction in wages where weekly hours are reduced to conform with the provision in the Act for a 44-hour working week. The application of the Act, like that of the Minimum Wage Act, was extended to the entire province of Saskatchewan in June 1953, so that small centres with a population of less than 300 are now covered by the hours of work legislation for the first time. Orders under the Act were revised to make overtime by workers in centres of less than 300 people, except those in factories, payable after 48 and not 44 hours in a week. A new Order permits office workers in places with less than 500 people to work 48 hours in a week before overtime rates must be paid. Certain small specialised groups of workers are now entirely excluded from the Act, i.e., workers on geophysical and seismographical survey parties, irrigation projects, and cooks and watchmen in the lumber industry. Employees in five specified summer resorts are no longer exempt.

During the period 1 April 1951 to 31 March 1952, 11 Orders were issued by the Manitoba Labour Board granting exemption from the overtime requirements of the Hours and Conditions of Work Act.

The Ontario Industry and Labour Board authorised overtime work by the employees of 856 employers during the fiscal year 1951-52. By a Regulation under the Hours of Work and Vacations with Pay Act, the Board may approve overtime of not more than 12 hours a week for engineers, watchmen, firemen, etc., and of not more than 100 hours a year for other employees. Under another Regulation the Board granted 91 authorisations for overtime work. Consultations with employers and workers in Ontario were carried out in the usual way.

Average hours worked per week throughout Canada, as reported at 1 May 1953, were as follows: manufacturing, 41.9; mining, 42.4; local transportation, 45.1; building construction, 40.7; highway construction, 41.1.

Chile.

A total of 25,718 workers and 6,821 employees are covered by the legislative provisions concerning railways.

Cuba.

Resolution No. 180 of 29 July 1952, to establish weekly hours of work for persons employed in certain railway undertakings.

Resolution No. 230 of 19 September 1952, to reduce hours of work from 44 to 40 a week for workers employed in public or railway services.

The texts of the above-mentioned Resolutions are appended to the report.

Under Article 4 of the Convention, the report states that where work is carried on by a two-shift system the number of hours worked may not exceed eight a day. The average weekly number of hours worked may not exceed 44 in general, or 56 in the sugar industry, during the season.

Both the Directorate-General and the provincial offices of the National Labour Inspectorate are being reorganised. The statistical services are also to be reorganised, with the collaboration of the expert requested under the Technical Assistance Programme.

Appended to the report are statistical data (the only data which appear to be available) supplied by the provincial offices of Pinar del Rio, showing that 67 inspection visits were made and ten infringements reported. The report adds that changes are required in the reporting system as well as in the circulars and instructions issued by the Directorate-General of Labour Inspection.

Dominican Republic.

Article 2. With regard to the observation made by the Committee of Experts on this Article, the Government states that it was the intention of the legislator that the terms of Section 137 of the Labour Code, which provides that normal hours of work may not exceed eight per day or 48 per week of six days, should not contravene the daily hours of work established by the Convention, which is respected in practice, but should merely avoid difficulties in exceptional cases.

The exclusion of persons employed in small undertakings in rural districts, provided for in Section 138 of the Labour Code, is of no practical importance since the majority if not all the undertakings in question are family or one-person undertakings which may come under the pro-

visions of the first paragraph of Article 2 of the Convention.

Article 3. With regard to the relevant observation made by the Committee of Experts, the report states that the cases of work of national, regional or communal interest in which the daily hours of work may be extended to a maximum of 12 were included with the other cases covered by Section 142 of the Labour Code solely in order to avoid serious interference with the ordinary working of the undertaking, as laid down in Article 3 of the Convention. For example, as was indicated to the Conference Committee, cyclones and earthquakes frequently occurred in the country, and such events justify provision being made for them in the legislation.

Article 4. The possibility of the right to authorise a maximum of 12 hours' work per day during eight months of the year in undertakings working continuously and to authorise work on non-working days (Section 149 of the Labour Code) is only valid when it is shown that there are no workers capable of replacing those working overtime. In practice, industries working continuously are few in number and the sugarcane industry, which is the most important, works on the basis of a system of three shifts of eight hours.

Article 6, paragraph 1 (a). The Government considers that the exclusion of road transport workers from the normal hours of work (although the maximum of ten hours work per day established in Section 139 of the Code may not be exceeded) is covered by the right authorised by the Convention to determine permanent exceptions; the Government adds that no use has been made of this right to exclude such workers from the practical effect of limited hours of work, but merely to facilitate the application of these limits by the undertakings concerned. In any case this exclusion is of no great importance, since, in view of the small area of the country, the greatest distance which may be covered cannot exceed 300 kilometres. The Government adds that in these circumstances the weekly limit of 48 hours is not exceeded in practice, although it is true that the terms of Sections 268 and 269 of the Labour Code might lead to different interpretations.

Article 6, paragraph 1 (b). The exceptions provided for in Section 142 of the Labour Code in the case of urgent work are temporary exceptions justified by circumstances, which, by their nature, do not permit of previous consultation with the employers' and workers' organisations concerned.

Article 6, paragraph 2. The consultation with employers' and workers organisations with regard to permanent or temporary exceptions as provided in paragraph 2 of Article 6 of the Convention took place at the time of the preparatory work for the draft Labour Code.

Greece.

There has been no change in the position regarding the application of the provisions of the Convention to employees in railway undertakings. The Government, while expressing its wish to carry out its obligations, states that it has not yet been able to make the necessary changes in existing practices in the railways owing to the

continuing economic and financial difficulties of the country. It hopes, however, that this matter will be settled as soon as conditions have improved.

The activities of the labour inspection services are now extended to some new regions and efforts are being made to improve these services in central areas and in the districts.

There were several court decisions regarding hours of work, including that given by the Athens Court of First Instance which declared null and void a contract of service which required a working day of more than eight hours.

Haiti (First Report).

Act of 15 September 1947, concerning the registration of undertakings.

Act of 5 May 1948, concerning conditions of employment (L.S. 1948—Hai. 2).

Section 1 of the Act of 1948 lays down that normal hours of work shall be eight a day and 48 a week. Subject to a limit of ten hours in any one day, the parties concerned may agree to divide up the 48 hours otherwise than by eight-hour days.

The expression "hours of work" means the whole time during which the employee is at the disposal of the employer.

Overtime hours worked in excess of the normal hours of work shall be paid for at time-and-a-half rates. Time spent by the employee in rectifying errors for which he is responsible shall not be counted as overtime. Overtime shall not be permitted in work of a dangerous or unhealthy character.

Section 2 of the above Act lays down that, unless the parties otherwise agree, the employee shall be allowed a minimum rest period of one-and-a-half hours towards the middle of the day, preferably between noon and 2 p.m. This rest period shall not be included in the normal hours of work.

According to Section 4 of the Act every commercial or other establishment having paid staff shall so arrange the normal hours of work that work ceases and the staff are free at 5 p.m. from 1 October to 1 May and at 4 p.m. from 1 May to 1 October. However, during the holiday season at the end of the year, from 15 December to 1 January, establishments may continue work after 5 p.m. on condition that they pay their employees for the overtime worked.

The restrictive provisions of Section 4 shall not apply to shipping agencies and air or land transport services, laundries, hairdressers, pharmacists, restaurants, bakeries, factories in continuous operation, or to small grocery shops retailing essential products. The said establishments shall either make a duty roster for the staff or else pay for overtime.

As will be seen from the foregoing, the relevant legislative provisions apply both to industry and to commerce.

The Labour Office ensures the effective application of the legislation in force by means of inspection visits, instructions, notices and regulations, warnings and reports regarding contraventions and measures for the conciliation of industrial disputes. In addition, fines varying between 50 and 500 gourdes may be imposed by the court of the justice of the peace in case of contravention (Act of 5 May 1948).

India.

With reference to the observations made by the Committee of Experts in 1953, the Government reproduces the following information which it submitted in writing to the Conference Committee. According to Section 115 of the Factories Act, all rules framed under this Act are subject to the condition of previous publication in order to allow time for comments or suggestions thereon to be received. The Government states that no further action is considered necessary. Rules under the Indian Mines Act are in course of preparation and will be published in draft form for comments and suggestions.

During 1951 the number of workers covered by the Factories Act was 2,531,663 and the number covered by the Mines Act was 326,212.

Israel.

Hours of Work and Rest Act, 1951 (L.S. 1951—Isr. 2).

Article 1. As regards this Article of the Convention, the Act does not distinguish between different branches of employment; it applies to all employees, subject to the exceptions enumerated in Section 30 of the Act. Among the categories so excluded are aircrews and persons whose work is such that hours of work cannot be supervised.

Article 2. The maximum working hours laid down by the Act are eight a day (Section 2 (a)) and 47 a week (Section 3). Section 31 in particular and other sections of the Act indicate that the basic provisions apply to both public and private employees. Clauses (a) and (b) of Article 2 are covered by Section 30 (a) (5) and Section 5 (b). In the case of shift work (clause (c) of this Article), Section 10 (a) (2) of the Act permits overtime provided that the time worked in excess of daily working hours is not more than one hour and that the total hours of work over three weeks do not exceed an average of 47 a week.

Article 3. Section 10 (a) (1) of the Act permits overtime in the cases mentioned in this Article.

Article 4. The Act does not contain a provision to permit an average working week of more than 47 hours in continuous process industries.

Article 5. Section 5 (a) of the Act provides for collective agreements in special circumstances. These agreements come into force only after their approval by the Minister of Labour; the average hours over the period fixed in the agreement may not exceed ten a day or 47 a week.

Article 6. Under Sections 11 (6) and (7) of the Act, the Minister may authorise overtime in cases similar to those mentioned in paragraphs 1 (a) and (b) of this Article. Section 16 (a) of the Act provides for overtime payment at not less than 25 per cent. above the normal rate for the first two overtime hours on the same day, and not less than 50 per cent. for every additional hour.

Article 7, paragraph 1 (a). The processes which are considered as being necessarily continuous, as provided for under Article 4 of the Convention, are oil refinery, cement, paper and electricity production, the glass industry and ceramic firing.

Paragraph 1 (b). A collective agreement, to meet the needs of industry because of the lack of electricity during several months, was made in May 1952 between the General Federation of Labour and the Manufacturers' Association. It was approved by the Minister under Section 5 of the Act, which applies Article 5 of the Convention. The hours of work agreed upon were nine-and-a-half a day and six-and-a-half on Friday during one week, and five-and-a-half a day and five on Friday during the next week. One of the provisions of the agreement was the creation of a bipartite committee to settle any differences arising from the implementation of the agreement.

Article 8, paragraph 1 (a) and (b). Section 32 of the Act empowers the Minister to make regulations as to the means by which the employer shall be obliged to bring the provisions of the Act to the notice of employees. Section 25 of the Act meets the requirements of paragraph 1 (c) of this Article. The Government states that these two sections of the Act have not yet been put into operation.

Paragraph (2) is covered by Section 26 of the Act.

Article 14. Section 11 (1) of the Act permits the Minister to authorise overtime if a state of emergency is decreed under Section 9 (a) of the Law and Administration Ordinance of 1948 or if, in the opinion of the Minister of Labour, supply needs and essential public services require it or if the work is to be performed at places which, in the opinion of the Minister of National Defence, come under his authority or in which orders are fulfilled for the Defence Army of Israel.

The labour inspectorate is entrusted with the supervision and enforcement of the Act. During the year under review the number of overtime permits granted was reduced as far as possible in view of an increase in unemployment.

Separate statistics in respect of the implementation of the Convention are not available as the Act applies to both industrial and non-industrial undertakings. During the year under review 202 warning letters were sent to employers. No cases were brought before the courts. The number of special permits granted for overtime work was 281. The Government states that, although the principle of the eight-hour day and 47-hour week is being observed, there were many cases in which the limits are exceeded owing to periodical pressure of work and to the willingness of workers to earn overtime pay. National and regional tripartite advisory committees have been set up to advise the Ministry on matters relating to the implementation of the Act.

Luxembourg.

The annual report of the Labour and Mines Inspection Service for 1952 shows that, out of the 45,000 workers in the Grand Duchy who are covered by the Convention, approximately 3,500 are employed in work which is necessarily continuous. The Minister of Labour granted 88 permits to 56 different undertakings, allowing temporary extensions of hours of work in view of exceptional pressure of work. The number of

additional hours amounted to 234,949 worked by 1,134 workers, over periods varying between three and 268 days, with between one and two additional hours per day. Authorisation for a system of compensatory payments was granted to two quarries. Special interventions were necessary in 153 cases to adjust 77 contraventions reported with regard to hours of work and 41 contraventions concerning overtime payment. Final warnings were given to seven undertakings. No proceedings were instituted during the course of the year.

New Zealand.

Shipping and Seamen's Act, 1952.

The above Act, which consolidates the Act of 1908 and subsequent amendments, limits to eight in any day or 40 in any week the normal hours of work of seamen at sea or in port, or in any Commonwealth ship where the agreement with the crew is first made in New Zealand, or in any home-trade ship, whether or not she is a Commonwealth ship.

Statistical data appended to the report show that, as at April 1953, the number of workers covered by the relevant legislation was as follows : 6,227 persons in mining and quarrying ; 166,539 in manufacturing ; 60,272 in building, construction and communications ; 11,548 in power, water and sanitation ; and 38,970 in transport, making a total of 283,556 persons.

Overtime worked in factories during the period 1951-52 amounted to 16,549,553 hours.

Pakistan.

The question of the application of the Hours of Employment Regulations to the running staff on railways remained under consideration during the period under review ; the financial implications were being examined when a dispute arose between the East Bengal Railway and the Eastern Pakistan Railway Employees' League. One of the demands of the Employees' League was that staff on shift duty should be given one calendar day's rest without double duty preceding this rest. The dispute has been referred to the Industrial Tribunal and it is considered that the examination of the matter should be deferred until the final decision of the Tribunal is known.

Portugal.

Overtime worked in Lisbon amounted to 7,644,592 hours in various trades, and 12,538,649 hours in transport undertakings.

The number of contraventions reported during the period under review was 5,790.

Uruguay.

Act No. 11887 of 2 December 1952, to extend the five-and-a-half day working week to persons employed in offices and in commercial establishments attached to industrial undertakings.

The above-mentioned Act (a copy of which is appended to the report) extends to persons employed in offices and in commercial establishments of all kinds attached to industrial undertakings the hours of work laid down in Section 1 of Act No. 8797 of 22 October 1931.

Changes have been made in the composition of the inspection service, which now comprises one head and one assistant head, four regional inspectors, 109 male inspectors and four women inspectors.

During the period under review 383 reports were made concerning infringements of Act No. 5350, and fines amounting to 10,105 pesos were imposed.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

In an introductory passage to its report the Government states that " as the Convention was approved by the National Congress on 2 June 1944, it was given force of law when it was ratified and, in accordance with the legal system of the country, was incorporated in the social legislation ".

The new Constitution came into force on 15 April 1953. The principal legislative provisions relating to the subject matter of the Convention remain in force, in virtue of the eighth transitory provision of the Constitution, which reads as follows : " The existing legislative provisions remain in force so long as they are not modified or abrogated by the competent authorities or are not abrogated by this Constitution ". While the existing laws may be modified by the competent authorities, no modifications whatever have been made as regards labour questions and the protecting provisions of the labour law are maintained in the new Constitution. In view of the fact that, in accordance with the constitutional procedure of the country, the Convention has been included in the laws and regulations of Venezuela, it has acquired force of national law and as such is subject to the ordinary standards concerning the application of the national laws.

The Social Welfare Directorate has been reorganised and now includes a Social Security Technical Board which is responsible for reporting to the Department of Labour on all matters relating to social security. The number of labour inspection commissioners is now 119, distributed among the Federal District and various states listed in the report.

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.

Appended to the report are detailed statistical data for various industries and occupations showing that, for the period under review, the National Employment Service Directorate registered 45,550 vacancies and 47,460 applications, and placed 35,165 persons in employment. In addition, 1,284 persons were placed in temporary employment in the baking industry.

Austria.

Federal Act of 18 July 1952, to assimilate persons of German origin with Austrian nationals as regards the right to work.

Article 2. During the period under review the employment offices registered a monthly average of 64,976 applications and 36,151 vacancies, and made an average of 29,902 placings each month. At the end of each month there was an average of 13,097 vacancies and 181,047 persons seeking employment; this latter high figure is due to a certain extent to seasonal unemployment in the building trades. Detailed statistics concerning

the employment market are to be found in the monthly reports entitled "The Labour Market in Austria".

Article 3. An agreement concerning trainees, concluded between the Austrian Republic and the Federal Republic of Germany, together with the attached Protocol, came into force on 1 January 1953. This agreement provides that workers from either of the two States may spend a period of instruction in the other country. An agreement concerning unemployment insurance, concluded between the Federal Republic of Germany and the Austrian Republic, came into force on 1 January 1953; it ensures equality of treatment for Austrian nationals and nationals of the Federal Republic of Germany with regard to the main provisions governing unemployment insurance.

The principle of equality between persons of German origin and Austrian nationals with regard to admission to employment, which was already laid down in the Ordinance of 30 January 1952, was given legislative approval by the Federal Act of 18 July 1952. Similar provisions have been promulgated with regard to certain occupations (medical staff and nurses), who are governed by special provisions. Persons of German origin also enjoy the same advantages as Austrian subjects with regard to the reclassification of disabled persons and maternity protection.

Belgium.

Ministerial Order of 28 July 1952, to fix provisionally unemployment allowances payable under Section 79 of the Order of the Regent of 26 May 1945 respecting the National Employment and Unemployment Office.

Various Ministerial and Royal Decrees, and various Regulations, promulgated during the period under review, relating, *inter alia*, to conditions required for the granting of unemployment allowances, rates of benefits, the definition of "suitable employment" and the composition of joint advisory committees.

There are now 46 local offices attached to the National Employment and Unemployment Office, and 23 private employment agencies approved by the Ministry of Labour and Social Welfare and subject to the control of the National Employment and Unemployment Office.

Statistical data are appended to the report relating to the average daily number of totally unemployed persons in receipt of benefits and the number of registered and filled vacancies for each month of the period July 1952 to June 1953. These data show that the number of unemployed persons who received benefits varied between 147,000 in October 1952 and 224,000 in January 1953. The number of placings effected by the various offices of the National Employment and Unemployment Office varied between 10,000 in December 1952 and 29,000 in May 1953.

The report states that the operations of the various national employment systems can only be co-ordinated on a regional basis: Belgium is

represented on the manpower committees set up by the Benelux countries, the Brussels Treaty, the European Organisation for Economic Co-operation and the European Coal and Steel Community. These committees effect a certain amount of co-operation among the employment services.

The texts of the various orders and regulations referred to above are appended to the report.

Burma.

The Directorate of Labour has carried out in Rangoon a labour force sample survey by means of statistical sampling, dealing with the questions of unemployment and employment in various industrial occupations. It is hoped in future to carry out periodical surveys of this nature. A copy of the report on the preliminary survey has been published in the *Burma Labour Gazette* and is appended to the Government's report.

Arrangements have been completed to open an artisan training centre at Mandalay.

During the period under review 9,100 persons made applications for employment to the two employment exchanges (at Rangoon and Mandalay). The total number of vacancies notified was 3,790; out of 4,811 applications submitted to employers, 3,130 persons were placed in employment (including 18 persons of the appointment-branch standard and 370 women).

Chile.

The regulations for the setting up of joint advisory committees which were drawn up by the National Employment Service last year have not yet been promulgated; the relevant decree has remained in abeyance pending the technical assistance requested from the International Labour Office. In this connection, the report states that the Government is examining the suggestions made by the Latin American Manpower Field Office.

During the period under review 459 persons (338 men and 121 women) were examined by the psycho-technical group of the Employment Service in Santiago. In the majority of cases the persons examined were under 21 years of age.

Appended to the report are statistical data compiled by the Statistical Division of the competent service of the General Directorate of Labour, showing that for 1952, and for different occupations, the average monthly number of applicants for employment registered by the employment service was 4,754; the number of persons placed in employment was 1,480, while 3,274 persons remained unemployed.

Denmark.

Act No. 379 of 15 November, to amend Subsection 7 of Section 13 and Subsection 9 of Section 15 of the Unemployment Act.

This Act provides for the payment of the fuel allowance to persons unemployed at an earlier date of the year than provided for previously. Moreover, it stipulates that local authorities shall pay part of the state subsidy towards this allowance.

The text of the Act is appended to the report.

France.

During the period under review the Ministry of Labour and Social Security continued its efforts

to improve and complete the organisation and functioning of the employment services. The National Juvenile Manpower Committee examined various questions relating to the placing and vocational guidance of young persons. The Interdepartmental Committee for the occupational rehabilitation of disabled persons, handicapped persons and persons with reduced physical capacity has encouraged the various government departments concerned to draw up instructions concerning the co-ordination of all activities in this sphere.

A working party comprising representatives of the Administration, the employers' and workers' organisations and demographers, has been set up within the National Manpower Committee for the specific purpose of examining the measures to retain in and admit to employment workers of over 50 years of age.

The working party has decided to undertake an extensive enquiry into the structure of the active population and the employment of older persons in all branches of the economy, with a view to determining measures to ensure the placing in and the stability of employment of this category of workers.

Among the steps taken to improve the training of the staff of the employment service, mention should be made of measures for the setting up of pilot manpower services with up-to-date accommodation and equipment to facilitate the reception and classification of applicants for employment. Problems of this nature are being constantly examined by these services, which constitute, in 14 regional employment offices, centres for making known methods for the organisation of labour and the training and retraining of the staff concerned. Finally, the setting up of the Permanent Interdepartmental Committee for Economic Studies of the Labour Market will permit of the examination of the economic situation in certain sectors of the national economy which have been affected by the crisis. This Committee will also consider practical measures to combat the effects of the economic depression on the employment market.

Federal Republic of Germany.

Act of 13 August 1952, to raise the maximum income limits for the purposes of social insurance and unemployment insurance and to amend Ordinance No. 12 concerning the organisation of social insurance.

Act of 13 November 1952, concerning the expiry of the time limits set by wartime provisions with regard to social insurance and unemployment insurance.

Act of 9 December 1952, to amend the Act concerning placing and unemployment insurance.

The first of the above-mentioned Acts permitted, in particular, an increase in the maximum income limits fixed with regard to affiliation to unemployment insurance and an increase of benefits in favour of persons in the higher income groups. The second Act fixes 31 December 1950 as the end of the state of war with regard to time limits relating to social insurance and unemployment insurance, subject to special provisions applicable to persons who returned to Germany after this date. The third Act relates to the compulsory membership in the unemployment insurance scheme of apprentices, vocational training pupils and trainees. The new Federal Act mentioned

in the previous report, which is to amend and supplement the Act concerning placing and unemployment insurance, will only be tabled after the constitution of the new Parliament.

The report also refers to three other Acts concerning unemployment assistance and insurance as well as to measures to combat unemployment, which only came into force after the end of the period under review.

The texts of the various Acts are appended to the report.

Article 1. The Federal Employment Service and Unemployment Insurance Institute sends to the Office monthly reports on the employment situation, and quarterly reports on the measures taken to combat unemployment.

Article 2. The organs of the Federal Institute (executive council and governing body for the head office of the Institute and administrative committees for the regional and local offices) have been set up and have started to function. The statutes of the Federal Institute were adopted by the governing body and approved by the Federal Minister of Labour. The first budget of the Federal Institute was approved by the Federal Government in May 1953 and, as the receipt of unemployment insurance contributions has been satisfactory, there was no need to request a supplementary state subsidy as provided for in Section 120 of the Basic Act. Since 1945, 38 requests have been received for the establishment of non-profit-making employment offices. No information is available as yet concerning applications and vacancies notified to the employment offices whether profit-making or not, or concerning the placings effected by these offices.

Article 3. The agreement concerning unemployment insurance, which was concluded on 19 May 1951 with the Austrian Republic, was ratified by the two States concerned and has come into force. In addition, on 5 May 1953, the Federal Republic of Germany and the Italian Republic concluded a reciprocal agreement relating to unemployment insurance, which has yet to be ratified by the two Governments. The agreement concerning unemployment insurance for frontier workers, which was concluded between Switzerland and the Federal Republic of Germany on 4 February 1928, has again been put into force following an exchange of notes between the two Governments. A reciprocal agreement concerning unemployment insurance will probably be concluded in the near future with the Netherlands.

Greece.

Act No. 2222 of 1952, concerning measures to control the dismissal of employed persons.

Act No. 2348 of 1953, concerning the amendment, amplification and cancellation of provisions relating to tobacco-leaf processing and the amalgamation of the Tobacco Workers' Fund with the Social Insurance Institute (I.K.A.).

Decision No. 32161 of the Minister of Labour, dated 22 May 1953, to approve the provisional regulations for the establishment and operation of employment offices attached to the Social Insurance Institute.

Various Decisions relating to unemployment benefit and to the notification of dismissals.

During the period under review a number of legislative and administrative measures were taken to prevent and combat unemployment and to

ensure the protection of unemployed persons more effectively.

Act No. 2222 of 1952 (concerning measures to control the dismissal of employed persons) was replaced by new legislation as from 1 July 1953.

A monthly average of 19,800 persons received unemployment benefit from the Social Insurance Institute; for the first six months of 1953, this figure was 24,900. The Institute is continually expanding its activities as regards unemployment insurance; printing and newspaper workers in the larger towns, are, however, still covered by special insurance funds.

The provisional regulations approved by the Minister of Labour in Decision No. 32161 provide for the establishment and operation of employment offices in all localities where the Social Insurance Institute has a branch office. The functions of these employment offices include the registration and placing of unemployed persons according to their occupational category, the compilation of statistical data concerning the labour market, co-operation with bodies granting unemployment benefit, and collaboration with the competent services for migration, labour inspection, apprenticeship, vocational training and vocational guidance.

Ireland.

Social Welfare Act, 1952.

Various Regulations affecting insurability and unemployment benefit, under the Social Welfare Act.

Various Orders and Regulations affecting unemployment assistance, under the Unemployment Assistance Acts, 1933 to 1952, and the Social Welfare Act, 1952.

Social Welfare (Great Britain Reciprocal Arrangements) Order, 1953.

Social Welfare (Northern Ireland Reciprocal Arrangements) Order, 1953.

The Social Welfare Act, 1952, which came into full operation on 5 January 1953, repealed the Unemployment Insurance Acts, 1920-1952. It replaced various social insurance schemes, including the scheme for insurance against unemployment embodied in the Unemployment Insurance Acts, by a co-ordinated system of social insurance. A list of the Regulations issued under the Social Welfare Act, together with information regarding various provisions of the Act, are included in the report on Convention No. 44.

The arrangements under which unemployment benefit is claimed and paid at local offices continue in operation. The arrangements made, under Section 17 of the Unemployment Insurance Act, 1920, with associations of employed persons, were terminated on the coming into operation of the Social Welfare Act, 1952, and unemployed members of such associations are now dealt with at local offices.

The repeal of the Unemployment Insurance Acts necessitated the making of new reciprocal agreements with Great Britain and Northern Ireland. The position in regard to the insurance of mariners against unemployment is maintained as it was before the repeal of these Acts. The new agreements are embodied in the Orders quoted above.

The total number of persons on the live register at employment exchanges and branch employment offices rose from 45,960 on 26 July 1952 to 89,579

on 28 February 1953 and then declined gradually until it was 63,589 on 27 June 1953. The fluctuations in the live register are due largely to the incidence of the Unemployment Assistance (Employment Periods) Orders, 1952, and 1953, the effect of which is to preclude from the receipt of unemployment assistance during the specified periods certain classes of persons residing in rural areas.

During the four weeks ended 27 June 1953, 2,296 vacancies were notified to the employment service and 2,116 placements were effected.

Copies of the various Orders and Regulations issued in 1952 and 1953 are appended to the report.

Italy.

Act No. 142 of 24 February 1953, concerning the compulsory admission to employment of war disabled persons and war orphans.

Regulations issued under the Act, concerning the compulsory admission to employment of war disabled persons, approved by Presidential Decree No. 1177 of 18 June 1952.

Act No. 218 of 4 April 1952, concerning the reorganisation of the compulsory pension scheme for the disabled, aged persons and survivors, which amends the provisions relating to unemployment insurance (Sections 14, 15, 27 and 31).

Agreements have been concluded with Austria, the Federal Republic of Germany, the Netherlands and the United Kingdom to ensure equality of treatment between Italian nationals and the nationals of these countries with regard to unemployment benefits. Arrangements have been made for negotiations with Argentina, Denmark, Norway and Sweden.

Japan.

During the period under review the number of public employment security offices increased from 416 to 420.

Figures given for each month show that the above-mentioned offices registered a total of 4,042,000 applicants for regular employment, of whom 1,696,000 were placed. The offices registered 76,920,000 applications for casual employment and effected 66,562,000 placings during the year under review.

Luxembourg.

Grand Ducal Order of 17 December 1952, to issue new regulations on unemployment benefits.

Since 1 January 1953 the National Employment Service has published monthly two statistical series, one of which relates to the situation of the labour market (including data on unfulfilled applications for employment) and the other relating to the number of unemployed persons receiving compensation (including data on partial unemployment and the assignment of unemployed persons to special work). These series are communicated to the International Labour Office within six weeks of the end of the period to which they relate.

During the period under review 28,795 vacancies were notified, 27,788 applications for employment were registered and 27,621 persons were placed in employment through the National Labour Office.

Netherlands.

Unemployment Insurance Act of 9 September 1949.

During the period under review there was a decrease in the supply of manpower immediately available (fully unemployed persons and persons employed at worksites of the National Service for the Execution of Public Works), which was contrary to what had happened during the preceding period. The annual average remained higher (117,601 instead of 114,361) and the average number of unemployed persons (not including persons employed at the above-mentioned worksites) fell from 114,361 in 1951-52 to 95,036 in 1952-53.

The report supplies detailed information on the measures taken by the Government to combat or prevent unemployment. These measures deal with the following matters: the placing and, if necessary, the occupational rehabilitation of civilians returning from Indonesia (especially aged persons and administrative workers); the provision of possibilities of work for persons with limited physical capacity, particularly the blind; the development of correspondence courses for sick persons in hospitals, sanatoria, etc., these courses being a theoretical preparation for an occupation to be exercised after recovery; the placing of aged workers; vocational training, reclassification and re-education either in government centres or in undertakings; vocational guidance, particularly by an increase in the number of vocational guidance offices from 24 to 84 as the result of a reorganisation; emigration; the admission to employment of foreigners (renewal of work permits, the granting of new permits and the admission of trainees and frontier workers); special research relating to the labour market and to the situation in certain industrial branches and certain groups of occupations; and the collaboration of the National Labour Office with the Directorate-General for Industrialisation.

Since the coming into force of the Unemployment Insurance Act on 1 April 1952, all wage earners, whether Netherlands nationals or not, are considered as workers under this law and are entitled, in the case of involuntary unemployment, to benefits in specified conditions which are the same for Netherlands nationals and for foreigners.

New Zealand.

During the 12 months prior to 30 June 1953, the National Employment Service effected 24,582 placings (17,871 men and 6,711 women). On the above date the number of unemployed persons enrolled at employment offices reached its highest figure, namely, 132 persons (114 men and 18 women). The total number of vacancies notified to employment offices at the end of each month dropped from 16,379 in July 1952 to 10,466 in June 1953.

Disbursements from the Social Security Fund in respect of unemployment benefits amounted to £3,187 during the year ended on 31 March 1953.

Norway.

Royal Decree of 27 February 1953, concerning travelling and removal allowances to be paid out of public funds for the promotion of important works.

Regulations of 12 March 1953, concerning travelling and removal allowances to be paid under the unemployment insurance scheme.

Provisional Regulations for regional planning, issued by Royal Decree of 22 May 1953.

Decision by the Ministry of Local Government and Labour of 20 August 1952 to amend Section 6 of the Regulations of 4 October 1950 concerning allowances under the unemployment insurance scheme to cover the cost of vocational training.

Circular Letters of 7 April and 29 June 1953 concerning travelling and removal allowances to be paid out of government funds and the unemployment insurance scheme respectively.

Article 1. The number of persons registered at the public employment agencies as wholly unemployed varied between 3,200 at the end of July 1952 and 31,000 at the end of January 1953, and fell to 3,500 at the end of June 1953. At the end of January not more than 3 per cent. of all wage earners were unemployed; about one-half of these were building and construction workers, 58 per cent. of whom became unemployed as a result of seasonal dismissals from municipal and government building and construction works. These figures led the Government to continue taking special measures to reduce seasonal unemployment. Thus, public construction work is being carried out during the winter wherever technically and economically possible; the increased expenditure is to be financed partially or wholly by extraordinary subsidies. A total of 43 million kroner has been voted by Parliament to combat unemployment in the winter of 1953-54. This sum is to be used mainly for the purpose of reducing seasonal unemployment by contributing to the maintenance of a certain level of employment in government and municipal building and construction undertakings.

The Northern Norway Development Fund, which was set up on 18 March 1952, has been allotted approximately 406 million kroner by Parliament. Seasonal unemployment and underemployment in this part of the country are not expected to decrease substantially until a larger proportion of the industries contemplated by the programme have been established.

Regional planning was further extended in 1952-53 with a view to developing the country's natural resources and ensuring a higher level of employment in the various regions. These plans have now been started in 16 of the 20 counties. The work of economic planning now in progress will have been concluded in most counties by the first half of 1954.

The report indicates the measures which have been taken under the Royal Decree of 27 February 1953, concerning the payment of travelling and removal allowances with a view to promoting manpower mobility, in particular in respect of areas or industries which are seasonally or generally affected by unemployment.

Article 2. The Labour Directorate is at present responsible for the administration of 18 county employment offices and 693 local placement offices, including 27 private offices covering several local districts. In addition, 16 seamen's offices are operated. During the period under review, the employment agencies registered 268,462 requests for employment and 246,520 vacancies; 193,174 applicants were placed in employment.

Copies of the legislative texts mentioned in the report, together with a report to Parliament on

the implementation of the Northern Norway Development Programme, are appended to the report.

Sweden.

Royal Decree No. 445 of 5 June 1953 to amend the Instruction of 17 June 1948 for the State Employment Board.

Royal Decree No. 552 of 5 June 1953, to amend the Instruction of 17 June 1948 for the Provincial Employment Board.

During the period under review, employment placing was carried out by 25 provincial offices, 215 local offices and about 830 agents, the latter being subordinated to an office. Within the framework of the employment service there are special sections dealing with salaried employees, the rehabilitation of disabled persons, vocational guidance and employment service for young persons.

During this period the number of applications for work was 1,839,038. The employment service registered 1,419,874 vacancies and effected 1,027,115 placings.

The Government appends to its report the text of the two Decrees mentioned above and three publications of the State Employment Board, one containing the annual report for 1952 and the other two relating to unemployment insurance and employment offices, and assistance to the unemployed; these publications are designed to serve as guidance to the officials concerned.

Switzerland.

Zurich.

Introductory Act of 1 February 1953, relating to the Federal Acts of 22 June 1951 concerning unemployment insurance and the employment service.

Executive Ordinance of 23 April 1953, issued under the Introductory Act of 1 February 1953.

Berne.

Act of 5 October 1952, concerning the employment service and unemployment insurance.

Executive Ordinance of 18 November 1952, issued under the Act of 5 October 1952.

Lucerne.

Introductory Ordinance of 21 July 1952, concerning the Federal Employment Service Act.

Schwyz.

Cantonal Executive Ordinance of 12 March 1952, concerning the Federal Employment Service Act.

Upper Unterwalden.

Introductory Act of 11 May 1952, concerning the Federal Acts respecting the employment service and unemployment insurance.

Lower Unterwalden.

Introductory Ordinance of 5 July 1952, concerning the Federal Acts, respecting unemployment insurance and the employment service.

Zug.

Introductory Act of 4 September 1952, concerning the Federal Acts respecting the employment service and unemployment insurance.

Cantonal Executive Ordinance of 4 November 1952, concerning the employment service and unemployment insurance.

Solothurn.

Act of 9 November 1952, relating to the introduction of the Federal Acts concerning unemployment insurance and the employment service.

Executive Ordinance of 19 December 1952, concerning the Cantonal Act relating to the introduction of the Federal Acts on unemployment insurance and the employment service.

Basle-Town.

Act of 22 November 1951, concerning the introduction of the Federal Employment Service Act.
Ordinance of 6 May 1952, relating to the Act of 22 November 1951.

Basle-Country.

Introductory Act of 4 September 1952, relating to the Federal Employment Service Act of 22 June 1951.
Order of the Council of State of 30 December 1952, concerning the implementation of the Introductory Act of 4 September 1952.

Schaffhausen.

Ordinance of the Council of State of 8 December 1952, concerning the Federal Employment Service Act.

Appenzell Outer Rhodes.

Executive Ordinance of 29 May 1952, relating to the Federal Employment Service Act.

St. Gall.

Act of 5 March 1952, relating to unemployment insurance assistance to unemployed persons, and to placing services.
Ordinance of 8 December 1952, issued in application of the Act of 5 March 1952.

Grisons.

Ordinance of 28 November 1951, relating to the Federal Employment Service Act.
Executive Provisions of 22 February 1952.

Aargau.

Introductory Act of 16 June 1952, concerning the Federal Acts respecting the employment service and unemployment insurance.

Thurgau.

Ordinance of the Council of State of 20 November 1951, relating to the Federal Employment Service Act.
Provisions of 3 June 1952, relating to the rates of taxes.

Ticino.

Act of 27 February 1952, concerning the employment service.

Vaud.

Act of 8 September 1952, concerning measures to combat unemployment.
Order of 19 December 1952, to apply the Act of 8 September 1952.

Neuchâtel.

Act of 19 November 1952, concerning the employment service.
Executive Order of 16 January 1953.

Valais.

Order of 7 March 1952, to issue regulations for the application of the Federal Employment Service Act of 22 June 1951.

Geneva.

Order of 28 December 1951, to regulate provisionally the application in the canton of Geneva of the Federal Employment Service Act.

Article 1. The reports which, in conformity with the new relevant provisions, must be supplied by profit-making employment offices with regard to their placing activities, give a more complete picture of the Swiss labour market, particularly with regard to domestic work, agri-

culture and subordinate occupations in the hotel industry, in which field these offices are most active. The authorities responsible for the employment service have concentrated their efforts particularly on improving the information required from these offices for statistical purposes.

Article 2. As regards the public employment service, the report states that the Federal Advisory Committee responsible for examining the questions relating to the labour market has been set up; this Committee is presided over by the Director of the Federal Office of Industry, Arts and Crafts, and Labour, and includes four representatives of the cantons, two representatives of science, four representatives of employers' organisations and four representatives of wage-earners' organisations drawn from the various trade union groups of the country. The Committee also includes a woman adviser on vocational guidance who acts as representative of the women's organisations.

The regional meetings and the general assembly of the directors of cantonal offices and of labour offices in the chief towns, which take place each year, make possible the examination of problems concerning the labour market and the necessary improvements in the practice followed with regard to employment, due account being taken of existing conditions. Meetings are also called when the need arises for special measures or for the modification of the policy to be followed in the labour market.

The report states that the economy of Switzerland has continued to give evidence of the intense activity which has been a feature for some years. However, the upward phase of activity has come to an end and has tended to decrease imperceptibly in some industrial branches which have been affected by increased competition from abroad or by the limitations on exports resulting from the measures adopted by various States. The level of employment has remained on the whole very high, although the number of persons registered by the employment offices as totally unemployed at the end of each month has been generally higher than for the corresponding figures for 1951-52. The increase has related particularly to commercial and administrative occupations. The number of permits issued to foreign wage-earning workers for entrance into the country and for residence was even higher during the period under review than it was previously. The public employment service offices registered 118,269 vacancies and 113,273 applications for employment; they effected 52,250 placings.

As regards non-profit-making placing services of occupational and public utility bodies, which come under the federal legislation only so far as they carry out placing operations concerning foreign countries, they are covered by cantonal provisions stipulating, in particular, that these offices are required to register. In the canton of Vaud such offices are also required to obtain a permit. Moreover, these offices may be required to inform the cantonal labour office of the number of applications and vacancies registered and the placings effected by them, whilst the collaboration required under the Federal Act is not of a compulsory nature.

Copies of the Acts and Ordinances issued by the cantons and enumerated above are appended to the report.

Turkey.

The Government refers to the information which it forwarded to the Office for submission to the 36th Session of the Conference in reply to the observations formulated last year by the Committee of Experts.

The Government undertakes to submit quarterly to the International Labour Office a statistical report on the placing activities of the employment service. An expert on labour statistics, who has been placed at its disposal by the International Labour Office under the Expanded Programme of Technical Assistance, is at present advising the Government on the improvement of its labour statistics and, when his work is completed, it will be possible to submit more accurate information.

The Council of State has not yet considered the regulations put forward by the Ministry of Labour for the setting up of advisory committees on the lines indicated in Article 2 of the Convention.

During the period under review 157,909 applications for employment were made and 92,035 placings were effected.

Union of South Africa.

Regulations for the establishment and control of Native Labour Bureaux (Government Notice No. 2495 of 31 October 1952).

Free employment agencies throughout the Union are now conducted by the Government in respect of Europeans, Coloureds, Asiatics and Natives.

Article 1. The number of persons employed on special works operated or subsidised by the Government to combat unemployment was 1,886 for the period July-September 1952, 1,894 for October-December 1952, 1,898 for January-March 1953 and 1,877 for April-June 1953.

There are now nine regional employment agencies directed by the divisional labour inspectors, with sub-offices in five large urban centres and 17 large rural centres. There are also 305 local employment agencies directed, on behalf of the Labour Department, by social welfare officers, magistrates and justices of the peace, and 24 agencies dealing specifically with young persons seeking employment.

The report contains figures supplied by the exchanges functioning both under the Department of Labour and the Department of Native Affairs. These figures give the total number of applications for employment and placings effected for the period July 1952-June 1953.

In accordance with Act No. 52 of 1952 regulations for the establishment and control of Native labour bureaux were promulgated under Government Notice No. 2495 of 31 October 1952. These regulations provide for a bureau to be established in every district. The activities of the district bureaux are co-ordinated by seven regional bureaux which in turn are co-ordinated by a central bureau in the office of the Secretary of State for Native Affairs.

The Minister is authorised to call on municipal authorities to conduct local bureaux in urbanised areas, which are also subject to the control of a regional bureau and the central bureau. Native workseekers are required to register for employment with the bureaux and employers are required

to advise the bureaux of all vacancies in their service.

Article 2, paragraph 2. Licensed private employment agencies play an insignificant part as they are only able to place Native applicants who have already registered at the official bureau concerned.

The Department of Native Affairs is entrusted with the application of the legislation and regulations relating to Native labour bureaux. Any officer duly authorised by the Secretary of Native Affairs may inspect bureaux and depots established under these regulations.

During 1952 unemployment benefits were paid to 48,566 applicants. The average duration of benefit payment per applicant was 59.4 days; the total amount of benefit paid was £861,459. At the end of 1952 a total of 6,604 persons (4,141 men and 2,463 women) were receiving benefits. There was an increase in the number of persons receiving benefit during the year. The number of persons insured was about 1 million. The Control Board considered 73 appeals against 1,939 refusals decided by local committees; 47 of these appeals were dismissed and 26 were allowed.

*United Kingdom.**Great Britain.*

There are at present 972 employment exchanges, 100 sub-offices, 85 branch employment offices, 33 local agencies, 1,185 youth employment offices (of which 851 are operated by local education authorities, and 334 by the Ministry of Labour and National Service), one technical and scientific register, three appointments offices, 11 regional nursing appointments offices and 138 local nursing appointments offices.

The average monthly number of applicants registered at these offices for employment in Great Britain during the year was 390,210. The number of vacancies notified to employment exchanges remaining unfilled at 3 June 1953 was 296,502. The number of persons placed in employment during the 52 weeks ended 3 June 1953 was 3,185,168.

Advice in the operation of these offices was given by 366 main local employment committees and 211 women's sub-committees.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952.

National Assistance (Amendment) Act (Northern Ireland), 1952.

Various Statutory Rules and Orders relating to national insurance and national assistance.

National Insurance and Industrial Injuries (Reciprocal Agreement with Republic of Ireland) Order (Northern Ireland), 1953.

The following facilities are offered by the Ministry of Labour and National Insurance to facilitate the re-employment of insured persons under arrangements for transfer of unemployed persons from one area to another inside Northern Ireland and from Northern Ireland to Great Britain: grant or advance of outward and return fare from worker's home to place of employment; lodging allowance on transfer to work of urgent national importance beyond reasonable daily travelling distance; cost of household removal in special

cases for resettlement in a new area in Northern Ireland; special allowances for workers transferred to approved employment in Great Britain.

The estimated total number of persons insured under the National Insurance Act (Northern Ireland), 1946, at mid-1952 was 550,000. The total amount of benefits paid during the year ended 30 June 1953 was £4,430,799 (including unemployment benefit, extension of unemployment benefit, and national assistance).

The number of free employment agencies on 30 June 1953 was 84.

The number of applicants registered for employment was as follows: 15 September 1952, 44,434; 8 December 1952, 45,648; 16 March 1953, 41,918; 15 June 1953, 36,778. The number of vacancies notified during the year was 39,616 and the number of placings effected 30,137.

Uruguay.

Act No. 11939 of 21 May 1953.

This Act relates to the situation of workers dismissed by the packing and refrigerating industries because of a collective interruption of work in September 1952. Copies of the Act are appended to the report, together with copies of a Bill concerning unemployment insurance, which is now being examined by the Senate.

In reply to the observations made by the Committee of Experts in 1953 concerning the National Employment Service and the operation of existing employment exchanges and advisory committees (Article 8 of the Convention), the Government states that an employment exchange has been set up for Montevideo dockworkers, the operation of which is regulated by a Decree of 15 October 1947, as amended on 21 July 1948, on the basis of an agreement between employers' and workers' representatives. The services of the exchange are free. There are a number of other employment exchanges set up by law or decree, serving workers in various branches of activity and industry. The unemployment insurance funds for the packing and refrigerating industries and the wool and leather industries, which are administered by advisory bodies composed of representatives of the employers and workers in equal numbers, have free employment exchanges attached to them. Copies of the reports of the above-mentioned funds are appended to the report.

The placing and recruitment of certain categories of workers in theatrical undertakings is carried out compulsorily in accordance with agreements with the employers in question, either through the trade unions concerned or, in the case of cinema operators, through a special employment office.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

See under Convention No. 1 for information relating to the force of law given to a ratified Convention.

The Government refers to the Second Supplementary Agreement between Venezuela and the International Labour Organisation, concerning the Advisory Manpower Mission which is to go to Venezuela for one year.

Article 1. The above-mentioned mission will assist the Ministry of Labour with the examination of various employment problems and will participate in the co-ordination of the employment offices throughout the country. These offices will supply the necessary data for the quarterly compilation of statistics which will make it possible in the future to comply with the requirements of the Convention in this respect.

Article 2, paragraph 1. Details are given of the various sections of the Labour Law and the Regulations issued thereunder which give effect to the provisions of the Convention.

The functions of the National Employment Office have been taken over by the Manpower Section of the Social Welfare Directorate in the Ministry of Labour, while the functions of the auxiliary employment offices have been taken over by the labour inspectorates and commissariats.

The report gives the text of Resolution No. 365 of 23 August 1949, issued by the Labour Directorate respecting the functioning of and the methods to be followed by each labour inspectorate and commissariat (keeping of registers of employed and unemployed persons, applications and vacancies, and statistics of workers in employment; and collection of information from trade union organisations). The Labour Directorate will centralise the data provided by the inspectorates and will make a fortnightly report to the Ministry on the employment and unemployment situation in the country. It will also co-ordinate its activities with those of the National Labour Exchange with a view to placing workers without employment. This Resolution has not yet been fully applied.

Another Resolution—No. 496 of 10 November 1949—relates to the setting up of a national committee, with headquarters at Caracas, of regional committees in the capitals of the states and local committees in other cities to be chosen by the Ministry of Labour, to co-operate with the employment offices in the functions and services which concern them. These committees will comprise persons designated by the Ministry of Labour and by representatives of the employers and workers. Up to the present it has not been possible, owing to various reasons of a practical nature, to ensure the functioning of the committees, but it is hoped that this will soon be done with the help of the Advisory Manpower Mission referred to above.

Article 2, paragraph 2. With regard to free employment offices, public as well as private, the only two which exist in Venezuela (the office for the placing of Italian immigrants and the office for the placing of Catholic immigrants) have very limited activities. Nevertheless they maintain advisory relations with the Manpower Section of the Ministry of Labour and with the Employment and Analysis Section of the National Agrarian Institute, which is responsible for dealing with all matters relating to immigration.

Article 2, paragraph 3. The Government refers to the role to be played by the I.L.O. Advisory Manpower Mission,

Article 3. This Article has not been applied up to the present as no unemployment insurance system has been instituted in Venezuela.

The Ministry of Labour is entrusted with the application of the relevant laws and regulations. The Social Welfare Directorate of the Ministry of Labour has been reorganised and now includes a Social Security Technical Board, which advises the Ministry on all matters connected with social security. The former Employment Placing and Unemployment Section is now replaced by the Manpower Section, which comprises sections for placing, statistics, the control of employment and unemployment, and vocational training.

During the period under review, the number of labour inspectors (in the Federal District and in various states listed in the report) was 119.

Appended to the report are statistical data, compiled by the Manpower Section of the Social Welfare Directorate of the Ministry of Labour, showing the number of persons registered, vacancies, workers referred to employers and workers placed in employment during the period under review.

The following figures show the activities of the

Employment Section at Caracas: workers registered, 6,843; applications, 5,233; workers referred to employers, 4,888; placings effected, 3,862. In addition, 57 apprentices were placed in employment during the months February to June 1953.

Yugoslavia.

During the period covered by the report the number of local employment offices was 186 (as compared with 141 in the previous year).

The report contains detailed statistical information for each month of this period showing that the average number of registered unemployed persons on the last day of each month was 78,274. The Employment Service registered 626,041 applications for employment and 426,405 vacancies; 402,250 persons were placed in employment.

The reports from *Finland* and *Poland* refer 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 3,005 employers and 52,861 women workers were registered with the Maternity Fund. The total amount paid out in benefits during this period was 4,483,050 pesos in respect of 14,977 cases. The total number of employers and women workers registered with the Institute at 30 June 1953 was 63,849 and 1,110,912 respectively.

See also under Convention No. 1 for general information relating to inspection visits and infringements of the legislation.

Brazil.

Act No. 1890 of 13 June 1953, to apply the provisions of the Consolidation of Labour Laws (L.S. 1943—Braz. 1) to wage-earning and salaried employees in undertakings of the Nation, the States, the Federal District, the territories, the municipalities and autonomous bodies.

The Government supplies the following information in response to the observations made by the Committee of Experts.

The Constitution of Brazil (Article 157, clause X) establishes the “right of a pregnant woman to a period of rest before and after childbirth, without prejudice to her employment and wages” and also (Article 157, clause XVI) makes it compulsory to provide for workers “social insurance by means of a grant from the Union for employers and employees in respect of maternity, sickness, old age, invalidity and death”. Consequently, under Brazilian legislation, the system for the protection of a woman in case of childbirth combines two advantages: the woman concerned is not only entitled to retain her post and to be paid her full wages by the employer during her absence but she is also entitled to cash benefits and to medical assistance under compulsory social insurance. The legislative provisions in this respect are applicable to all public and private commercial and industrial undertakings referred to in Article 3 of the Convention and defined in Section 7 of the Consolidation of Labour Laws, in Section 1 of Legislative Decree No. 8249 of 29 November 1945 and in Act No. 1890 of 13 June 1953.

As regards social insurance, maternity benefits are paid by the respective retirement and pensions funds for persons employed in banks, in commerce

and industry, in conformity with the legislative provisions relating to these various funds.

The amount granted in maternity benefits by the competent social security institutions is equal to the local minimum wage and is granted in one single payment to an insured woman. Medical assistance (including clinical, surgical and hospital treatment) is granted to a pregnant woman for such time as may be necessary.

Though Article 3 (c) of the Convention lays down that, during maternity leave, a pregnant woman is entitled to benefits to be paid either out of public funds or by means of a system of insurance, and a different criterion is used in the system in force in Brazil, the Government considers that this system does not constitute a violation of the provisions of the Convention. In this respect, the Government refers to the terms of Article 19, paragraph 8, of the Constitution of the International Labour Organisation.

In view of the foregoing, the Government states that Brazilian legislation does not conflict with the Convention, as the former ensures for women in case of childbirth conditions which are more favourable than those laid down in Convention No. 3. The Government also states that a Social Insurance Bill, which is under consideration by the National Congress, maintains the provisions ensuring maternity benefits for working women and exempts the employer from the obligation to provide such benefits. This will mean that not only wages due during absence on maternity leave but also maternity expenses in connection with childbirth and medical assistance will be borne by the respective social security institution.

Information concerning the number of infringements of the legislation relating to the Convention during the period under review will be communicated to the Office at a later date and in due time for examination by the Committee.

During 1952, the following amounts were paid out in maternity benefits by the retirement and pensions funds: 1,157,725 cruzeiros by the fund for persons employed in banks; 11,938,818 cruzeiros by the fund for persons employed in commerce; and 360,330 cruzeiros by the fund for persons employed in industry.

The report also gives the amounts provided for maternity benefits in the 1953 estimates of each of the above-mentioned funds. The retirement and pensions fund for persons employed in industry, which covers more than 1½ million insured persons, paid maternity benefits as from 10 December 1952.

Chile.

In order to ensure conformity between the national legislation and the provisions of the Convention, the Directorate-General of Labour has suggested that the proposed revision of the Labour Code should take due account of nursing periods to be granted to women salaried employees (including women employed in commerce).

The texts of three decisions given by courts of law (which were communicated to the Directorate-General of Labour) are appended to the report.

In 1952 the Social Insurance Service paid out 8,888,874 pesos in maternity benefits to 16,087 women (in addition to benefits payable by employers pending the coming into force of the revised legislation). The total number of days

in respect of which benefits were paid was 448,508. In addition, the Service paid nursing benefits amounting to 22,362,655 pesos in respect of 78,837 cases, covering 2,162,609 days. The total number of women employed in various industries and occupations (including building and construction, transport and communications, and commerce) was 19,139 salaried employees and 47,700 wage-earning employees.

Cuba.

An appendix to the report contains detailed statistical data for the provincial offices of the Health and Maternity Board in Camagüey, Havana, Las Villas, Matanzas, Oriente and Pinar del Río; it gives the number of inspection visits, the number of contraventions reported, amounts imposed in fines, donations received by the Board, the number of beneficiaries, decisions by courts of law and acquittals.

France.

Appended to the report are statistical data for the period under review showing that the funds of the general social security scheme for non-agricultural occupations paid maternity benefits in respect of 453,240 births; benefits in kind in respect of these births amounted to 11,708 million francs. Daily benefits amounting to 3,751 million francs were paid out to 143,970 mothers under the general scheme; 10,387 mothers employed in the civil service received their remuneration from their respective administrations during their maternity leave.

With reference to the observations made by the Committee of Experts in 1953 the Government states that, in its opinion, the provisions of the Labour Code which fix at 20 minutes the nursing breaks for women employed in undertakings with accommodation set aside for nursing are not in contradiction with the provisions of Article 3 of the Convention. On the contrary, these provisions of the Labour Code, as compared with those of the Convention, constitute an improvement in favour of women workers. The reduction of the nursing period by ten minutes is largely compensated for by the advantages which the nursing mother derives from the facilities provided in the undertaking itself, including, in particular, less fatigue. This reduction in the loss of time involved in the nursing period also encourages the employer to provide appropriate nursing accommodation in his undertaking even if he does not employ the required number of women (more than 100 of over 15 years of age) which would oblige him to provide nursing accommodation.

Federal Republic of Germany.

The Government makes the following comments in reply to the observations made by the Committee of Experts in 1953 as regards the provision in the legislation (Maternity Protection Act) which permits the dismissal of a woman during her absence on postnatal and prenatal leave in "particular cases" and as an exceptional measure.

The highest provincial authorities responsible for the protection of labour make only a very sparing use of their power to authorise such dismissals. Enquiries have been made to ascertain

whether dismissals have been authorised either during the periods specified in Article 4 of the Convention or at any date within these periods. According to these enquiries, the provinces of Bavaria, Berlin and the Rhineland Palatinate have not as yet granted any request from an employer for permission to dismiss a woman employed while maternity allowances are being paid under Section 13 of the Maternity Protection Act; this also applies to the provinces of Hamburg, Hesse and Schleswig-Holstein for all the other periods specified in Article 4 of the Convention. In isolated cases, e.g., in the event of bankruptcy or the closing down of an undertaking, the provinces of Baden-Württemberg, Bremen, Lower Saxony and North Rhine-Westphalia have authorised the dismissal of women employees even during the prescribed periods before and after confinement. In all these cases, the women concerned have been granted the benefits indicated in Section 13 of the Act (maternity and nursing allowances, etc.), so that adequate provision has been made for their maintenance during the periods in question.

The responsibility for ensuring that the Maternity Protection Act is respected in undertakings, etc., lies with the factory inspection offices and, in mining undertakings, with the mining authorities. The factory inspection offices and the supervisory authorities of the sickness funds are responsible for ensuring that the sickness funds pay out the statutory benefits.

The new Maternity Protection Act has been the subject of a comparatively large number of rulings by the courts. The texts of a number of judgments given by provincial labour courts on questions of principle raised by the Act are appended to the report.

No definite information can yet be given on the way the Act has been applied in practice, the number of women who have benefited, or the number and type of contraventions notified, as all the annual reports of the factory inspection offices and the accounts and management reports of the sickness funds for 1952 are not yet available; nor it is yet possible to specify how many women have drawn benefits from the sickness funds under Section 13 (maternity and nursing allowances, etc.). Nevertheless, the sickness funds have been paid regular instalments on their claims for compensation from the federal State under Section 14 of the Act and have recovered 90 per cent. of the additional expenditure which they have incurred as a result of the application of the Act, over and above the benefits payable under the Reich Insurance Code. Between March 1952 and 30 June 1952, the instalments paid amounted to about 529,000 DM. and between 1 July 1952 and 30 June 1953, to about 26,952,000 DM.

The Confederation of German Trade Unions has submitted a statement on the application of the Convention: extracts from this statement which are appended to the report indicate that the views expressed by the Confederation appear to be in accord with the position taken by the Government.

Greece.

During the period under review, the Social Insurance Institute (I.K.A.) issued a circular containing administrative rules for the granting of maternity allowances.

The supervision of the exercise of the right to maternity leave has been entrusted to the labour inspectorate, while the supervision of the payment of maternity benefits is entrusted to the insurance bodies (I.K.A., with which three-quarters of the wage-earning population of the country is insured, and other insurance organisations). The membership of I.K.A. is constantly increasing, so that at present only a few very small localities are not covered by the social insurance system.

An appendix to the report lists the new regional and local insurance centres of I.K.A. and states that, as from 1 February 1952, the geographical areas of the former unemployment insurance fund were assimilated to the areas administered by I.K.A. Consequently, the coverage of different insurance branches has also been extended to new insurance districts.

According to statistics compiled by I.K.A., during the year 1952 there were 5,164 confinements of women directly insured and 14,778 confinements of women indirectly insured. The expenditure incurred in this connection amounted to 18,348 million drachmas. During the first six months of 1953 there were 2,537 directly insured and 7,950 indirectly insured confinements; the relevant expenditure amounted to 9,235 million drachmas.

Italy (First Report).

Act No. 860 of 26 August 1950, respecting the physical and economic protection of working mothers (L.S. 1950—It. 2), as amended (Section 24) by Act No. 1904 of 15 November 1952.

Act No. 986 of 12 December 1950, to prohibit the dismissal of working women during pregnancy and in the postnatal period.

Act No. 394 of 23 May 1951, respecting the safeguarding of their employment for working mothers (L.S. 1951—It. 2).

Presidential Decree No. 568 of 21 May 1953, to issue regulations in application of Act No. 860 of 26 August 1950 concerning the physical and economic protection of working mothers employed in private undertakings.

Articles 1 and 2. The relevant Italian legislation covers a wider field than the provisions of the Convention; it includes all women workers in the service of private employers (including women agricultural workers) and women employees in offices and undertakings belonging to the State, to regional, provincial and communal authorities, or to other public bodies or co-operative societies, even if they are members of the latter where such women workers enjoy under other legislation less favourable conditions than those provided for in Act No. 860 (Section 1).

The only categories of women not included in the scope of national legislation governing maternity protection are (a) students in non-profit training laboratories authorised by the Ministry of Labour and Social Insurance; and (b) the employer's relations by blood and marriage, up to the third degree, living with him and maintained by him (Section 1 of the Regulations issued in application of the Act).

Article 3. Italian legislation provides that no pregnant woman shall be employed (a) in industry, during the three months preceding and the eight weeks following confinement; (b) in agriculture, during the eight weeks preceding and the eight weeks following confinement; and (c) in all other forms of employment (including commerce),

during the six weeks preceding and the eight weeks following confinement.

According to the report, the provisions relating to payment of maternity benefits are laid down in Part II of Act No. 860 of 1950, which stipulates *inter alia*, that women workers in private employment shall receive a daily allowance equivalent to 80 per cent. of their usual wage during the entire period of their compulsory absence from work. Women without special qualifications employed in agriculture, women homeworkers and domestic workers in the service of families receive smaller benefits. The allowances payable during compulsory maternity leave are paid by the National Sickness Insurance Institute (I.N.A.M.) to all women workers, with the exception of homeworkers and domestic workers in the service of families, who receive their allowances from the National Social Insurance Institute (I.N.P.S.).

If the employer has provided a room for nursing mothers, he must allow a woman worker who nurses her child two rest periods of half an hour each daily throughout the year following the birth of her child. Where the employer has provided no special premises for nursing, or where such facilities are outside the premises of the undertaking, the working mother is allowed one hour for each break, and is entitled to leave the premises of the undertaking.

Article 4. The women concerned may not be dismissed during the period of pregnancy (provided that such pregnancy is duly certified by a medical practitioner) until the end of the compulsory maternity leave or until the child reaches the age of one year.

In the case of illness caused by pregnancy occurring in the months preceding the period during which it is forbidden to dismiss the woman worker, the employer must keep the woman's post open for her.

The National Sickness Insurance Institute is responsible for the management of the insurance scheme for working mothers, while the National Social Insurance Institute is responsible for the scheme relating to homeworkers and domestic workers.

The enforcement of the provisions which give effect to the Convention is entrusted to the Ministry of Labour and Social Insurance, which is responsible for delegating powers to the labour inspectorate and to the medical inspectors. The inspectors have the same powers as police officers; they may enter workplaces at any time, carry out necessary tests and examinations, issue instructions concerning the enforcement of the relevant regulations, and report infringements to the competent authorities.

Provisional statistics for 1952 appended to the report show that benefits during statutory maternity leave were granted in respect of 35,798 women in industry and 1,755 in commerce. On the other hand, 2,990 women in industry and 382 in commerce received no benefits during their maternity leave. The total period of absence in industry amounted to 4,219,570 days with benefits and 800,718 days without benefits. For commerce the corresponding figures were 144,897 and 28,102. The total amount paid out in maternity benefits to insured women in industry, commerce and agriculture was 4,294,000 lire.

Luxembourg.

The Government appends to its report a copy of the annual report of the labour and mines inspection service for 1952, which contains the following information: the women officials of the labour inspection service made 387 control visits to 314 small industrial, commercial and handicraft undertakings.

Uruguay.

The report for last year stated that Sections 16 and 17 of Act No. 11577 of 14 October 1950 were applicable without exception to all activities, including domestic service, in which women are employed. However, the Children's Council (the authority responsible for the application of the legislation) has issued a communiqué to establish the general nature of the above-mentioned Sections, although the remainder of the Act refers to unhealthy occupations.

In reply to the observation made by the Committee of Experts in 1953, pointing out that Act No. 11577 does not specify clearly what part of the maternity leave is allowed before and after confinement, the Government states that the legislation, as supplemented by Section 37 of the Children's Code, provides that a woman has the right to four months' leave with full pay and to two months' additional leave with half pay if necessary. This means that the legislation goes beyond the provisions of Article 3 (a) and (b) of the Convention. In the opinion of the Government there is no contradiction between the national legislation and the Convention as, in spite of the fact that the legislation provides for a period of four months' leave, this leave is divided into post-natal and pre-natal periods by the doctor and midwife.

As regards the payment of maternity benefits (Article 3 (c)), the Government states that the system in force—according to which these benefits are paid by the employer—is as satisfactory as that provided for in the Convention and has in no case prejudiced the interests of the women concerned. Owing to the social security system which has been set up in the country, it is not possible to organise maternity insurance as a separate branch. Moreover, it is not possible for benefits to be paid out of the national budget.

The Government adds that, as regards the discrepancy relating to the provision of two half-hour nursing periods (Article 3 (d)), it has requested the promulgation of a decree to incorporate this provision of the Convention in the national legislation and adds that, up to the present, the requirements of the Convention in this respect have been met regularly by the provision of crèches.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

For information relating to the effect of the ratification of the Convention and the eighth transitory provision of the new Constitution, see under Convention No. 1.

With a view to ensuring to the workers concerned the maximum of protection, no effort has been spared to incorporate in the national legislation the most beneficial social principles. In this connection, compulsory social insurance was insti-

tuted and at present the Government is examining the question of extending this system to regions which were not hitherto covered by insurance. The entire plan was drawn up by social insurance experts. An important feature of the system is sickness-maternity insurance.

The report contains an extract from the plan for the extension of compulsory social insurance, which was submitted to the Ministry of Labour by the Social Security Technical Board on 28 October 1952 and approved by the Government. This plan will be developed over a period of four years as from 1 July 1953, and will be applied in 23 cities with more than 10,000 inhabitants which up to the present are not covered by insurance. The necessary measures are being examined so as to make it possible for the system

to come into force during the first months of 1954.

See also under Convention No. 1 for information relating to the Social Security Technical Board and the number of labour inspection commissioners.

The Government appends to its report statistical data, prepared by the Statistical and Actuarial Division of the Venezuelan Social Security Institute, relating to the operation of sickness and maternity insurance for the second half of 1952 and the first half of 1953.

Yugoslavia.

The report contains detailed information showing the amounts paid out in maternity benefits for each month of 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 ⁴	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, 7}	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 ²	6. 6. 1933
Venezuela ⁴	7. 3. 1933
Viet-Nam	6. 6. 1953
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.

In response to the observations made by the Committee of Experts in 1953 the Government states that draft legislation, intended to bring the national law into line with the international instruments to which Afghanistan is a party, has been submitted to the National Assembly.

Reference is made to the report on Convention No. 14 for the definition given by the national legislation to the term "industrial undertaking".

During the period under review no use was made of the exceptions provided for in the Convention.

Argentina.

For information relating to the number of inspection visits to industrial undertakings and the number of infringements of the relevant legislative provisions, the Government refers to the statistical data appended to its report on Convention No. 1. These data include, for certain provinces, the number of inspections, infringements reported and fines imposed as regards the legal provisions concerning the work of women and young persons.

Austria.

See under Convention No. 89.

Burma.

The report states that Article 1 (c) of the Convention is applied under Section 57 (1) and (2) of the Factories Act, 1951. As regards Article 4 (b), rules are being framed exempting women employed in fish-canning from the night work restriction. Conditions are still not favourable for inspectors to carry out visits at night. However, one contravention was reported as regards the employment of women during the night.

Ceylon.

In view of the observations made by the Committee of Experts in 1953 the Government is taking steps to denounce this Convention.

Chile.

In response to the observations made by the Committee of Experts regarding the prohibition of the night work of women which, under the national legislation, does not apply to women salaried employees, the Government supplies the following information. 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. The Government adds that, if the ratification of Convention No. 89 does not appear possible, it will envisage the possibility of extending the prohibition of night work to women salaried employees and to include this provision in the amendments to the Labour Code which are at present under consideration.

The labour inspection services report that the legislation to give effect to Convention No. 4 is applied satisfactorily. The number of women covered by the legislation relating to night work is 216,954.

Cuba.

Statistical data appended to the report show that, during period under review, the Women's Labour Office reported three infringements of the provisions of Legislative Decree No. 598 of 1934; actions are pending in respect of these infringements.

France.

The Government states that, according to investigations undertaken by the labour inspection services, the Convention is in general satisfactorily applied. Due note has been taken of the observations made by the Committee of Experts in 1953 concerning the application of Section 22 (a) of Book II of the Labour Code; in this connection it is stated that no important measure for the regulation of labour is adopted without due consultation with the employers' and workers' organisations concerned.

India.

The Government states that, in order to cover fully the provisions of Article 2 of the Convention, the Factories Amendment Bill which is now before Parliament provides, *inter alia*, for the insertion in the main Act of a clause prohibiting change of shifts except after a weekly holiday.

Among the 2,531,663 workers covered by the Factories Act in 1951 there were 283,884 women workers.

Italy.

During the period under review exceptions to the prohibition of the night work of women were granted under Article 4 (b) of the Convention in respect of certain undertakings engaged in the

canning of tomatoes, fish, fruit and other food products, in the drying of silk cocoons, the drying of tobacco, the pasteurisation of milk and the manufacture of confectionery and ice-cream. These exceptions were authorised for a very short period only and subject to the necessary measures being taken to protect the health of the women workers concerned.

The labour inspectors carried out 14,299 inspection visits, reported 364 infringements and issued instructions in 555 cases. In the undertakings visited by the inspectors there were 508,381 women workers covered by the provisions of the Convention.

The Government appends to its report the texts of Circulars Nos. 111 of 6 May and 114 of 12 June 1953 relating to the exceptions referred to in the report.

Luxembourg.

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

Portugal.

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

Uruguay.

Parliament has under consideration the report submitted by the Executive Power requesting the ratification of a number of Conventions, including No. 89. Once ratification has taken place the Executive Power will proceed to draw up the relevant regulations. Moreover, in the above-mentioned report the Executive Power has requested the incorporation in the national legislation of the provisions of ratified Conventions, as well as additional provisions laying down penalties for infringements.

Yugoslavia.

Provisions designed to bring the national legislation into conformity with the Convention have been inserted in the draft decree (which is at present in preparation) concerning labour relations in the economic system of the country. It has not yet been possible to promulgate this decree, but the Government hopes to inform the Conference Committee on the Application of Conventions at its next session of the progress made in this connection.

The Government adds that, in virtue of the new Constitutional Act of 13 January 1953, the ratification of an international convention gives binding force of law to the provisions of the Convention.

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

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
Israel	23. 12. 1953
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 ¹	6. 6. 1933
Venezuela	20. 11. 1944
Viet-Nam	6. 6. 1953
Yugoslavia	1. 4. 1927

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

Austria.

During the calendar year 1952, 26 infringements of the legislation were reported. Details of the undertakings in which these infringements occurred are contained in an appendix to the Government's report.

Belgium.

During the period under review eight decisions relating to the application of the Convention were given by courts of law. The number of young workers in industrial establishments visited by the inspection service was 15,121, comprising 9,144 girls and 5,977 boys between the ages of 14 and 16 years; 68 infringements were reported.

Brazil.

Act No. 1890 of 13 June 1953.

In reply to the observations made by the Committee of Experts concerning Article 2 of the Convention, the Government supplies the following information.

The minimum age limit of 14 years provided for by the Convention is observed in Brazil not only in private industrial undertakings but also in public and official undertakings. The prohibition of the employment of children under 14 years in private undertakings is laid down in Section 403

of the Consolidation of Labour Laws, 1943. In public industrial undertakings, the minimum age mentioned above is observed in virtue of Section 1 of Act No. 1890 of 13 June 1953, which enforces the application of Section 403 of the Consolidation of Labour Laws for "persons employed by the month or by the day in commercial or industrial undertakings of the Nation, the States, the Federal District, the territories, the municipalities, and autonomous institutions, in so far as these persons are not public officials enjoying special guarantees". The legal provisions for public officials fix at 18 years the minimum age for admission to employment in public services (Section 22 (11) of Act No. 1711 of 28 October 1952). Before Act No. 1890 came into force the age for admission to employment in public industrial undertakings was fixed at 14 years for children who had been employed before these establishments were nationalised, provided that they had been admitted before the nationalisation of the undertaking, and at 18 years for young persons admitted after nationalisation had taken place (Section 1 of Legislative Decree No. 8249 of 29 November 1945).

With regard to Article 4 of the Convention, the Government states that the employer must retain the young person's work book so long as he is employed by him; the work book must be submitted to the competent authority on request (Section 420 of the Consolidation of Labour Laws). It is compulsory for all young persons under 18 years of age to be in possession of a work book in order to be admitted to employment in any kind of undertaking (Sections 415 and 416); it is issued by the Ministry of Labour, Industry and Commerce and must give the date of birth. In addition to the work book the undertaking must keep a register of its employees (Section 41 of the Consolidation of Labour Laws.)

Finally, the Government states that the number of infringements of the national legislation relating to the Convention during the period covered by the report will be communicated to the Office at a later date in sufficient time for the information to be examined by the competent Committee.

Chile.

During the period under review only two judicial cases were heard concerning the application of the standards laid down in the Convention.

In the course of the year inspections were made in 933 industrial undertakings employing 1,404 young persons; 21 infringements of the provisions of the Convention were reported.

Cuba.

Legislative Decree No. 883 of 1953, to consolidate all legislation concerning the employment of young persons.

The report gives the following detailed information concerning the sections of the above

Legislative Decree under which the Convention is applied.

Article 1. Section 1 of the Legislative Decree extends the scope of previous legislation and prohibits the admission to any kind of employment of children under 14 years of age.

Article 2. The new legislation (Chapter I) makes no exception with regard to undertakings in which only members of the same family are employed.

Article 3. The only exception concerns apprenticeship in technical institutions and trade schools supervised by the Ministry of Education.

Article 4. Section 17 of the Legislative Decree requires that every employer who employs young persons under the age of 18 years must keep a special register. No fixed model for this register is laid down, but it must in any case contain information proving the stated age.

The Government states that the application of the Legislative Decree is entrusted to the Ministry of Labour, its provincial offices and the National Employment Office for Women and Young Persons.

Reports from the Labour Office of the province of Pinar del Rio and from the Office for Women and Young Persons show that during the period under review 136 inspection visits were carried out; 48 infringements of the provisions governing the employment of children and young persons were reported. Twenty-four decisions were given against employers illegally employing young persons.

Denmark.

The Government states that, while the inspection services have submitted no reports during the period under review which might be indicative of the manner in which the Convention is applied, and no observations have been received from employers' or workers' organisations, it is of the opinion, nevertheless, that the provisions of the national legislation relating to the minimum age are in general observed by the undertakings concerned. During the period under review only six contraventions were reported.

Dominican Republic.

The Government states that it has complied with the wish expressed by the Committee of Experts by prohibiting the employment of children under the age of 14 years; with the entry into force of the new Labour Code the Labour Department is no longer in a position to grant authorisations for the employment of children who have not reached the above-mentioned age.

The Government adds that in regard to the apprenticeship of children over 12 years of age the authorisation of the legal guardian of the child is not sufficient, but the authorisation of the Labour Department is compulsory, the latter alone being competent to judge whether or not the apprenticeship involves any physical or moral danger to the child.

Greece.

The supervision of the application of the Convention is entrusted to the labour inspection

officials and, in default thereof, to the police authorities.

By virtue of Act No. 4029 of 1912, as later amended, children between the ages of 14 and 16 years are required to be supplied with work books, which are granted to them free of charge following a medical examination. The following numbers of work books were issued during the first half of 1953: Athens, 285; Kalithea, 109; Rouf, 75; and North Ionia, 92.

Labour inspectors scrutinise staff payrolls in order to ascertain that no young person under the legal age of admission is employed. They also carry out visits to the workplaces where young persons are employed.

The Government adds that the Court of First Instance of Heraclion (Crete) gave a decision according to which a contract of employment concluded between a worker under the age of 14 years and an industrial undertaking was deemed to be null and void.

The application of the Convention is considered to be satisfactory.

Japan.

The number of labor standards inspectors decreased from 2,735 in the previous year to 2,437, i.e., by 298.

Proceedings were instituted and fines imposed in respect of two cases for breaches of Section 56 of the Labor Standards Law.

Luxembourg.

For information concerning inspection visits see under Convention No. 3.

Netherlands.

During the period under review 482 cases were heard, of which 64 concerned employment in factories and workshops, 75 in bread distribution, 55 in milk distribution, 55 in newspaper distribution and 233 in various other activities. The number of young persons subject to compulsory school attendance concerned totalled 501; there were two cases concerning young persons not subject to compulsory school attendance. The fines imposed varied between 0.50 and 60 florins.

Norway.

See under Convention No. 59.

Switzerland.

In accordance with the information given in the last report, arrangements have now been made (by means of a circular to the cantonal governments dated 30 March 1953) to transfer to the cantons the competence to grant individual permits for exceptions. However, these exceptions remain within the framework of the Convention as the permits may only be issued to young workers who have reached the age of 14 years. In practice, such permits are rarely granted to young workers under the age of 14½ years.

Extracts from the cantonal reports for 1951 and 1952 concerning the application of the Act respecting the minimum age for admission to employment is appended to the Government's report. Proceedings have been instituted in respect of all the contraventions reported. During

the period under review federal inspectors reported five decisions given against employers illegally engaging young workers. Fines imposed varied between 10 and 50 francs.

United Kingdom.

On 30 June 1952 the strength of the Inspectorate was 153.

Uruguay.

See under Convention No. 7.

Venezuela.

The new Constitution of the Republic, which was promulgated on 15 April 1953, maintains in force the existing Ordinance including (in their entirety) the legal provisions governing the minimum age for admission of children to industrial employment.

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

Argentina, Ceylon, France, Poland, Yugoslavia.

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Burma ¹	14. 7.1921
Ceylon ²	26.10.1950
Chile	15. 9.1925
Cuba ³	6. 8.1928
Denmark	4. 1.1923
Estonia	20.12.1922
France	25. 8.1925
Greece	19.11.1920
Hungary	19. 4.1928
India ³	14. 7.1921
Ireland	4. 9.1925
Italy ³	10. 4.1923
Latvia	3. 6.1926
Lithuania	19. 6.1931
Luxembourg	16. 4.1928
Mexico	20. 5.1937
Netherlands	17. 3.1924
Nicaragua	12. 4.1934
Pakistan ⁴	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 ²	14. 7.1921
Uruguay ³	6. 6.1933
Venezuela	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

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

³ Has ratified Convention No. 90 but has not denounced this Convention.

⁴ See footnote 3 to Convention No. 1 ; Pakistan has subsequently ratified Convention No. 90 but has not denounced this Convention.

Argentina.

For information relating to the number of inspection visits to industrial undertakings and the number of infringements of the relevant legislative provisions, the Government refers to the statistical data appended to its report on Convention No. 1. These data include for certain provinces the number of inspections, infringements reported and fines imposed as regards the legal provisions concerning the work of women and young persons.

Austria.

Federal Act of 9 July 1953, to amend the Federal Act of 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3).

The Federal Act of 9 July 1953 amends the provisions of the Act on the employment of children and young persons as follows :

Section 1, paragraph 2, of the amending Act provides that in undertakings operated on a shift system and using a weekly rota young persons over 16 years of age may be employed between 5.30 a.m. and 10 p.m. (6 a.m. and 10 p.m. under previous provisions). In addition, the Act empowers the labour inspection services to authorise the employment of young persons over 16 years of age up to 11 p.m. in continuous work in undertakings as defined in Article 2, paragraph 2, of the Convention.

During the year 1952, 157 infringements of the law were reported. The report lists the undertakings in which these infringements occurred.

Belgium.

During the period under review the number of young persons covered by the Convention in establishments visited by the labour inspection service was 30,243, comprising 15,121 between 14 and 16 years of age and 15,122 between 16 and 18 years of age. One infringement was reported.

Only a very limited use has been 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 were subject to the control of the social inspection service.

Brazil.

Act No. 1890 of 13 June 1953, to apply the provisions of the Consolidation of Labour Laws (L.S. 1943—Braz. 1) to wage-earning and salaried employees in undertakings of the Nation, the States, the Federal District, the territories, the municipalities and autonomous bodies.

With reference to the observations made by the Committee of Experts regarding Article 2 of the Convention, the Government states that the night work of young persons under 18 years of age is prohibited in the Federal Constitution

(Article 157, clause IX) and in the Consolidation of Labour Laws (Section 404).

The prohibition of the night work of young persons laid down in Section 404 of the Consolidation of Labour Laws applies to private industrial undertakings and autonomous bodies. Section 1 of Act No. 1890 of 1953 lays down that this provision shall apply to persons employed by the month or by the day in commercial or industrial undertakings of the Nation, the States, the Federal District, the territories, the municipalities and autonomous bodies, in so far as the persons in question are not public officials and do not enjoy any special protection (the rules for public officials prohibit the employment of young persons under 18 years of age—Section 22 (11) of Act No. 1711 of 1952).

Prior to the coming into force of Act No. 1890, the employment during the night of young persons under 18 years of age in industrial undertakings attached to autonomous bodies was prohibited by Section 1 of Legislative Decree No. 8249 of 1945, which makes the provisions of the Consolidation of Labour Laws applicable to persons employed before the above-mentioned undertakings were nationalised. Workers engaged after the nationalisation of the industries in question are covered by the provisions relating to public services; these provisions fix at 18 years the minimum age for admission to employment.

As regards the night work of young persons in the textile industry, the Government states that Legislative Decree No. 6688 of 13 July 1944 (which authorised exceptionally the night work of young persons over 16 and under 18 years of age in the textile industry during the war period) was an emergency measure in the national interests and was repealed automatically under the provisions of Section 2 of the Act to introduce the Brazilian Civil Code of 1942.

In view of the foregoing, the Government is of the opinion that, contrary to the observation made by the Committee of Experts, it is not necessary to amend the national legislation to bring it into conformity with the provisions of the Convention.

At a later date, and in sufficient time for examination by the Committee, the Government will communicate information relating to the number of infringements of the national legislation which gives effect to the Convention.

Burma.

See under Convention No. 4.

Ceylon.

No statistical data are available regarding the number of young persons covered by the relevant legislation during the period under review.

Chile.

According to available statistical data the number of young persons covered by the legislation was 56,482. Visits to undertakings in which night work was carried out show that in 1952 there was one infringement of the principles laid down in the Convention.

Cuba.

Legislative Decree No. 883 of 1953, to adapt the legal provisions concerning young workers to the provisions of the Conventions ratified by Cuba.

The above-mentioned Legislative Decree repeals Legislative Decree No. 647 of 1934 respecting the employment of young persons in industry.

The report contains the following information regarding the sections of Legislative Decree No. 883 under which the various Articles of the Convention are applied.

Article 1. Section 1 of Legislative Decree No. 883 prohibits the employment or apprenticeship of young persons under 14 years of age in all types of occupations. Consequently it is not necessary to define industrial undertakings or the line of division which separates industry from commerce and agriculture in the manner indicated in the Convention.

Article 2, paragraph 1. Section 6 of the Legislative Decree lays down that young persons under 18 years of age may not be employed at night except in an undertaking in which members of the same family (i.e., only relatives in the ascending and descending line) are employed.

Paragraph 2. The new Legislative Decree—contrary to that of 1934—does not provide for the exceptions allowed under this paragraph. This means that the national legislation is stricter than the Convention.

Article 3, paragraph 1. According to Section 4 of Legislative Decree No. 883, the term “night” is considered as the period of 12 consecutive hours between 8 p.m. and 8 a.m.

Paragraph 2. The Government states that, as there are no coal or lignite mines in Cuba, the new Legislative Decree does not reproduce the provisions of Decree No. 647 of 1934 on the subject of this paragraph of the Convention.

Article 4. The Minister of Labour has not made use of the powers granted to him under Section 5 of the new Legislative Decree.

Articles 5 and 6. These Articles are not applicable to Cuba.

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

See under Convention No. 5 for information relating to inspection, statistics, etc.

Denmark.

Apart from a few reports of the inspection services on contraventions of the provisions in force concerning the night rest of young persons, no information has been received from these services during the period under review which might be indicative of the manner in which the Convention is applied. Five actions were brought for contraventions of the relevant legislation.

Greece.

While the basic legislation remains unchanged new administrative measures have been introduced to secure the effective application of the legislative provisions relating to young persons.

The labour inspection services are empowered to check the payrolls of staff in undertakings of all kinds in order to ascertain, from the information relating to the ages and to the hours worked by the staff, whether young persons are employed within the time limits laid down in the Convention. The labour inspectors visit workplaces in order to secure compliance with the relevant legislation.

The application of the Convention is considered to be satisfactory and, according to the reports supplied by the labour inspection services, the number of infringements is very small.

India.

See under Convention No. 90.

Ireland.

During the period under review five contraventions of the provisions of the Convention were reported.

Italy.

The inspection services ensure the full application of the provisions of the Convention in virtue of Act No. 653 of 1934. As a result of the application of Act No. 63 of 1952 the number of infringements concerning the night work of young persons in bakeries decreased still further during the period under review.

The supervisory and control bodies have endeavoured to ensure that full effect is given to the provisions of the Convention. The exceptions permitted under paragraph 2 of Article 2 of the Convention were authorised in various provinces for a very small number of workers employed in sugar, paper and glass works.

The labour inspectors carried out 15,348 visits, reported 427 infringements and issued instructions in 394 cases. In the undertakings visited by the inspectors 112,396 children were covered by the provisions of the Convention.

Luxembourg.

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

Mexico.

The Government states that it has not submitted any information on this Convention as the Ministry of Labour and Social Welfare has denounced it. This action has been taken because it is not possible to implement the Convention owing to the discrepancies which exist between the provisions of the Mexican Constitution and those of the Convention.

Netherlands.

During 1952 proceedings were instituted in four cases against employers who had obliged young persons to work between the hours of 10 p.m. and 5 a.m.; five young persons were illegally employed. The undertakings concerned were bakeries, an office for consultation on electrical technology, and a jute-spinning factory. Fines imposed varied between 10 and 60 florins.

Portugal.

During the period under review 23 reports were drawn up by the inspection service.

Switzerland.

In previous reports the Government referred to the Circular to be sent to the cantonal authorities drawing their attention to the necessity of strict compliance (as regards bakers' apprentices) with the Act relating to the employment of young persons and women in arts and crafts. This Circular was despatched to the cantonal authorities by the Federal Department of Public Economy on 27 October 1952. Copies have been communicated to the International Labour Office.

During the period under review there was no marked increase in the number of industrial establishments covered by the Factories Act. They now number 11,318 (as compared with 11,264 in the previous year).

The reports from the cantons regarding the application of the Act relating to the employment of young persons and women in arts and crafts during 1950-51 are appended to the Government's report. There were only two infringements of the legislation; fines of 10 and 20 francs were imposed.

Uruguay.

The Government refers to the information submitted in connection with its reports on Conventions Nos. 4 and 7, to the effect that Parliament has under consideration the report submitted by the Executive Power requesting the ratification of a number of Conventions. Once ratification has taken place the Executive Power will proceed to draw up the relevant regulations. Moreover, in the above-mentioned report, the Executive Power has requested the incorporation in the national legislation of the provisions of ratified Conventions, as well as provisions laying down the penalties for breaches of these Conventions.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

See under Convention No. 1 for information relating to the force of law given to a ratified Convention and the eighth transitory provision of the new Constitution, under which the provisions of the Convention are maintained in force.

The report contains information regarding the reorganisation of the Social Security Department, which now includes a Social Security Technical Board.

The number of labour inspection commissioners (in the Federal District and in the various states listed in the report) is approximately 119.

Yugoslavia.

See under Convention No. 4.

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

France, Pakistan, Poland.

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 ²	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 ³	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 ¹	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ Has ratified Convention No. 58 but has not denounced this Convention.

² See footnote 2 to Convention No. 2.

³ Has denounced this Convention and has ratified Convention No. 58.

Argentina.

A report by the National Maritime Prefecture, which is appended to the Government's annual report, states that no infringements have been reported with respect to the minimum age for the admission of children to employment at sea, the minimum age for admission of young persons to employment as trimmers or stokers, or the medical examination of children and young persons employed on board ship. In this connection, the report of the National Maritime Prefecture adds that Section 1265 of the Maritime and Inland Water Transport Regulations fixes the minimum age at 16 years for apprentice seamen, and that Section 1260 of the same Regulations fixes the minimum age for trimmers and stokers at 18 years. The medical examination is compulsory for all persons employed in the mer-

cantile marine, in accordance with Section 35 of these Regulations.

Contracts of employment for seamen are governed by the provisions of the Commercial Code, either by means of a special document or by a stipulation in the seaman's employment book which contains details of the place and date of embarkation, the name and the registration number of the vessel, and the nature of the employment for which the seaman is engaged. The ship's articles must contain information concerning the seaman, such as the nature of his employment, date and place of embarkation, signature of the seaman, etc.

Under Section 986 of the Commercial Code the master is obliged to supply the seaman, on request, with a signed statement setting out the nature of the contract, the agreed remuneration and any sums which have been paid in advance.

Even if it is not specified in the statements provided for in Section 986 of the Commercial Code, the employment for which the seaman is engaged should correspond to that stipulated in the ship's articles.

The competent public authority is present at all times when the crew embarks and—unless this is specifically mentioned in the contract—the date of expiration of the contract is only indicated in the ship's articles when the engagement is made for a return voyage.

Australia.

Act No. 109 of 1952 to amend the Navigation Act, 1912-1950.

Section 40A of the Navigation Act was amended in 1952 to raise from 14 to 15 years the minimum age for the admission of children to employment at sea. Copies of the new Act are appended to the report.

Belgium.

See under Convention No. 58.

Ceylon.

In reply to the observations made by the Committee of Experts the Government states that Chapter 108 of the Legislative Enactments of Ceylon, which covers the employment of all persons in any kind of ship or boat registered as British, still remains in force. Moreover, the employment of children under 14 years of age is strictly prohibited, other than on vessels upon

which only members of the same family are employed; the master of the vessel keeps a list of the crew containing all particulars concerning young persons under 18 years of age employed on board.

Cuba.

Legislative Decree No. 883 of 1953, to repeal Legislative Decree No. 592 of 16 October 1934 and to consolidate all legislation concerning the employment of young persons.

In view of the wide scope of the above-mentioned Legislative Decree, which applies to all vessels registered in Cuba, the definition set forth in Section III of Legislative Decree No. 592 of 1934 had been suppressed. The prohibition of the employment of children under 14 years of age, without exceptions of any kind, follows from Section 66 of the Constitutional Act and Section 1 of Legislative Decree No. 883.

Section XI of Legislative Decree No. 592 has not been incorporated in the new Legislative Decree as it conflicted with Section 66 of the Constitutional Act, which did not authorise the employment of children under 14 years of age even on board training ships.

Section 26 of the new Legislative Decree prescribes that a register must be kept showing the names and dates of birth of all children under 16 years of age employed on board ship.

The officers in charge of the harbours and docks, which total 48, and customs officers, are responsible for the implementation of the new Legislative Decree and have the right, under Section 24 thereof, to prevent the sailing of vessels which do not comply with the legal provisions.

The report contains statistical data showing that 40 young persons under 18 years of age were admitted to maritime employment during the period under review.

Denmark.

Since the coming into force on 1 January 1953 of the Seafarers Act of 7 June 1952 a number of children of 15 years of age have been signed on for employment on board ship. However, in all the reported cases the persons concerned were signed off again at the request of the competent authority.

Federal Republic of Germany.

The Convention is applied without difficulty. No infringements have been noted and no information has been received from the shipping offices. According to information from the Federal Association of Employers, it is proposed to underline in red the names of young persons entered in ships' registers (Article 4 of the Convention).

Japan.

With respect to the observations made by the Committee of Experts in 1953 the Government states, in a letter to the Office, the text of which is appended to the report, that Japanese legislation prohibits the employment of young persons under 15 years of age. However, authorisation may be granted for the employment of young persons under this age in work which involves no danger

to their health; certain exceptions have been authorised for light work on fishing vessels.

Certified contracts of engagement number annually about 530,000. The number of young persons under 16 years of age is not specified in this figure. The number of contraventions relating to these certified contracts was 906 during the period between November 1952 and June 1953; 70 of them concerned young seafarers under 18 years of age.

Norway.

See under Convention No. 58.

Poland.

Decree of 2 August 1951, concerning the employment and vocational training of young persons in undertakings.

Act of 28 April 1952, respecting service on board Polish merchant ships in the foreign trade (L.S. 1952—Pol. 2).

Section 56 of the Act of 1952 stipulates that no young person under 18 years of age may be admitted to employment on board ship. The minimum age for admission to training ships is 15 years. These training ships are exclusively at the disposal of the Ministry of Shipping. In view of the fact that young persons under 16 years of age are not admitted to employment, the registers provided for in Article 4 of the Convention are not kept.

The supervision of the application of the provisions of the Convention is exercised by the services of the Ministry of Shipping (Marine and Fishing Offices).

All proposals relating to new legal provisions with regard to conditions of employment are the subject of consultation with the seafarers' trade unions and the Central Trade Union Committee.

Sweden.

Act No. 530 of 30 June 1952 concerning seafarers.

Section 10 of the above-mentioned Act stipulates that young persons under 15 years of age and women under 18 years of age may not be employed on board ship.

Uruguay.

As pointed out by the Committee of Experts, Uruguay always states in its reports that its merchant marine is in course of formation. This fact confirms the previous statement to the effect that, when the Children's Code was drawn up, employment at sea was not mentioned because in Uruguay such employment had not developed to any extent. However, it may be stated that no child under 14 years of age is admitted to employment in the few ships of the national fleet.

The Messages concerning the ratification of Conventions referred to in the report on Convention No. 4 contain measures providing penalties for contraventions of the provisions of the Conventions ratified by Uruguay, among which is Convention No. 7. When the legislation has been approved (as it will shortly be) the Executive Power may, by administrative regulation, include the provisions of this Convention in the national legislation.

Venezuela.

With regard to Point II of the report form (force of law given to ratified Conventions), see under Convention No. 1.

During the period under review the Social Welfare Directorate was reorganised and an advisory body known as the Social Security Technical Board was set up to advise the Ministry of Labour in all matters relating to social security.

At present the number of commissioners attached to labour inspectorates is 119.

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

Brazil, Canada, Chile, Dominican Republic, Finland, Greece, Ireland, Italy, Luxembourg, United Kingdom, 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.

In reply to the observations made by the Committee of Experts in 1953 the Government states that Section 1004 of the Commercial Code is worded as follows : " In case of loss, confiscation or shipwreck involving the total loss of ship and cargo, seamen are not entitled to claim any wages for the voyage on which the disaster took place, nor can a shipowner demand the reimbursement of any advances on wages which he may have made ".

While the section quoted above does not provide for the suspension of the contract in the form laid down by paragraph 2 of Article 2 of the Convention, it should be noted that in effect its application is limited to exceptional cases which very rarely occur; this means that the practical application of this provision of the said Code can almost be discarded.

In addition, all provisions relating to the con-

tract of employment and to labour questions in general will be taken into consideration in the Code of Social Legislation, the examination of which is being expedited in Argentina, as it constitutes one of the special objectives of the Government's second five-year plan approved by Act No. 14184.

It should also be pointed out that, in accordance with the provisions of Article 68, clause 11, of the new national Constitution, the promulgation of the new Code of Social Legislation is one of the duties to be undertaken by Parliament.

Australia.

See under Convention No. 7.

Belgium.

The number of seamen protected by the legislation during the period under review was about 5,000. Four fishing vessels and one merchant vessel were wrecked and indemnities were paid in 34 cases (merchant vessels).

Ceylon.

See under Convention No. 16.

Chile.

The reports of the Maritime Labour Inspection Service show that in 1952 the following vessels were lost by shipwreck : one motor schooner with a crew of two officers and six men, who received compensation amounting to 110,000 pesos, and one motor vessel with a crew of seven officers and seven men, who received compensation amounting to 230,713 pesos. The number of persons covered by the legislation is 2,051 seamen and 1,171 officers.

Cuba.

Legislative Decree No. 882 of 1953, to amend Legislative Decree No. 660 of 1934 (L.S. 1934—Cuba 12 B.)

In reply to the observations made by the Committee of Experts in 1953 the Government states that Legislative Decree No. 882 of 1953 (the text of which is appended to the report) has been promulgated. This decree repeals paragraph 2 of Section I of Legislative Decree No. 660 of 1934, eliminates exceptions and extends its scope " to all vessels registered under the national

flag and to all shipowners, ships' masters, officers and crews of these vessels".

Section VII of Legislative Decree No. 660 limits to two months' wages the compensation payable to each man employed on board a vessel. Under Legislative Decree No. 882, distress procedure in the case of privileged debts is limited exclusively to claims for indemnity against unemployment resulting from shipwreck or for repatriation expenses, as provided in its Section 2, which amends Section VIII of Legislative Decree No. 660.

Information supplied by the harbour authorities of the ports of Nueva Gerona and Cienfuegos shows that one vessel was shipwrecked and that three seamen received appropriate compensation.

Denmark.

In accordance with the Seafarers Act of 7 June 1952, which came into force on 1 January 1953, the indemnity to which seamen are entitled always covers the period of the return voyage, even if this is longer than two months. The legal provisions concerning indemnities are applicable to all persons employed on board, without regard to who has engaged them. Foreign seamen on board Danish ships have the same rights as Danish seamen, if they are nationals of a country which has ratified the Convention.

Finland.

During the period under review four vessels sustained damage.

France.

The manpower statistics appended to the report show that the number of seamen employed on 1 July 1952 was as follows: deck staff, 99,161; engine-room staff, 28,911; stewards, etc., 10,903. The corresponding figures relating to persons not serving on board were 10,990, 3,193 and 1,719.

Greece.

During the period under review one vessel of large tonnage and 36 vessels of small tonnage were wrecked, and it is estimated that about 195 seamen received the relevant indemnities.

Italy.

During the period between 1 July 1952 and 30 June 1953, 32 vessels were either wrecked or lost; indemnities were paid to 126 persons in accordance with Article 2 of the Convention.

Mexico.

Article 1. The national legislation does not contain definitions of the terms "seamen" or "members of the crew". The relevant section of the Federal Labour Act contains provisions relating to work performed on vessels and other floating structures. Section 133 of this Act enumerates the persons deemed to be members of the crew and makes no distinction between maritime and inland navigation. Section 286 of the Act on general lines of communication enumerates persons deemed to be members of the crew in the mercantile marine. Neither of the two Acts mentioned above contains any specific definition of the term "vessel"; the meaning of

"ship of war" is clearly understood from the Labour Act.

Article 2. Contrary to the provisions of the Convention, Mexican legislation contains no specific mention of the expression "unemployment resulting from the loss or foundering of the vessel", which is interpreted according to current usage. Under the combined provisions of Sections 57 (Part VII), 111 (Part XVI), 116 (Part V) and 147 of the Federal Labour Act, the shipowner is obliged to pay the workers in question three months' wages when he has received from the insurance company the amount for which the vessel was insured.

Section 148 of the Federal Labour Act provides that if seamen agree to carry out work for the salvage of the remains of the vessel and cargo they shall receive their wages for the work, in so far as the value of the material salvaged is sufficient for the purpose. If a surplus remains after the wages have been covered in full, the crew are entitled to an additional bonus to be fixed by mutual agreement between the parties or, in default thereof, by the Arbitration and Conciliation Board after receiving the opinion of the harbour authority concerned.

As regards the payment of benefit, the courts and the administrative authorities interpret the legislation as meaning that wages include not only cash payments but any allowances which are granted. The contract is terminated on the date of the loss or foundering of the vessel.

The introduction of social insurance in Mexico will result in changes which are beneficial to seamen.

Article 3. According to Section 123 (Part XXIII) of the Constitution and Section 95 of the Federal Labour Act, wage claims are given preferential treatment over other claims.

Netherlands.

During the period under review 14 ships were wrecked and three disappeared. Thirty-seven seamen died and there were 196 survivors; the latter received indemnities in accordance with the provisions of the Convention.

Norway.

Seamen's Act of 17 July 1953 (not yet in force).

During the period under review 15 vessels totalling 22,300 tons were wrecked.

Poland.

Act of 28 April 1952, respecting service on board Polish merchant ships in the foreign trade (L.S. 1952—Pol. 2).

Polish legislation does not stipulate that a contract has expired as a result of shipwreck. In such cases the seaman, whether he is Polish or foreign, continues to receive his remuneration until he is employed on board another ship. In the event of shipwreck, foreign seamen who are under contract for the period of the voyage receive the remuneration which would have been payable to them for the complete voyage.

Seamen have the same remedies for recovering indemnities as they have for recovering wages (appeal to the courts, request addressed to the Minister of Shipping).

The Minister of Shipping is responsible for supervising the application of the legislation.

Sweden.

Seamen's Act of 30 June 1952.

Under the provisions of the above Act, a Swedish seaman is entitled to repatriation to his place of origin, not only when the ship is lost

abroad but also when the loss or foundering has taken place in territorial waters.

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

Canada, Federal Republic of Germany, Ireland, Luxembourg, United Kingdom, Uruguay, Yugoslavia.

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 which show that 35,408 persons were employed on all classes of vessels between 1 July 1952 and 30 June 1953.

See also under Convention No. 7.

Australia.

The number of seamen engaged for employment during the period under review was 9,955. The total number of engagements and re-engagements of seamen (including officers) was 32,816. The average daily number of unemployed seamen (excluding officers) was 420.

See also under Convention No. 7.

Chile.

The total number of registered seamen is 2,051 and that of officers 1,771. These figures make it possible to supply crews for all vessels and to provide the necessary replacements; in fact,

1,427 officers and 1,769 seamen were engaged for employment. The 344 officers and 282 seamen remaining on the registers are employed normally as replacements for officers and seamen who are sick, undergoing punishment, on holiday, etc.

The 12,038 port workers at present registered work according to the *redondilla* system (seven-worker shifts) under the supervision of the 22 employment offices for harbour workers and the offices for riverside workers.

Cuba.

According to information received from the harbourmaster of Cienfuegos (which was the only port to submit statistics), there were 50 unemployed seamen during the period under review.

Denmark.

During the period under review the number of seamen placed in employment by the public employment offices was 14,479.

France.

At present seamen's employment offices function at the following metropolitan ports: Le Havre, Rouen, Nantes, La Rochelle, Marseilles and Sète.

In 1952 the seamen's employment offices registered 292 applications at La Rochelle (almost all of which were satisfied), 995 at Nantes (185 satisfied) and 2,421 at Marseilles (504 satisfied).

Greece.

During the period under review the total number of seafarers and apprentices who were registered as unemployed was 66,144; of these, 60,371 were placed in employment.

Italy.

The number of seamen and officers registered at the seamen's employment offices on 1 July 1952 was 48,978 (2,683 officers and 46,295 seamen); on 1 June 1953 the number was 59,516 (3,090 officers and 56,426 seamen).

Japan.

During the period under review 17,826 seafarers (4,964 officers and 12,862 seamen) were placed in employment through the Public Mariners' Employment Security Offices.

Mexico.

Article 1. This Article is applied under Chapter XV of the Federal Labour Act and Section 286 of the Act concerning general lines of communication.

Article 3. In all cases where the existence of illegal employment agencies has been detected the labour inspectors have notified the Ministry of Labour, which has ordered the closing down of such agencies.

Article 5. Apart from the fact that a seamen's employment agency has been set up in Vera Cruz, it has not been considered necessary to take special measures as regards seamen's employment agencies in view of the smallness of the merchant marine. However, the competent authorities are of the opinion that the relevant legislation is very rudimentary and measures are being taken to introduce the appropriate amendments and to take due account of the observations made in this connection.

Article 7. The application of this Article comes within the special competence of Mexican trade union organisations and is also covered by Section 137 (Chapter XV) of the Federal Labour Act.

Article 8. The provisions of the Federal Labour Act relating to the contract of employment ensure the full application of this Article. No statistical information is available.

Article 9. No measures have been adopted in this connection.

Article 10. No specific information is available.

The Ministry of Labour and Social Welfare, through the medium of the Social Welfare Department and the inspection services, is entrusted with the application of the Convention.

Netherlands.

During the period under review the three special agencies dealing with the employment of seamen registered 10,655 applications, 8,783 vacancies and placed 7,958 persons.

New Zealand.

Shipping and Seamen Act, 1952 (in force since 19 November 1953).
Statutory Regulations, 1953, promulgated under the above Act.

The new legislation introduces slight modifications in previous legislation. The above-mentioned Act prohibits the commercial placing of seamen in employment. Violations of this provision are liable to fines not exceeding £100.

Section 11 of the new Act provides that at any port where there is a seamen's inspector, the inspector shall: (a) keep a register of the names and characters of seamen and apprentices and of persons desirous of being engaged as seamen or indentured as apprentices at the port; and

(b) facilitate the engagement of seamen and the making of apprenticeships to the sea service at that port.

Organisations of shipowners and workers are usually consulted informally wherever necessary but none of these organisations has expressed the wish for closer co-ordination, which thus appears unnecessary.

During the period under consideration 90 seamen or inland water transport workers were placed in employment by the National Employment Service.

Norway.

There are at present 16 main seamen's employment offices; 17 branch offices have also been established. During 1952 these offices registered 46,343 applications and 44,610 vacancies; 37,273 seamen were placed in employment.

Poland.

Act of 28 April 1952, respecting service on board Polish merchant ships in the foreign trade (L.S. 1952—Pol. 2).

There is no unemployment among seamen in Poland, because employment has been stabilised and a reserve of paid manpower has been established (Act of 28 April 1952).

The employment offices may set up advisory social committees which co-operate in the carrying out of their activities. However, these committees have not yet been set up to co-operate with the employment offices as regards the placing of seamen.

The rights and obligations of seamen, as well as the principles regulating their remuneration, are set forth in the above-mentioned Act and in the collective agreement which has been in force since November 1948. With the exception of manpower reserves receiving normal wages, there were no unemployed seamen during the period under review.

The supervision of the application of the Convention and its special provisions is the responsibility of the services of the Ministry of Labour and Social Insurance.

Sweden.

During the period under review there were 68,786 applications for employment and 38,865 vacancies; 36,866 persons were placed by the seamen's employment offices. The services of the public employment offices received 8,259 applications from foreign seamen and placed 4,373 in employment. During the same period a tenth placing office was opened in Norrköping.

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

Belgium, Finland, Federal Republic of Germany, Luxembourg, Uruguay, Yugoslavia.

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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
Israel	23.12.1953
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 reply to a question raised by the Committee of Experts, the Government states that it can give an assurance that the legislation in force prohibits the employment of children under 14 years of age in agricultural undertakings during school hours.

The report also states that, although authorisation can be given by the competent Ministry for children over 12 years of age to be employed in agricultural undertakings, such authorisation can only be given when these children satisfy the minimum educational requirements laid down in Section 1 of Act No. 11317. Consequently, during the period of compulsory school attendance no child can be employed during school hours.

Austria.

The Government states that the employment of children under 10 years of age in agriculture and under 12 years of age in forestry occupations is strictly prohibited by the legislation in force. Children under 14 years of age may only be employed on light work which does not impair their physical and mental development or their attendance at school. The period of annual school attendance is nine months.

The report points out that the Austrian Congress of Chambers of Labour has drawn the

attention of the Federal Government to the fact that in the province of Upper Austria no executive Act has been issued to give effect to the Federal legislation respecting the protection of the employment of children in agriculture. The report states that this omission will be rectified by the Provincial Assembly of Upper Austria in 1953; in the event of no action being taken in this respect, the Federal Government will be obliged to take the required measures, in accordance with article 15 (6) of the Federal Constitution, so that the appropriate instruments may be adopted by the National Council.

Cuba.

Article 66 of the Constitution.

Act No. 53 of 1935.

Legislative Decree No. 883 of 1953.

The above-named texts prohibit the employment and apprenticeship of children under 14 years of age.

Legislative Decree No. 883 (Section 9) which reproduces some of the provisions of Act No. 53, limits working hours in agriculture for young persons under 18 years of age to seven per day, divided into two periods of three-and-a-half hours with a rest period of two hours.

Work performed in agricultural schools under the control of the competent Minister is not subject to the provisions of the aforementioned Decree.

The services of the Ministry of Labour, the provincial offices and the National Office for Women and Children are responsible for the supervision of the application of the legislation.

Dominican Republic.

The Government draws attention to the intensification of the campaign against illiteracy, a campaign which applies not only to children of school age but also to adults.

France.

The Government states that the percentage of requests as regards exceptions granted for the employment in agriculture of children of school age was very small. During the period 1 July 1952 to 30 June 1953 authorisations were granted in Corrèze for approximately 1 per cent. of the number of children attending school, in Eure-et-Loir 1 per cent., in the North 0.02 per cent. and in the Aisne 0.07 per cent. These few figures, taken from among departments which are essentially agricultural, tend to prove that the

employment of children in agriculture is being discontinued.

Authorisations are granted only in respect of children over 12 years of age, for a period which varies generally from two to five weeks and which, in any case, never goes beyond the period of six weeks laid down in the Act of 5 January 1953.

Ireland.

During the period under review proceedings were instituted in 506 cases against parents whose

children were employed in agriculture during school hours. This number is approximately 0.13 per cent. of the children covered by the School Attendance Act of 1926.

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

Belgium, Chile, Italy, Japan, Luxembourg, New Zealand, Poland, Sweden, Uruguay.

11. Convention concerning the rights of association and combination of agricultural workers

This Convention came into force on 11 May 1923

Countries	Date of registration of ratification
Argentina	26. 5. 1936
Austria	12. 6. 1924
Belgium	19. 7. 1926
Bulgaria	6. 3. 1925
Burma ¹	11. 5. 1923
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	21. 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.

Ceylon (First Report).

Ordinance No. 14 of 1935 concerning trade unions, as amended by Act No. 15 of 1948 concerning trade unions.

The report states that Section 2 of the Ordinance concerning trade unions gives effect to the Convention.

The application of the legislation is entrusted to the Ministry of Labour, through the Department of Labour. The Commissioner of Labour, who is the head of this department, is responsible for the registration of trade unions.

No decisions were given by the courts concerning questions of principle relating to the application of the Convention.

No restriction of any kind exists with regard to the right of association and combination of agricultural workers in the country.

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

Chile.

The report states that the Bill to amend Section 431 of the Labour Code, in order to bring it into harmony with the terms of the Convention, has been under examination by the Committee for Labour and Social Legislation of the Chamber of Deputies since 27 September 1951.

The Government points out that, in practice, the provisions of Section 470 of the Code have in no way impeded the exercise of the agricultural workers' right of petition, as collective claims can be made to the employer except during the short sowing and harvesting periods. Nevertheless, the Committee responsible for examining amendments to the Labour Code has taken note of the observations of the Committee of Experts and will suggest a solution which may reconcile the point of view of the Committee with national conditions.

Cuba.

A list of agricultural trade unions, prepared by the provinces, is appended to the report.

Denmark.

Article 78 of the Constitution of 5 June 1953 provides that the right of association is guaranteed to all persons residing in Danish territory.

Greece (First Report).

Article 11 of the Constitution.
Sections 61-107 of the Civil Code of 1946.
Act No. 281 of 25 July 1914 concerning associations (B.B., Vol. XIV, p. 19).
Act No. 2151 of 21 March-3 April 1920 concerning trade unions (L.S. 1920—Gre. 1).
Royal Decree of 20 May 1920 concerning trade unions, to consolidate Acts Nos. 281 of 1914 and 2151 of 1920.
Acts Nos. 148, 274, 393, 581, 620 and 910 of 1945.
Act No. 986 of 1946.
Act No. 2077 of 1952, to ratify the Convention.

Article 1. The Constitution recognises the right of association of all citizens and none of the constitutional or legislative provisions in force discriminates between the various categories of workers with regard to trade union rights. In particular, Section 1 of the Royal Decree of 20 May 1920, which defines the objects of trade unions, expressly provides that trade unions may include members engaged in industrial, commercial, agricultural or any other kind of work. Greek legislation thus recognises the same rights for agricultural workers as for industrial workers and the same rule applies to the right of combination.

It does not appear necessary to adopt new legislative measures in this respect.

The application of the laws and regulations is entrusted to the judicial authorities, which have the right to approve the statutes of trade unions merely by verifying that the required legal conditions have been fulfilled. The executive authorities do not intervene in the activities of trade unions and restrict themselves to keeping a register of occupational organisations and auditing their accounts.

No court decisions were given concerning the application of the Convention.

The report states that the legislation in force is considered to assure the same trade union rights both to agricultural workers and to industrial workers and to give full effect to the Convention.

No observations were made by the trade unions concerned.

India.

The report states that agricultural trade unionism is as yet little developed and that, according

to a recent enquiry, there were only 62 organisations in India grouping 33,686 members.

Venezuela.

Constitution of Venezuela of 15 April 1953.

The eighth provision of the Constitution states, *inter alia*, that the legislative provisions remain in force. The report specifies that the rights of association and combination of agricultural workers have not been modified and that they continue to be regulated by the provisions mentioned in the preceding reports.

The Minister of Labour is responsible for supervising the application of the Act.

Yugoslavia.

Constitution of the Federal People's Republic of Yugoslavia of 1947 (Article 20, subparagraph 1, and Article 27).

Constitutional Act of 13 July 1953, Article 5.

The above-mentioned legislation guarantees the rights of association and combination, as well as the right to strike, to all categories of workers without distinction.

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

Argentina, Austria, Belgium, Burma, Finland, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Sweden, Switzerland, United Kingdom, Uruguay.

12. Convention concerning workmen's compensation in agriculture

This Convention came into force on 26 February 1923

Countries	Date of registration 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.

The required statistical data are being compiled by the Statistical Department of the Ministry of Labour and Social Welfare. However, information is given showing the number of cases of industrial accidents and occupational diseases which occurred in Buenos Aires (or in the national territories when the employer resides in the federal capital and the sick or injured worker chooses the capital for the compensation procedure).

The number of cases reported was 84,175, and 6,002 medical visits were made ; 4,653 cases were compensated, the cost of which amounted to 11,746,255 pesos.

Chile.

The number of persons covered by the legislation was 459,618 (409,337 workers and 50,281 employees). During 1952 14,959 accidents were reported in agriculture and forestry. A copy of one decision given by a court of law is appended to the report.

Federal Republic of Germany.

Fifth Ordinance of 26 July 1952, to extend accident insurance to occupational diseases.

Act of 13 August 1952, to raise the maximum income limit for the purposes of social insurance and unemployment insurance, and to amend Ordinance No. 12 concerning the organisation of social insurance.

As from 1 September 1952 the Federal Act of 13 August 1952 raised the maximum income limit for the determination of benefits in cash from 7,200 to 9,000 DM. per year.

Detailed statistical information is given showing that, during the year under review, 9,321,223 workers were covered by accident insurance in agriculture; 274,433 cases of accidents and occupational diseases in agriculture were reported. Pensions were awarded in respect of 49,896 cases, of which 2,122 were fatal. The number of pensions paid to disabled persons under the Agricultural Accident Insurance Fund was 197,143, while 31,210 survivors' pensions were paid.

Ireland.

Appended to the report are statistical data for 1951 showing that an amount of £157,405 was paid in respect of 2,712 cases of accidents, 12 of which were fatal.

No compensation was paid for occupational diseases during the same period.

Luxembourg.

Ministerial Order of 14 February 1952, concerning the evaluation of wages in kind paid to agricultural workers.

Ministerial Order of 17 October 1952, to fix the annual average remuneration serving as basis for the calculation of pensions for accidents occurring in agriculture and forestry.

Grand Ducal Order of 27 October 1952, to amend the Grand Ducal Order of 22 August 1936, to give effect to Section 92, final paragraph, of the Social Insurance Code, concerning accidents to the worker en route to and from his work.

Statement by the employers' and workers' delegates appointed for the period from 1 January 1953 to 31 December 1956, in conformity with the provisions of the Grand Ducal Order of 4 April 1927 concerning the appointment of various delegates with regard to accident insurance in agriculture and forestry.

Ministerial Order of 1 December 1952, to fix the average value of remuneration in kind from the point of view of the application of the Act of 17 December 1925 concerning social insurance and respecting tax deductions from wages.

Grand Ducal Order of 6 December 1952, concerning the extension of compulsory insurance against accidents to occupational diseases.

The statistical information appended to the report shows that, for the first time since the end of the war, the constant increase in the expenditure on curative treatment came to a halt during the year 1952. Thus the total expenditure for such treatment, which amounted to 2,411,155 francs in 1951, was 2,307,673 francs in 1952. The number of accidents reported was 2,819. The amount paid out in pensions was 6,078,720 francs, which is an

increase of 13.94 per cent. on the year 1951; this change is mainly due to the normal increase in the number of temporary and life pensions.

Netherlands.

Various Royal Decrees and Ministerial Decrees, issued in 1952 and 1953 in application of the legislation respecting compensation for accidents.

The number of workers covered by compulsory insurance is now 233,000, including 24,000 insured with the State Insurance Bank and 209,000 insured with the Occupational Insurance Fund.

New Zealand.

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

The number of persons engaged in agricultural and pastoral occupations on 31 March 1953 was estimated at 146,000.

Poland.

Order of the Council of Ministers of 17 January 1953, to increase benefits and pensions payable in respect of industrial accidents and occupational diseases.

The report gives detailed information regarding the increased insurance benefits and allowances payable, in virtue of the above-mentioned Order, as from 4 January 1953, in respect of industrial accidents and occupational diseases.

These increases relate to pensions payable to persons who have suffered accidents or contracted occupational diseases, and to supplementary amounts payable either as pensions for dependants, or for funeral expenses, or to persons who, as the result of an accident or occupational disease, require the constant assistance of another person.

The report also contains information relating to the amounts payable in benefits, allowances and pensions under the new legislation. Statistical data relating to the number of persons in receipt of benefits, the amount expended in benefits in cash or in kind and social insurance resources have not yet been published for the period covered by the report.

*United Kingdom.**Great Britain.*

See under Convention No. 17.

Northern Ireland.

See under Convention No. 17.

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

Belgium, Cuba, Denmark, Finland, France, Italy, Mexico, Sweden, Uruguay.

13. Convention concerning the use of white lead in painting

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification
Afghanistan	12. 6. 1939
Argentina	26. 5. 1936
Austria	12. 6. 1924
Belgium	19. 7. 1926
Bulgaria	6. 3. 1925
Chile	15. 9. 1925
Colombia	20. 6. 1933
Cuba	7. 7. 1928
Czechoslovakia	31. 8. 1923
Estonia	8. 9. 1922
Finland	5. 4. 1929
France	19. 2. 1926
Greece	22. 12. 1926
Hungary ¹	4. 1. 1928
Italy	22. 10. 1952
Latvia	9. 9. 1924
Luxembourg	16. 4. 1928
Mexico	7. 1. 1938
Netherlands	15. 12. 1939
Nicaragua	12. 4. 1934
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
Viet-Nam	6. 6. 1953
Yugoslavia	30. 9. 1929

¹ Conditional ratification.

Afghanistan.

With reference to the observation made by the Committee of Experts and the Conference Committee in 1953, the report states that the Bills to bring the national legislation into conformity with the provisions of the Convention have been already drafted and submitted to the National Assembly.

Argentina.

In reply to an observation made by the Committee of Experts the Government states that a Bill has been prepared to prohibit the use of white lead and sulphate of lead in certain types of work. The text of this Bill, which is appended to the report, incorporates in the national legislation the provisions of Articles 1, 2 and 3 of the Convention, and provides that the conditions under which the use of white lead and sulphate of lead may be permitted will be laid down in regulations.

Austria.

During 1952 the number of cases showing symptoms of lead poisoning which were reported to the inspection service was 124; 18 of these cases were among painters. The cases of lead poisoning notified included a house painter and a lacquer worker.

Belgium.

During the period under review three cases of lead poisoning of a temporary nature were repor-

ted. Permits issued for the purchase and use of white lead numbered 2,916.

France.

Decree of 27 November 1952, concerning the organisation of the industrial medical services.

The above Decree establishes new rules relating to medical services, mainly as regards the prevention of occupational diseases.

Greece.

The report states that the use of white lead in painting operations has altogether ceased, as white lead has been replaced by other substances which are less harmful to the workers.

Italy (First Report).

Ministerial Decree of 20 March 1929, to approve the list of industrial processes involving the use or manufacture of toxic or dangerous substances.

Ministerial Order of 9 May 1930.

Royal Decree No. 1720 of 7 August 1936, to approve the schedules of occupations in which children and women under age must not be employed, and of those in which their employment shall not be allowed without the necessary safeguards and guarantees (L.S. 1936—It. 7).

Ministerial Decree of 8 June 1938, to determine the activities in which periodical medical examinations are compulsory for women and children employed therein.

Royal Decree No. 1765 of 17 August 1935, to issue provisions respecting compulsory insurance against industrial accidents and occupational diseases (L.S. 1935—It. 8).

The report states that Italian legislation is not in complete conformity with the Convention, but that the competent services of the Ministry of Labour are preparing legislation to give full effect to the Convention. The legislation mentioned in the report applies in part the provisions of the Convention. The use of white lead has decreased considerably and employers are replacing it by other less harmful substances whose chemical properties have certain advantages over white lead. In practice, the labour inspectorate, the insurance institutions, the industrial medical officers and the associations dealing with the prevention of accidents and occupational diseases have succeeded, by means of propaganda and supervision, in introducing the methods of prevention which are now being studied for inclusion in the legislation.

The employment of children under 15 years of age and of women under 21 years of age is prohibited in the manufacture and use of paints, varnishes and putties containing any proportion of lead. This prohibition applies also to apprentices, for whom no exceptions are admitted.

The General Industrial Hygiene Regulations deal with protection against harmful dusts and gases, personal hygiene, working clothes and the instruction of workers in regard to the dangers inherent in their work; these regulations also apply, therefore, to work with lead compounds.

As regards health supervision, the Ministerial Decree of 20 March 1929 requires a medical examination every two months for working painters and plasterers using continuously, or from time to time, paints containing lead. Workers employed in the manufacture of paints and varnishes containing more than 2 per cent. of lead must undergo a medical examination before being admitted to employment. The medical officers must report cases of lead poisoning to the labour inspectorate and to the insurance institutes for workmen's compensation. The labour inspectorate may require workers to undergo a medical examination.

The competent authority, which is represented in the labour inspectorate, works in close collaboration with the National Accident Prevention Association and with employers' and workers' organisations to ensure the effective application of the legislation.

Statistics of occupational diseases are collected by the National Institute for Industrial Accident Insurance, but it is not possible to separate data on cases of lead poisoning among working painters.

The Ministry of Labour is responsible for the enforcement of the legislation and exercises its control through the labour inspectorate, and more specifically through its medical inspectors. Inspectors have the right to carry out the necessary examinations and to give instructions concerning preventive measures; they are also required to report infringements of the regulations. Medical inspectors also supervise medical services in the factories, as well as preventive and periodical examinations. Moreover, they may carry out medical examinations themselves.

No decisions were given by courts of law.

Netherlands.

On six occasions during 1952 the labour inspection services made use of their right to order special measures relating to the application of the existing

protective regulations on white lead. In the same period five suspected cases of lead poisoning were reported.

Norway.

During 1950 the labour inspection services reported 40 cases of lead poisoning, two of which occurred among working painters.

Sweden.

During the period under review no cases of lead poisoning were reported.

Uruguay.

Decree of 15 September 1952, to regulate the use of white lead and other lead compounds in industrial painting work.

This Decree, which repeals the Resolution of 3 March 1937, follows closely the text of the Convention. Detailed information is given regarding the sections of the Decree.

Statistical data are not available.

Yugoslavia.

In accordance with the new Constitutional Act of 13 January 1953 the ratification of an international Convention gives the force of national law to the provisions of the Convention.

The Office of the Federal Executive Council was requested recently to draw up special regulations containing, in particular, provisions regarding strict compliance with the obligations set out in Articles 1 and 5 of the Convention.

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

Chile, Cuba, Luxembourg, Mexico, 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
Cuba	20. 7. 1953
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

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

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

Afghanistan.

The definition of the term "industrial undertaking" covers all the undertakings indicated by the Convention (Article 1). None of the exceptions authorised under Articles 3 and 4 of the Convention has been granted.

Argentina.

The labour inspection service has reported 56 infringements of Act No. 4661 concerning the Sunday rest and 19 infringements of Act No. 11640 concerning the five-and-a-half-day working week. For other statistical information, see under Convention No. 1.

Belgium.

Royal Order of 1 October 1952, to amend the Royal Order of 22 June 1949 concerning the weekly rest of workers bound by a contract of employment in inland navigation.

The above-mentioned Order was issued on the basis of the Legislative Decree of 9 June 1945; it regulates methods for the payment of additional wages due for work on Sunday in the case of persons employed on board tugs in inland navigation.

Five decisions were given by courts of law in order to ensure the application of the Convention. The number of persons in the industrial undertakings visited by the inspection service during the period under review was 470,163; five infringements were reported.

Burma.

Article 2. The legislation allows the weekly rest to be given on a day other than Sunday, on condition that the labour inspector is notified in advance and that a notice is put up in the workplace. The principles embodied in paragraphs 2 and 3 of Article 2 of the Convention are not laid down in the legislation but the Government states that they are generally applied.

Article 4. The legislation does not authorise total exceptions in factories, except in the event of public emergency; partial exceptions are allowed in cases of urgent repairs, work in connection with continuous processes, the steeping, steaming and drying of paddy, and the receiving and despatching of goods or materials by water. In mines, total exceptions are also allowed in case of emergency involving serious risk to the safety of the mine or of workers; partial exceptions are not allowed. The report states that no exception was granted under Articles 3 and 4.

During the period under review 11 contraventions were reported.

Canada.

A survey conducted by the Federal Department of Labour in October 1952 showed that 75 per cent. of plant workers and 82 per cent. of office workers in manufacturing industries were employed on a five-day week (as compared with 70 and 76 per cent. respectively in October 1951).

Chile.

In reply to a request for information made by the Committee of Experts in 1953, the report

states that Decree No. 1001 of 24 November 1951, which provides for an exception from the provisions regulating the weekly rest with regard to the manufacture of tyres and inner tubes, was issued with the consent of the management of the only undertaking of this type in the country and of the trade union concerned.

A copy of the only decision given with regard to an infringement of the relevant legislation is appended to the report. In 1952, 6,365 visits of inspection were made to supervise the application of the relevant legislation; 498 infringements were reported, occurring mainly in commercial undertakings.

Denmark.

A report was received from the inspection services in respect of a contravention relating to work on Sunday and other customary public holidays, which gave rise to a law suit. During the period under review, no other reports were received by the competent authorities concerning the application of the Convention. A number of exemptions were granted during this period, particularly in the food, textile, iron and metal trades and chemical industries.

In reply to the observation made by the Committee of Experts in 1953 the Government states that transport and construction workers are not covered by the present legislation on weekly rest.

Greece.

All workers in industry are entitled to a rest period of 24 consecutive hours per week. In the case of work which must by its nature be carried out on Sunday, or in the case of extremely urgent work, workers are entitled to a compensatory day of rest. Such work is carried out with the authorisation of the inspection service and the workers concerned are entitled, as a general rule, to additional wages of 75 per cent.

Various decisions were given by courts of law relating to the matters dealt with in the Convention, but most of these decisions relate to the payment of wages.

Haiti (First Report.)

Act of 5 May 1948 respecting conditions of employment (L.S. 1948—Haiti 2).

Article 1. Section 5, paragraph 3, of the above-named Act extends the application of the weekly rest to all agricultural, industrial and commercial establishments, and to every establishment where manual labour is performed.

Article 2, paragraph 1. Paragraphs 1 and 2 of Section 5 and Section 6 of the same Act ensure the application of these provisions.

Paragraph 2. Paragraph 3 of Section 5 ensures the application of this paragraph by providing for the closing of the establishment.

Paragraph 3. Paragraph 2 of Section 5 ensures the application of this provision.

Article 3. The exception authorised in this Article is not provided for in the Act.

Article 4, paragraph 1. Section 7 of the above Act excludes from the application of the previous sections persons employed solely (a) on the

repair of damage due to *force majeure* or accident, where the work cannot be postponed; (b) on work which does not permit of interruption, owing to the nature of the needs for which it provides, to technical reasons or to the necessity of avoiding serious harm to the public interest, agriculture, stockbreeding or industry; (c) on tasks which, by their nature, can only be carried out during certain seasons and which depend on the irregular action of the forces of nature; (d) on work which is necessary for the proper functioning of an undertaking and which cannot be postponed; and (e) in housework and in hospitals.

Paragraph 2. This provision applies to the above-mentioned exceptions.

Article 5. Section 8 of the same Act ensures the application of this provision, provided that domestic servants, working for wages, shall be entitled only to two half-days of complete rest each week.

Article 6. The report gives a list of the exceptions authorised under Section 7 of the Act.

Article 7. The Act contains no provisions corresponding to those of this Article. Hours worked on days of rest are paid for at overtime rates.

The inspection service of the Labour Department supervises the application of the above-named Act throughout the national territory. The Labour Office requires an employer to apply for a special permit for work on Sunday. Undertakings are required to indicate, on forms specially prepared for the purpose, the conditions under which the weekly rest is granted.

India.

The weekly rest day provided under the Mines Act in mining undertakings (referred to in last year's report) varies from field to field but generally coincides with the weekly market day, thus enabling workers to obtain their weekly rations, etc.

The number of workers covered by the Factories and Mines Acts during 1951 is given under Convention No. 1.

Israel.

Act of 15 May 1951 respecting hours of work and rest (L.S. 1951—Isr. 2).

Regulations (Weekly Rest in Transport) under Section 8 of the above Act.

Regulations (Weekly Rest for Shift Workers) under Section 8 of the above Act.

Article 1. As the provisions on hours of work and the weekly rest are parts of the same Act, see under Convention No. 1, Article 1.

Article 2. Section 7 of the Act of 1951 provides for at least 36 consecutive hours of weekly rest for every employee, and lays down the specific day of rest according to the religious faith of the employee. As the Act covers both public and private industrial establishments, see under Convention No. 1.

Article 4. The Minister may make regulations to fix for special kinds of work a weekly rest period of less than 36 but not less than 25 hours. Section 12 enumerates the exceptional circumstances in which the Minister, by decision of a ministerial committee as defined in paragraph (b)

of this section, may authorise employment during the weekly rest period.

Article 5. This Article is applied under Section 17 (a) (2) of the Act, which also requires that the authorisation for work performed during the weekly rest period (Section 12 of the Act) shall fix the length and date of the compensatory rest period.

Article 6. During the period under review 68 special permits were granted for work during the weekly rest period, including those granted to non-industrial undertakings.

Article 7, clause (a). There is no provision in the Act requiring compliance with the obligations laid down in this paragraph, but Section 9 prohibits employment during the rest days specified in the Act (Section 7). Any authorisations granted under Section 12 which are contrary to these provisions must be displayed in the workplace.

For information relating to supervision and enforcement, see under Convention No. 1. The enforcement of the Act has not met with opposition owing to a long tradition of respect for the principle of the weekly rest. Separate statistics in connection with inspection of weekly rest provisions are not available; see also under Convention No. 1.

Italy.

Act No. 2466 of 11 December 1952, to amend Act No. 370 of 22 February 1934 concerning penalties for contraventions.

The above-mentioned Act modifies Sections 27 and 28 (1) of the Act of 22 February 1934 concerning penalties to be imposed for contraventions of the various provisions of the legislation.

The labour inspection services carried out 38,000 visits of inspection and reported 3,000 infringements. A few exceptions were permitted for the changing of the day of weekly rest and the reduction of the period of rest in undertakings in the building, cheese and silkworm industries.

Luxembourg.

The annual report of the Labour and Mines Inspection Service for 1952 shows that 52 special visits of inspection were made, revealing seven infringements of the legislation. One contravention by a mining undertaking was reported. In 1952, a total of 1,524,328 hours were worked on Sundays for maintenance, repair and preparatory work, of which 1,410,191 hours were connected with continuous processes in iron-smelting foundries, 41,320 hours in 12 mines and quarries and 83,904 in 19 different undertakings in medium and small industries and in small workshops. Eleven permits for production work on Sundays were granted to nine undertakings in heavy and medium industries; 13,594 hours were worked by 189 workers.

New Zealand.

Amendment No. 40 of 1952, to the Police Offences Act, 1927.

Section 18 of the Act, which provides for penalties in the case of infringements of the regulations relating to the Sunday rest, has been amended to

exempt from its provisions cases of Sunday entertainment and trading and to define in greater detail the work in connection with motor garage services which is subject to penalty if performed on a Sunday. The amended Act also provides that the Sunday Observance Act of 1780 does not apply in New Zealand.

The report sets out in detail a decision of the courts concerning the application of the weekly rest provisions to a commercial artist.

During the calendar year 1952, 140 offences concerning Sunday trading were reported, a number of which were probably outside the scope of the Convention.

Norway.

Article 3. The Workers' Protection Act does not provide for any exceptions from the provisions relating to weekly rest in favour of the persons referred to in this Article.

Article 4. A dairy undertaking was permitted in 1951 and 1952 to arrange the weekly rest so that workers had an average consecutive rest period of 24 hours. From 1938 to 1950 inclusive, the following exceptions were authorised: 5 in the metal trades, 1 in chemical industries, 5 in electricity and gas works, 3 in leather and rubber industries, 1 in textiles, 2 in garment-making and cleaning, 33 in food and drink industries (mainly in dairies during the summer months), 1 in printing, 3 in building and construction and 3 in other industries.

Article 5. Some of the above exceptions were necessitated by arrangements for change of shifts, which were described in the report for 1937-38. Before granting exceptions, the authorities usually consult the workers or their organisations and, in some cases, also the employers' organisations.

Pakistan.

During the year 1951 the number of seasonal factories in which weekly rest was given on Sunday only was 103, and the number in which this rest was given on a weekday or on Sunday was 346; comparative statistics for perennial factories were 497 and 496 respectively. In 114 seasonal and 237 perennial factories the majority of workers were exempted from the weekly rest provisions of the Factories Act. The average daily number of persons employed in 1951 was 190,872. Eighty-two convictions were obtained in 1951 for offences relating to employment and hours of work.

Portugal.

A list of modifications to the municipal regulations concerning the weekly rest period is appended to the report.

The labour inspection service drew up 1,725 reports.

Sweden.

During the period under review 196 exceptions were granted, mainly in cases of clearly defined undertakings and only for a short period (as a rule a maximum of one year). In a few cases exceptions were granted for periods of one to two years. General exceptions were authorised in certain cases, such as workers employed in timber floating, substitutes for cattle-tenders, agricultural workers employed in so-called mixed work, milk transport workers, milkmaids and part-time caretakers.

Switzerland.

During the period under review the number of undertakings covered by the Factories Act was 11,318, and during the period ending mid-September 1952 the number of factory workers was 548,000.

Uruguay.

Act No. 11887 of 2 December 1952.

The above-mentioned Act concerns the system of weekly rest for persons employed in offices and commercial branches of industrial undertakings.

During the period under review 28 breaches of Act No. 7318 of 10 December 1920 were reported and fines amounting to 393 pesos were imposed. Reference is made to the information contained in the report on Convention No. 1 in respect of changes in the inspection services.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

The Convention is to be considered as being converted into national law by the very fact of its ratification (6 November 1944) and as being applied in conformity with the provisions governing the application of legislation in the country.

Yugoslavia.

As already indicated by its representative to the 36th Session of the International Labour Conference, the Government hopes that it will be able to supply to the Conference Committee, at the next session of the Conference, information on the steps taken to give effect to Article 6 of the Convention, which requires the communication of a list of the exceptions to the weekly rest provisions.

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

Finland, France, Ireland, Mexico, Poland, Turkey.

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. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 7.

Ceylon.

The report states that the United Kingdom Act of 31 January 1925, which was made applicable to Ceylon by the Ordinance of 18 March 1937, limits the scope of the Convention, but that administrative practice is substantially in conformity with the principal provisions of the Convention.

Cuba.

Legislative Decree No. 883 of 27 May 1953.

Article 1. The Legislative Decree uses very general terms such as "all vessels flying the Cuban flag".

Article 2. Section 3 of the Decree prohibits the employment of young persons under 18 years of age as trimmers or stokers.

Article 3. The exceptions relate solely to training ships approved by the Ministry of National Defence, and to vessels which are mainly propelled by means other than steam.

Article 4. The report states that the provisions of this Article are reproduced in Section 25 of Legislative Decree No. 883.

Article 5. Section 26 of the Legislative Decree provides for the compulsory keeping of a register, the contents of which must be reproduced in a statement made under oath to be handed in with the list of the crew.

Federal Republic of Germany.

The report gives the following information as regards the observations of the Committee of Experts in 1953:

The provisions of the last subparagraph of paragraph 6 (a) of the Ordinance of 1 July 1905-8 May 1929 (which stipulate that the prohibition of the engagement of persons under 18 years of age as trimmers or stokers does not apply to fishing vessels) are still in force. On this point the Government states that, according to *The International Labour Code 1951*, Vol. I, Article 961 (note 36) and Article 1045 (note 270), it is understood that Chapter CXIII of the Code (age of admission to employment) does not apply to fishing vessels. During the preparation of the new Seamen's Act and of the new Act on the protection of young workers, the possibility of abolishing the exceptions granted to fishing vessels will be examined. The Confederation of German Trade Unions and the Union of German Employers are both in favour of this abolition.

Japan.

The Government states that Japanese legislation prohibits the employment of children under 18 years of age in dangerous work or in work involving the handling of heavy goods. Stoking and related occupations are considered as dangerous work. It should also be noted that at present there are no fishing boats in Japan under 30 tons gross provided with stoke-holes.

With regard to Article 6 of the Convention, the report states that, as has already been indicated, the practice of drawing up written contracts is non-existent in Japan.

Norway.

Act of 11 July 1947 respecting the signing-on of seamen (L.S. 1947—Nor. 3).

Regulations respecting the manning of Norwegian ships, issued by Royal Decree of 22 September 1950.

A new Act respecting seamen was adopted on 17 July 1953 but has not yet come into force. Section 2, paragraph 9, of the Regulations of 1950 respecting the manning of Norwegian ships prohibits the employment of young persons under 18 years of age as trimmers and under 20 years of age as stokers; for the latter, 18 months' preliminary service, including a period of eight

months as a trimmer, are required. The provisions of these Regulations have been incorporated in the collective agreements between the Shipping Employers' Association and the Norwegian Federation of Seamen.

The legislation does not permit the exceptions authorised by Article 4 of the Convention.

The Act respecting the signing-on of seamen provides that a register of the crew shall be kept for each vessel whose crew is subject to compulsory registration. The register of the crew must be submitted to the seamen's registration authorities. In Norway registration is carried out at a seamen's employment office, and outside Norway through the Norwegian Consulates or through special engagement or registration offices authorised by the Ministry of Industry, Handicrafts and Shipping. This latter Ministry is entrusted with the application of the legislation and administrative regulations, as well as the supervision of the registration services. The Act lays down penalties for cases of non-application of the minimum age provisions relating to trimmers and stokers.

Poland.

Decree of 2 August 1951, respecting the employment and vocational training of adolescents in undertakings.

Act of 28 April 1952, respecting service on board Polish merchant ships in the foreign trade (L.S. 1952—Pol. 2).

Section 4 of the Decree of 1951 prohibits the employment of adolescents (that is, under Polish law, all persons under 18 years of age) in work which is particularly strenuous or harmful to health. Although the employment of apprentices between 16 and 18 years of age is permitted in

maritime schools on board training ships, Section 56 of the Act of 1952 does not permit their employment in work prohibited for adolescents under the general legislation.

Section 10 of the Decree of 1951 lists the types of employment prohibited for adolescents (including employment as engineers, trimmers and stokers on board ship). Exceptions as provided for in Article 4 of the Convention are not authorised by Polish legislation; a register of adolescents must be kept on board.

Employment contracts are drawn up by public undertakings and are controlled by the maritime authorities at the time of engagement; this constitutes a sufficient guarantee that the legislative provisions in force will be applied.

The supervision of the application of the Convention is ensured by the services of the Ministry of Shipping. All drafts of new legislative provisions respecting conditions of work are established after consultation with the seamen's trade unions and the Central Trade Union Committee.

Uruguay.

The Government refers to its report on Convention No. 7 and adds that, for the time being, Sections 226 and 227 of the Children's Code give effect to Convention No. 15.

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

Australia, Belgium, Burma, Canada, Chile, Denmark, Finland, France, Greece, India, Ireland, Italy, Luxembourg, Netherlands, Pakistan, Sweden, United Kingdom, Yugoslavia.

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

Countries	Date of registration of ratification
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. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 7.

Australia.

During the period under review 391 persons underwent a medical examination; 380 were

passed as fit, eight were deferred and three rejected.

Brazil.

Medical examination for employment at sea has been made compulsory under Section 112 of Decree No. 22872 of 29 June 1953, which applies to all vessels except warships. Compulsory medical examination for young persons who wish to enter employment is also provided under the General Act concerning labour protection (Section 418 of the Consolidation of Labour Laws), which makes the renewal of the examination compulsory every two years. The report points out that as the harbour authorities do not allow registration or re-registration for employment at sea unless the young person concerned has been medically examined there can be no contraventions, as it is not possible to engage persons for such work unless they have been registered by the harbour authorities in accordance with the regulations.

Ceylon.

See under Convention No. 15.

Cuba.

Legislative Decree No. 883 of 1953.

During the period July-September 1952, 15 persons under 18 years of age underwent a medical examination to test their fitness for employment at sea; ten periodical examinations also took place.

Denmark.

The rules relating to the medical examination of seamen under 18 years of age are to be found in paragraph 3 of Section 10 of the Seafarers' Act of 7 June 1952, which came into force on 1 January 1953. The details concerning medical examination are embodied in Part II of Royal Order of 23 December 1952. The text of this Order is appended to the report.

France.

The number of ships' boys covered by the Convention was approximately 3,300 on 1 July 1952.

Italy.

The number of workers covered by the provisions of the Convention, that is to say, all persons entered in the seamen's register, is approximately 230,000. However, only 90,000 are employed as seamen.

Japan.

The number of vessels inspected between July 1952 and June 1953 by the marine labour inspectors was 16,381, i.e., approximately 70 per cent. of the vessels covered by the Mariners' Law. During this period 114 cases of infringement were reported in respect of seamen under 18 years of age, 54 of whom did not possess the compulsory

medical certificate. The inspectors have taken the appropriate administrative measures, and a warning was addressed to the guilty shipowners.

Mexico.

Article 1. Mexican legislation does not contain a definition of the term "vessel", but the Federal Labour Act and the Act on general lines of communication employ the term "ship" (*embarcación*). Chapter XV of the first-named Act, which relates to employment at sea and on navigable waterways, lays down that the provisions of the above chapter apply to employment on board vessels and floating structures of any other kind; ships of war are subject to military regulations.

Article 2. The national legislation contains no provision stipulating that young persons under 18 years of age who wish to be employed on board vessels must undergo a medical examination in order to attest their fitness for work. However, in virtue of an administrative order issued by the Ministry of Shipping, this examination is carried out each year. The Ministry states that no young persons under 18 years of age are employed on board vessels. Sections 208, 211 and 212 of the Federal Labour Act define family workshops, and by analogy this definition can be applied to vessels upon which only members of the same family are employed. The provisions of the Act only apply to family workshops as regards supervision by the labour inspectors.

Article 3. The above-mentioned administrative order ensures the effective application of the Convention as the medical examination is repeated each year at a fixed date.

Article 4. In addition to the regular medical examination, the members of the crew are examined by medical officers before they are allowed to work on board.

At present the only authority responsible for ensuring the application of the Convention is the Ministry of Shipping but, as it is intended to incorporate the provisions of the Convention in the Occupational Hygiene Regulations, the Ministry of Labour will become one of the authorities entrusted with control.

From statistics which are available at present it is not possible to estimate either the number of workers who are protected by the legislation or the number and nature of contraventions.

Netherlands.

During the year 1952, 2,676 seamen were examined.

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

Belgium, Burma, Canada, Chile, Finland, Federal Republic of Germany, Greece, India, Ireland, Luxembourg, Pakistan, Poland, 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.

In reply to an observation made by the Committee of Experts the Government states that no report has been submitted by the special committee in question.

Five legal decisions of interest were given. Two of these decisions establish the principle that not only bodily injuries but also all cases of sickness and infection (in this connection lumbago contracted or aggravated by the nature of the work, working conditions, etc.) are considered as industrial accidents. The principle is also established that accidents occurring on the way to or from workplaces are assimilated to industrial accidents, provided it can be proved that the journey was not interrupted or changed in the personal interest or the express wish of the worker.

For statistical information see under Convention No. 12.

Austria.

The total number of workers insured against industrial accidents during 1952 was 1,553,000. Expenditure for cash benefits amounted to 142.35 million schillings (91.70 schillings per insured person); benefits in kind amounted to 63.92 million schillings (41.20 schillings per insured person). The total expenditure for these benefits

as well as for administrative expenses was 249.93 million schillings. The number of accidents reported was 139,061, of which 582 were fatal. Accidents in respect of which new compensation was awarded numbered 8,578.

Belgium.

Royal Orders of 17 September 1951 and 29 May 1952, to fix the amount of therapeutic expenses.

The above-mentioned Orders supplement existing legislation relating to accident compensation.

Chile.

With reference to the observation made by the Committee of Experts regarding the adoption of the necessary measures to give full effect to Article 5 of the Convention, the Government states that no decision has yet been taken by the National Congress. The Committee entrusted with the study of amendments to the Labour Code is considering the incorporation in it of the provisions of Article 5.

The statistical information given in the report shows that 760,228 wage earners were covered by the legislation in 1952. In the same period 89,183 accidents were reported; the total cost of benefits paid out was 215,659,967 pesos.

Several decisions were given by courts of law and administrative authorities; copies of 11 of these decisions are appended to the report.

Cuba.

Statistical data appended to the report show that 46,084 accidents were reported, 71 of which were fatal. Benefits in cash amounted to 1,601,323 pesos and benefits in kind to 1,498,308 pesos. During the period under review 227 inspection visits were carried out.

Finland.

During the period under review 108,165 accidents were reported. The total cost of cash benefits was 1,290 million marks (plus transfers to the Pension Fund amounting to approximately 650 million marks), i.e., an average cost of 1,375 marks per person covered. The total cost of benefits in kind was 270 million marks, i.e., an average of 288 marks per person covered.

The total expenses involved in the application of the legislation on industrial accident compensation and accident insurance was 1,499 million marks.

France.

Act No. 52-898 of 25 July 1952, to increase the benefits payable under the legislation concerning industrial accidents.

Decree No. 52-1168 of 10 October 1952, to amend the Decree of 17 November 1947 fixing special methods for applying to occupational silicosis the Act of 30 October 1946 concerning the prevention of and compensation for industrial accidents and occupational diseases. (L.S. 1946—Fr. 12).

Decree No. 52-1169 of 18 October 1952, to fix special measures for the application of the Act of 30 October 1946 to occupational asbestosis.

Decree No. 53-238 of 24 March 1953, to amend Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations in application of Act No. 46-2426 of 30 October 1946.

Order of 27 April 1953, to fix the conditions relating to liability for expenses in connection with dental prosthesis in the case of industrial accidents.

Decree No. 53-531 of 28 May 1953 concerning the application of Act No. 46-2426 of 30 October 1946 to special systems.

Decree No. 53-531, which repeals the provisions of Decree No. 47-711 of 15 April 1947, introduces changes and improvements in the application of the Act of 30 October 1946 to certain categories of workers covered by a special organisation, in particular as regards the reporting of the accident, the transmission of medical certificates, the development of the enquiry, and the committee dealing with the winding up of pensions.

Article 5. In virtue of Act No. 52-898, the minimum annual wages to be taken into consideration in calculating the pension has been increased to 252,000 francs (except in the case of persons who sustain an accident which involves a reduction of working capacity of less than 10 per cent.). Existing pensions are readjusted on the same basis.

In addition, the annual wage is taken into account in calculating pensions as follows: in full, if it does not exceed 500,000 francs (instead of 350,000 francs), one-third if it is between 500,000 and 2,044,000 (instead of 1,460,000 francs); the part of the remuneration which exceeds 2,044,000 francs is not taken into consideration. These provisions are effective for all accidents occurring after 1 June 1952.

The life pension granted to the surviving husband or wife of a person who dies as the result of an industrial accident is increased from 25 per cent. to 30 per cent. of the annual earnings of the victim. In addition, the surviving husband or wife who is not the beneficiary of an old-age or invalidity pension acquired through his or her own employment or contributions is entitled to a pension amounting to 50 per cent. of the annual wage when he or she reaches the age of 60 years, or before that age as long as he or she suffers from a general incapacity for work of at least 50 per cent.

The maximum of the total pensions paid to the survivors of the person in question is increased from 75 to 85 per cent. of the wages of the victim.

The beneficiaries of survivors' pensions who are not employed in paid work and who do not carry out any remunerative activity are entitled to benefits in kind under sickness insurance, in so far as they are not already entitled to these benefits in virtue of other legal provisions.

Article 7. Act No. 52-898 increases to 200,000 francs, as from 1 June 1952, the minimum of the special increase to be added to the pension in cases of permanent total incapacity in which the

person in question requires the constant help of another person for the ordinary acts of life.

Article 10. The Order of 27 April 1953 fixes liability for the expenses of dental prosthesis, which are of course more favourable than under the general social insurance scheme in the case of a person injured in an industrial accident.

During the period under review the number of wage earners covered by the Act of 30 October 1946 was estimated as 9,345,000 out of the total of 10,600,000 wage earners coming within the scope of the Convention. The number of persons covered by the special scheme, in conformity with paragraph 2 of Article 3 of the Convention, is estimated at 1,255,000; they include civil servants and workers employed by the State, persons holding positions under local authorities and regular soldiers. The report also supplies statistics concerning the industrial accidents which occurred during the period under review and the cost of benefits in cash and in kind paid to persons injured in industrial accidents.

Greece (First Report).

Royal Decree of 24 July 1920, respecting the codification of the Acts concerning liability for payment of compensation to wage-earning or salaried employees who are victims of industrial accidents (L.S. 1923—Gr. 1, Appendix).

Decree of 25 March 1925, to consolidate in a single text Act No. 2841 respecting the relief of persons who meet with accidents in mines and metallurgical works and of the members of their families, the subsequent Acts in amendment thereof, and the Legislative Decree of 15 December 1923 (L.S. 1925—Gr. 6).

Legislative Decree of 14 October 1942-18 February 1943, concerning the amendment and amplification of certain provisions of Act No. 6424 of 1934.

Act No. 649 of 1947 respecting liability for compensation for industrial accidents due to projects carried out on behalf of the State.

Emergency Act No. 1846 of 14 June 1951, respecting social insurance (L.S. 1951—Gr. 4).

Act No. 2078 of 1952, respecting the ratification of Convention No. 17 concerning workmen's compensation for accidents.

Sections 660 and 661 of the Civil Code.

Various Acts, Decrees and Orders regulating payment of compensation for industrial accidents to workers covered by special insurance funds.

Various amendments of the above-mentioned legislation.

Article 1. There is no specific constitutional provision as to whether the ratification of a Convention gives the force of national law to its provisions; this is a question for the courts to determine. The compensation rights of workers who meet with an industrial accident and their dependants are ensured by the legislation which came into force prior to the ratification of the Convention.

Article 2. About three-fourths of the country's employees are now compulsorily insured with the central Social Insurance Institution (I.K.A.). Section 2 of Act No. 1846 of 1951 requires the compulsory insurance of all persons who work for remuneration, within the bounds of the country under the orders of another, whether a private or public undertaking, and also of apprentices. Outworkers and non-manual workers in the higher wage groups are also covered. Civil servants performing work entitling them to a State pension are not insured; in case of accident they receive compensation directly from the State. Section 7 of the Act permits the progressive

application of insurance to different regions and occupations by means of regulations.

Many employees who are not at present insured with I.K.A. are exempted therefrom by reason of their affiliation with one of a number of special insurance funds established by special legislation for particular occupations. Compensation for most of the remaining non-insured employees is provided by the Royal Decree of 24 July 1920 governing the payment of compensation by individual employers in industry, commerce, construction, transport, chemical undertakings and undertakings using power-driven machinery. The relatively few remaining employees are protected by the provisions of the Civil Code relating to damages and assistance.

Article 3. The above-mentioned legislation does not apply to seamen, for whom a special system of compensation is provided. In accordance with Section 5 of the 1951 Act, a number of employees are insured with special insurance funds established for particular occupations and are thereby exempt from coverage by I.K.A. These funds are required by law to provide allowances in terms of benefits, contributions, and other advantages the amount of which is at least equal to that provided by I.K.A. Among those for whom such funds exist are flourmill workers, bakery workers, railway workers, millworkers and bank employees.

Article 4. The above-mentioned legislation does not apply to agricultural workers, except for that which applies to those using machines of the type referred to in the Decree of 1920.

Article 5. There is no separate branch of accident compensation under I.K.A. or the special insurance funds; compensation for permanent incapacity or death resulting from an accident is payable through the ordinary pensions branch. Under Section 29 of the 1951 Act the compensation payable by I.K.A. to an insured worker who has suffered invalidity as a result of an accident, takes the form of a periodical payment equal to 80 per cent. of the presumed wage for the lowest wage category, plus 10 per cent. of the difference between such presumed wage and that for the victim's wage category, plus an increase of up to 50 per cent. according to the total number of days of employment. This basic pension is increased by 50 per cent. for a dependent wife, by 20 per cent. for the first child, by 15 per cent. for the second, and by 10 per cent. for the third. The total pension may not be less than 60 per cent. of the presumed wage of the victim's wage category. Special rehabilitation benefits are allowed for a maximum period of up to two years to disabled persons who are able to earn more than one-third but not more than two-thirds of the normal earnings. A surviving spouse receives, under Section 28 of the 1951 Act, a pension equal to 80 per cent. of the basic pension of the deceased insured worker; surviving children each receive 20 per cent. thereof or 60 per cent. in the case of children who have lost both father and mother.

The special insurance funds are required under the Act to pay pensions at least equal to those payable by I.K.A. The relatively few workers who are still receiving compensation under the 1920 Decree receive a lump sum payable in accordance with legislation governing the payment of wages.

Article 6. Section 38 of the 1951 Act provides for a four-day waiting period before the payment of cash benefits in the event of temporary incapacity. The waiting periods of the special funds vary; no waiting period is prescribed by the 1920 Decree.

Article 7. Section 29 of the 1951 Act provides for a 50 per cent. increase in the invalidity pension when a disabled person requires constant assistance and care.

Article 8. Methods for the review of pensions granted are prescribed in the same section of the 1951 Act.

Article 9. Section 31 of the 1951 Act provides that injured workers are entitled to medical care of all kinds under the ordinary sickness insurance scheme, including the necessary surgical and pharmaceutical aid. This care is provided through the facilities of I.K.A., either exclusively at its expense or at that of the special insurance fund involved. The 1920 Decree requires the person or authority responsible for the payment of compensation to defray the necessary expenses for medical attendance as well.

Article 10. Prosthetic appliances are specifically mentioned as among the types of medical care which are furnished.

Article 11. The financial responsibility for the payment of compensation to their members is entrusted by the 1951 Act to I.K.A. or to the special insurance funds, all of which are operated on a contributory social insurance basis. Under the 1920 Decree, compensation claims are guaranteed and enjoy a lien on the property of any person or corporate body liable for their payment.

The application of the social insurance provisions of the 1951 Act is entrusted to I.K.A. and to the special insurance funds, which are under the supervision and control of the Ministry of Labour. Responsibility for the inspection and reporting of industrial accidents is assigned to the labour inspection and the health and safety services of the Ministry of Labour.

No decisions have yet been given concerning the application of the Convention.

The implementation of the Convention is considered to be satisfactory, as the social insurance system now applies to practically the whole country. The relatively few employed workers found in the limited number of small towns and villages not yet covered are protected by the Royal Decree of 1920 and the Civil Code. The policy of the Government is to extend social insurance gradually to all areas of the country.

About 500,000 persons are insured against accidents and receive benefits in cash and in kind from I.K.A.; about 140,000 persons are insured with special insurance funds, and about 130,000 with welfare funds and are eligible for lump-sum payments. Cash benefits for accidents paid by I.K.A. for temporary incapacity in 1952 totalled about 9,880 million drachmas. Separate figures are not available for invalidity and death pensions paid exclusively for accident cases.

Luxembourg.

Administrative Agreement concerning the provisions of Section 33, paragraph 6, of the General Convention between the Grand Duchy of Luxembourg and Belgium with regard to social security and the admini-

- nistrative arrangement concluded on 24 April 1951 within the framework of the said Convention.
- Grand Ducal Order of 11 March 1952, to fix a new maximum normal wage with regard to sickness insurance.
- Act of 12 May 1952, to approve the General Convention and the Special Protocol between the Grand Duchy of Luxembourg and the Netherlands with regard to social insurance, signed in Luxembourg on 8 July 1950.
- Grand Ducal Order of 29 May 1952, concerning the restitution of insurance rights to workers who change their place of residence and are affiliated to the workers' pension insurance scheme.
- Act of 23 July 1952 concerning military organisation.
- Grand Ducal Order of 14 August 1952 to provide for the granting of an increased pension to employees pensioned by the Social Insurance Office and entitled to retraining for a career.
- Grand Ducal Order of 27 August 1952, to amend the provisions governing the personnel of the Social Insurance Office.
- Grand Ducal Order of 27 October 1952, to amend the Grand Ducal Order of 22 August 1936, to give effect to Section 92, final paragraph, of the Social Insurance Code (Sole Section 19 of the Act of 6 September 1933), concerning accidents occurring on the way to and from work.
- Ministerial Order of 1 December 1952, to fix the average value of remuneration in kind from the point of view of the application of the Act of 17 December 1925 concerning social insurance and with regard to deductions of taxes from wages.
- Grand Ducal Order of 6 December 1952, concerning the extension of compulsory accident insurance to occupational diseases.

The statistics appended to the report show that the number of registered undertakings rose from 523 in 1903 to 12,178 in 1952, and covered a total of 69,913 insured workers. Contributions amounted to 167,250,100 francs. The number of accidents reported in 1952 (including accidents occurring on the way to and from work) amounted to 16,697, of which 15,888 gave rise to compensation. Fifty-three cases of occupational diseases were reported. The number of life pensions newly granted amounted to 576. The number of life annuities at 31 December 1952 was 5,301, and the amount paid in respect of these was 52,812,534 francs. Expenditure in benefits amounted to 195,900,046 francs, including 115,543,566 francs for pensions and benefits in cash, 11,736,987 francs for medical care, 1,631,621 francs for occupational diseases and 13,621,617 francs for administrative expenses.

Netherlands.

Various Royal Decrees and Ministerial Decrees, issued in 1952 and 1953 in application of the Act of 1921 respecting industrial accidents.

Statistical information for 1951 shows that 2,098,500 persons were covered by the industrial accidents legislation. In the same period, 407,910 accidents were reported; 430 were fatal. The total amount paid out was 52,624,838 florins in cash and 9,115,734 florins in kind.

New Zealand.

- Extracts from Finance Act (No. 2), 1952, to amend the Social Security Act 1936 and the Workmen's Compensation Amendment Act, 1947.
- Workers' Compensation Act, 1952, to amend the Workers' Compensation Act of 1922.
- Workers' Compensation Rules, 1939, as amended by Amendment No. 1 of 1939.
- Employers' Liability Insurance Regulations, 1951, as amended by Amendment No. 2 of 1951.

Detailed information is given on the provisions of the new Act and Regulations, copies of which

are appended to the report. Part I of the Workers' Compensation Amendment Act, 1952, establishes on a statutory basis the Compensation Court which was set up under regulations in 1940.

Part II of the last-named Act contains, *inter alia*, the following amendments to the basic Act of 1922. The maximum weekly amount of compensation has been increased from £7 10s. 0d. to £8. Compensation for loss of earning power resulting from partial incapacity is based on the worker's weekly earnings, increased or reduced in accordance with any increases or reductions in wages occurring during the period of payment. Under Sections 16 and 17 new provisions were introduced relating to the apportionment and investment of compensation payable for death, as well as to method of payment and the way in which compensation payable in the form of a lump sum is used.

The Secretary of Labour is empowered to exempt employers from their liability to insure in respect of workers who are employed in New Zealand but who are domiciled outside the country and are adequately protected by insurance enforceable in the country of their domicile or in the country where they were engaged.

The husband or the wife of the employer is not regarded as a worker under the Workers' Compensation Act unless the insurer chooses to insure him or her for compensation, which must be exclusive of damages; previously this restriction applied to "a member of the employer's family".

The Workers' Compensation Board, instead of the insurance company, as was previously the case, may add up to 25 per cent. to the premium for employers' liability insurance where the risk is unusually great. The maximum rates of premiums for all periods beginning on or after 1 April 1953 have been reduced by 7½ per cent.

In any proceedings under the Death by Accident Compensation Act, 1908, or the Workers' Compensation Act, 1922, for damages or compensation in respect of death, no account is to be taken, in assessing the damages or compensation payable, of any family benefit payable under the Social Security Act.

Statistical data included in the report show that 474,316 persons employed in the industries surveyed are covered by the workers' compensation legislation. For 1951 the expenditure on claims amounted to 52.5 per cent. of premium income, which was £2,210,700.

Poland.

See under Convention No. 12.

Portugal.

The texts of 14 decisions of the Supreme Administrative Tribunal concerning the application of the relevant legislation are included in the report.

Sixteen infringements were reported by the labour inspectorate.

Sweden.

Royal Ordinances Nos. 251, 253, 254 and 255 of 22 May 1953, to amend previous legislation, respecting supplements payable out of public funds to certain injured workmen; compensation for accidents and occupational diseases sustained by persons from whom labour is exacted, prisoners, etc.; and increased benefits for accidents and occupational

diseases sustained by persons from whom labour is exacted, prisoners, etc.

The total number of insured persons was estimated in 1949 (the last year for which figures are available) at 2,231,836, including 298,540 state-employed workers.

During the period under review the number of accidents registered by the Industrial Accident Insurance Office was 154,851 and the number registered by the mutual insurance companies was 130,442, making a total of 285,293. The total amount paid out in cash benefits by the above-mentioned office was 47,375,876 kronor; compensation for medical treatment amounted to 5,831,899 kronor.

The administrative expenses incurred by the Industrial Accident Insurance Office amounted to 8,085,227 kronor.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1952, to increase benefits and contributions.

Various amending Regulations and Orders, issued in 1952 and 1953, relating to claims and payments, benefit, prescribed diseases, industrial injuries and reciprocal agreements.

The report summarises the provisions of the above-mentioned legislation, which introduces only minor amendments in order to increase the rates of benefits under industrial injuries insurance and to provide for higher contribution rates.

Statistical data are given on spells of certified incapacity resulting from accidents or prescribed diseases occurring in Great Britain in 1950, analysed by cause of incapacity, sex and average duration. During the year ended 30 June 1953 about £23.1 million were expended on benefits.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952, to increase benefits and contributions.

Various amending Regulations and Orders, issued in 1952 and 1953, relating to benefit, claims and payments, prescribed diseases and industrial injuries.

The report summarises the provisions of the above-mentioned legislation, which introduces only minor amendments in order to increase the

rates of benefits under the industrial injuries insurance and to provide for higher contribution rates.

Statistical data are given showing that 9,466 claims for benefits in respect of accidents were received and that about £339,000 was expended on benefits in cash during the year ended 31 March 1953. The total number of persons insured in Northern Ireland is now 466,000, the number of agricultural workers being approximately 20,000.

Uruguay.

Draft legislation is being studied with a view to instituting compulsory insurance and bringing the national legislation into conformity with the provisions of Article 11 of the Convention.

The number of accidents reported during the period under review was 42,954, and the amount paid out for different categories of benefits was 5,556,939 pesos.

Nine infringements of Act No. 10004 were reported and fines imposed by courts of law amounted to 726 pesos.

Yugoslavia.

Decree No. 39 of 21 July 1952, to fix and to readjust pensions and invalidity benefits.

The new Decree, which was designed to adapt the system of pensions and invalidity benefits to the present economic system and more particularly to the system of wages in force, introduces a new system for the calculation and the readjustment of pensions calculated on the basis of provisions previously in force.

The report states that "pensions and invalidity benefits for workers and public officials are determined according to occupational qualifications and length of service and also take into account total earnings or salary. Pensions and invalidity benefits are also fixed according to the degree and cause of the incapacity for work."

The total number of salaried employees, workers, wage earners and apprentices to whom the legislation applies—except in agriculture—was 1,909,000 in June 1953. For the whole country, 94,096 accidents were recorded and a total of 12,167,690 dinars was paid out in pensions and invalidity benefits.

The report from *Mexico* reproduces the information previously supplied.

18. Convention concerning workmen's compensation for occupational diseases

This Convention came into force on 1 April 1927

Countries	Date of registration of ratification
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.
See under Convention No. 42.

Ceylon (First Report).
Workmen's Compensation Ordinance No. 19 of 1934.
Workmen's Compensation Regulations, 1935.
Regulation of 17 April 1944, to make amendments to Schedule II of the Workmen's Compensation Ordinance No. 19 of 1934.
Proclamation of 24 September 1947, to make amendments to the Workmen's Compensation Ordinance No 19 of 1934.
Regulation of 30 September 1950, to make amendments to Schedule II of the Workmen's Compensation Ordinance No. 19 of 1934.

The Workmen's Compensation Ordinance No. 19 of 1934 (Section 3) provides for the payment of compensation to workmen who suffer injury by accidents arising out of and in the course of their employment ; the contraction of an occupational disease is deemed to be an injury by accident within the meaning of Section 4 of the Ordinance and, unless the employer proves the contrary, it shall be deemed to have arisen out

of and in the course of employment. Section 6 of the Ordinance prescribes the rates of compensation in the event of temporary or permanent disablement and death ; these rates are the same as for industrial accidents. No compensation is payable for any injury which does not result in the total or partial disablement of a workman for a period exceeding seven days. Compensation is also not payable—except where death results from injury—in cases where the accident is directly attributable to the fact that the worker was under the influence of drink or drugs or was guilty of wilful disobedience, or where the accident was caused by the removal or disregard of any safety device.

Compensation is payable to a workman who contracts any of the occupational diseases specified in Schedule III of the above-mentioned Workmen's Compensation Ordinance. In order to receive the relevant benefits the worker must—except in the case of anthrax—show that he has at least six months' continuous service with an employer.

There is no inspection service as such, and the particulars required are not available. The administration of the Workmen's Compensation Ordinance is entrusted to the Director of Social Services, who acts as the commissioner for workmen's compensation. No cases of the occupational diseases listed in the Schedule to the Convention were reported during the period under review.

No observations were received from the employers' and workers' organisations.

Copies of the report will be sent to the organisations of employers and workers listed therein.

Chile.
Detailed statistical data are given showing that in 1952 there were 138 cases of occupational diseases (96 of silicosis, 25 of pneumoconiosis, 3 of lead poisoning and 14 of dermatitis), 4 of which were fatal. The total expenditure involved amounted to 36,342,544 pesos. The text of a decision given by a court of law is appended to the report.

Cuba.
The schedule of occupational diseases given in the national legislation (Act No. 2687 of 1933 and Legislative Decree No. 596 of 1936) corresponds completely to the provisions of Conventions Nos. 18 and 42.

Information supplied by the insurance companies and by the General Directorate of Health and Social Welfare shows that no cases of occupational diseases were reported and no compensation was paid in this respect.

Denmark.
Statistical data appended to the report show that during the period under review there were 93 cases of occupational diseases costing 277,168

kroner in compensation. In addition, compensation paid in respect of 79 cases previously reported involved an amount of 223,861 kroner.

Finland.

See under Convention No. 42.

France.

See under Convention No. 42.

Federal Republic of Germany.

Fifth Ordinance of 26 July 1952, to extend accident insurance to occupational diseases.

Act of 13 August 1952, to raise the maximum income limits for the purposes of social insurance and unemployment insurance, and to amend Ordinance No. 12 concerning the organisation of social insurance.

The new Ordinance contains a revised list of 40 occupational diseases giving right to compensation; this list includes all the diseases listed in the Schedule to the Convention. The new Act fixes, as from September 1952, the upper limit for annual earnings in the statutory accident insurance scheme at 9,000 DM. instead of 7,200 DM.

During the year under review 56,132 cases of occupational diseases were reported and a sum of 163,835,000 DM. was paid out in compensation.

India.

Statistical information for 1951 shows that compensation for temporary incapacity was paid in two cases in the State of Bombay.

Iraq.

See under Convention No. 42.

Italy.

Act No. 1967 of 15 November 1952, to extend the scope of the occupational diseases insurance scheme, and to modify the schedule of occupational diseases appended to Royal Decree No. 1765 of 17 August 1935 (L.S. 1935—It. 8).

The Act of 15 November 1952 increases to 40 the number of occupational diseases in respect of which compensation is payable. The Act also amends the schedule given in the previous legislation by employing the more general term "disease", instead of "poisoning", for defining the symptoms of the diseases for which compensation is payable. In addition, the scope of the Act includes all processes in which the danger in question normally exists or may exist under certain circumstances. For many diseases the Act increases the maximum period during which compensation is payable after the cessation of work.

Japan.

The report gives the text of amendments made during the period under review to the provisions of the Labor Standards Law and its Enforcement Ordinance, as well as the Workmen's Amended Compensation Insurance Law. These amendments relate to the calculation of benefits to be paid to workers undergoing medical treatment as a result of an industrial accident or an occupational disease.

Statistics given show that, at the end of 1952, the number of establishments to which the Labor Standards Law is applied was 813,407 and the number of workers employed therein 10,795,022. During 1952, 23,308 cases of occupational diseases occurring among 16 groups of industries were reported. The total amount of compensation paid out for industrial accidents and occupational diseases during the period April 1952 to March 1953 was 11,746,221,296 yen.

Luxembourg.

Grand Ducal Order of 6 December 1952, to extend compulsory accident insurance to occupational diseases.

The above Order extends the list of occupations involving exposure to the risk of silicosis to all operations exposing the worker to the inhalation of fine dust of silica and silicates.

Norway.

See under Convention No. 42.

Poland.

See under Convention No. 12.

Switzerland.

Federal Act of 19 September 1952, to amend the Federal Act of 13 June 1911 respecting sickness and accident insurance.

Ordinance of 11 November 1952, respecting occupational diseases.

The Government appends to its report the text of the Act of 19 September 1952 which amends the Act of 13 June 1911 (for example in respect of the remuneration taken into account in calculating benefits), and the text of the Ordinance of 11 November 1952 which extends the list of the substances the production and use of which are likely to give rise to certain occupational diseases.

During the period under review there were 32 cases of lead poisoning (one of which was fatal), eight cases of mercury poisoning and one case of anthrax. The Government also appends to its report a copy of the report of the Swiss National Accident Insurance Fund, which shows that benefits were paid in respect of 247 cases of silicosis.

Uruguay.

Decree No. 11577 of 14 October 1950, to regulate conditions of work in unhealthy industries and to establish a special system of compensation for occupational diseases contracted in such industries.

The report supplies detailed information concerning the application of this Decree which increases the pensions and benefits payable to the victims of occupational diseases contracted in unhealthy industries.

Yugoslavia.

See under Convention No. 17.

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

Burma, Czechoslovakia, Pakistan, Portugal.

19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents

This Convention came into force on 8 September 1926

Countries	Date of registration of ratification
Argentina	14. 3. 1950
Austria	29. 9. 1928
Belgium	3. 10. 1927
Bulgaria	5. 9. 1929
Burma ¹	30. 9. 1927
Chile	8. 10. 1931
China	27. 4. 1934
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Czechoslovakia	8. 2. 1927
Denmark	31. 3. 1928
Egypt	29. 11. 1948
Estonia	14. 4. 1930
Finland	17. 9. 1927
France	4. 4. 1928
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.

In reply to the observations of the Committee of Experts the report states that the Parliamentary Committee which is considering a Bill concerning compensation for industrial accidents, designed to ensure full conformity with the provisions of the Convention, has not yet completed its work.

Austria.

The convention on social insurance, signed with the Federal Republic of Germany on 21 April 1951, came into force on 1 January 1953. The text of this instrument is appended to the report.

Belgium.

The report enumerates the following legislation and bilateral agreements respecting industrial accidents :

Royal Orders of 17 September 1951 and 29 May 1952.
General Convention between Belgium and France on social security ; Supplementary Agreement concerning the social security scheme applying to fron-

tier and seasonal workers ; Supplementary Agreement concerning the social security scheme applying to workers in mines and equivalent establishments ; these instruments were signed in Brussels on 17 January 1948 (L.S. 1948—Int. 4).

General Convention between Belgium and Luxembourg on social security, signed in Luxembourg on 3 December 1949.

Convention between Belgium and Italy on social insurance, signed in Brussels on 30 April 1948 (L.S. 1948—Int. 6).

Burma.

Proposed new Rules have been submitted to the Government for consideration, modifying previous Rules concerning the transfer abroad of money payments in respect of workmen's compensation.

Chile.

During the year 1952, 238 foreign workers sustained industrial accidents.

Cuba.

Statistics appended to the report indicate that 245 foreign workers received compensation for industrial accidents.

Denmark.

A general convention on social security, signed with France on 30 June 1951, came into force on 1 October 1952. A copy of this instrument is appended to the report.

France.

Act No. 52-898 of 25 July 1952, to increase the allowances due under the legislation concerning industrial accidents.

Decree No. 52-1168 of 10 October 1952, to amend the Decree of 17 November 1947 to fix special methods for the application to occupational silicosis of the Act of 30 October 1946 respecting the prevention of and compensation for industrial injuries and occupational diseases (L.S. 1946—Fr. 12).

Decree No. 52-1169 of 18 October 1952, to fix special methods for the application to occupational asbestosis of the Act of 30 October 1946.

Decree No. 53-238 of 24 March 1953, to amend Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations for the application of Act No. 46-2426 of 30 October 1946.

Decree No. 53-531 of 28 May 1953 relating to the application of Act No. 46-2426 of 30 October 1946 to special systems.

Article 1. The Franco-Danish convention which was signed on 30 June 1951 came into force on 1 October 1952. Section 21 provides that the increases or supplementary allowances granted or to be granted in addition to pensions for industrial accidents are or will be continued for the nationals of each of the contracting countries who transfer their residence from one of the countries to the other.

The Franco-Belgian negotiations, which took place on 13 and 14 January 1953, led to agreement on certain questions raised by the application to frontier workers of the general convention on Franco-Belgian social security. Difficulties with regard to industrial accidents arise when

a frontier worker covered by French legislation is the victim in Belgium of an accident while on his way to or from work. The French and Belgian delegations who examined this problem decided that the French Minister for Foreign Affairs would officially raise the question with the Belgian Minister for Foreign Affairs and that the latter would intervene with regard to this question with the Belgian Government Departments concerned, in particular, the Ministry of Justice. Other arrangements have been adopted with regard to the application of certain provisions of the Supplementary Agreement determining the system of social security applicable to frontier and seasonal workers under which the right to prosthetic appliances exists only in France. The conditions under which "accessories and dressings" and "small appliances" may be supplied have been established.

During the period 1 July 1952 to 30 June 1953, a total of 25,864 foreign workers entered France, i.e., 968 Germans, 17,003 Italians and 7,893 other nationalities.

Federal Republic of Germany.

Fifth Ordinance of 26 July 1952, to extend accident insurance to occupational diseases.

Act of 13 August 1952, to raise the maximum income limits for the purposes of social insurance and unemployment insurance, and to amend Ordinance No. 12 concerning the organisation of social insurance.

The Ordinance of 26 July 1952 extends the list of occupational diseases to be compensated (see under Convention No. 18). The Act of 13 August 1952 raises the maximum income limit for the determination of cash benefits from 7,200 to 9,000 DM. per year. Neither measure affects the application of the Convention as described in the Government's first report. On 5 May 1953 an agreement on social insurance was signed with Italy and on 12 May 1953 a supplementary agreement was signed concerning the payment of pensions for the period before the coming into force of the said agreement; however, these instruments are not yet in force. The principal agreement provides for equal treatment on the basis of reciprocity in respect of the nationals of both contracting countries in the same way as the conventions concluded in previous years with Austria, France, the Netherlands and Switzerland.

India.

The Employees' State Insurance Act, 1948, which provides, *inter alia*, for payment of benefits in case of employment injury, has been in force in seven industrial centres in Punjab since May 1953. Statistics of accidents for which compensation was paid in 1951 are appended to the report.

Indonesia (First Report).

Law No. 2 of 6 January 1951, to bring the Accidents Law (No. 33) of 1947 into operation throughout Indonesia (L.S. 1951—Indo. 2).
Royal Decree of 20 April 1939.

Article 1, paragraph 1. Section 6 of the above Law and Section 3 of the above Decree apply the provisions of this Article. The provisions relating to foreign workers are applicable whether or not such workers are nationals of a Member of the International Labour Organisation.

Paragraph 2. Section 13 of the Law deals with the case of the employee or the surviving relatives leaving the territory of the Republic of Indonesia, and provides that in such event periodical benefits may be converted into a lump sum, subject to certain safeguards. No distinction is made in this section between nationals and non-nationals.

Article 3. Workmen's compensation for industrial accidents was introduced by the Accidents Law of 1947 and applied to the whole of Indonesia by the Law of 6 January 1951.

Article 4. No modifications in the legislation relating to workmen's compensation were reported for the period under review.

The employer or manager is required to notify accidents to the labour inspector. Medical advisers also assist in the application of the Law.

The report points out that cases of accidents to foreign workers are rare.

Iraq.

The report states that during the period under review only one foreign worker claimed compensation; he was an Iranian and, because Iran has not yet ratified the Convention, he was not entitled to compensation under Iraqi law. His employer nevertheless paid him compensation.

Ireland.

Social Welfare (Great Britain Reciprocal Arrangements) Order, 1953.

Social Welfare (Northern Ireland Reciprocal Arrangements) Order, 1953.

The above two Orders continued in operation, as from 5 January 1953, the provisions of the corresponding Orders of 1949, which lapsed on 4 January 1953.

Italy.

During the period 1952-53 the conventions concluded with the United Kingdom and the Saar were ratified; similar agreements have been signed (but not yet ratified) with Austria, the Federal Republic of Germany, Luxembourg and the Netherlands. Negotiations on other such conventions are envisaged in respect of Argentina, Australia, Denmark, Norway, Sweden and the United States.

Luxembourg.

The legislation concerning equality of treatment for national and foreign workers is supplemented by an Act of 12 May 1952 approving the General Convention and Special Protocol on social security between the Grand Duchy of Luxembourg and the Netherlands, signed in Luxembourg on 8 July 1950.

Norway.

The report contains statistics, by group of industry and by nationality, respecting foreign workers with working permits who were in Norway on 30 September 1952 and 30 June 1953. These statistics show that the number of such workers was 16,019 on 30 September 1952 and 15,517 on 30 June 1953. The Government states that statistics on industrial accidents for foreign workers are not available, owing to the fact that, as the relevant legislation makes no distinction

as to nationality of the worker, information as to nationality is not asked for when industrial accidents are reported.

Poland.

See under Convention No. 12.

Portugal.

During the period under review 2,470 temporary work permits and 1,191 permanent work permits were issued to foreign workers.

Switzerland.

Federal Act of 19 September 1952, to modify the Sickness and Accident Insurance Act.
Order of 11 November 1952, respecting occupational diseases.

The Act of 19 September 1952 raises the maximum earnings to be taken into consideration for the calculation of premiums and benefits from 27 to 30 francs per day, and increases funeral benefits from 40 to 250 francs ; in addition the Act raises the age limit for an orphan's pension from 16 to 18 years, in general, and to 20 years for children who are studying or are in apprenticeship.

The number of diseases giving the right to statutory benefits under accident insurance has been increased by the above-mentioned Order. No distinction is made between nationals and non-nationals.

The number of fatal accidents which occurred between 1 July 1952 and 30 June 1953 was 372 ; 67 of the victims were foreigners (51 Italians, 9 Germans, 3 Frenchmen, 2 Austrians and 2 Lichtensteiners). Appended to the report are copies of the Act and Order mentioned above, as well as of the annual report and accounts of the Swiss National Accident Insurance Fund for 1952.

Union of South Africa.

Statistics are no longer kept of the number of non-Union Natives employed in the Union. In the year ended 30 June 1953 the number of reported accidents to non-Union Natives employed in the mines in the Transvaal was 11,696.

United Kingdom.

Great Britain.

National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order, 1953.
National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order, 1953.

The first of the above-mentioned Orders gives effect to an agreement made with the Republic of Ireland on 28 January 1953 which replaced five earlier agreements and made their provisions applicable to the new social insurance scheme established in that country. The second Order gives effect to an agreement made with Italy on 28 November 1951 providing that each country shall pay compensation for industrial injuries to beneficiaries living in the other country. The agreement also provides that a United Kingdom or Italian national, who is ordinarily resident in Great Britain and is in the service of an employer having a place of business there, remains insured under the legislation of Great Britain if he is sent to work in Italy for a period which is not expected to exceed six months. Similarly, a United Kingdom or Italian national who comes to work temporarily in Great Britain remains insured under Italian legislation while he is in Great Britain. The texts of the agreements in question are appended to the Orders.

Northern Ireland.

National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland), 1953.

This Order gives effect to an agreement made with the Republic of Ireland on 27 January 1953 relating to insurance and workmen's compensation.

Venezuela.

As regards the new Constitution of 15 April 1953, see under Convention No. 1.

The report contains statistical information on workmen's compensation payments and on industrial accidents suffered by Venezuelan and foreign workers during the period under review.

Yugoslavia.

Decree No. 39 of 21 July 1952, to fix and to readjust pensions and invalidity benefits.

See under Convention No. 17 for information relating to the amendments introduced by this decree.

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

Czechoslovakia, Egypt, Finland, Greece, Japan, Mexico, Netherlands, Pakistan, Sweden, 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	26. 7.1951

Countries	Date of registration of ratification
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.

Appended to the report are copies of the few decisions given in respect of contraventions of the Act which applies the Convention. In 1952 the inspection services noted 205 contraventions of the legislation.

Finland.

The revised draft legislation concerning work in bakeries, drawn up by the tripartite committee mentioned in last year's report, was submitted to Parliament in April 1953.

During 1952, 1,577 visits of inspection (123 at night) were made to 1,228 bakeries employing 10,306 persons; 27 contraventions were confirmed.

Ireland.

During the period under review the competent authorities carried out 2,002 inspection visits in 679 bakeries, and noted two contraventions of the legislation.

Israel.

Act of 27 February 1951, to prohibit night work in bakeries (L.S. 1951—Isr. 1).

Article 1. The definition of "baking" given in Section 1 of the Act, combined with Section 2 whereby night work in bakeries is prohibited, gives effect to paragraph 1 of this Article. Proprietors are not expressly mentioned in the Act but there is no indication of their exclusion from the prohibition. Section 3 (1) exempts baking carried out by a person for the purposes of his own household.

The wholesale manufacture of biscuits is exempted under Section 3 (2) of the Act, but is limited to places where such baking is done in shifts and no other baking is carried out. The report states that the products to be included in the term "biscuits" have not been determined as no differences of opinion exist as to its meaning, but that *matzot* (unleavened bread) is expressly included among the exemptions.

The report adds that the Act itself was drafted after consultation of the workers' and employers' organisations concerned.

Article 2. Section 1 of the Act defines "night" as being between 10 p.m. and 6 a.m., and, as noted above, the Act was drafted after consultation with the workers' and employers' organisations concerned.

Article 3. Section 4 of the Act meets in detail the first part of clause (a) of this Article. A notice fixing the time allowed for "preparatory" and "complementary" work was published in the Official Gazette, after consultation with the representative workers' and employers' organisations.

The Israel Employment of Children and Young Persons Ordinance, 1925, prohibits the night work of persons under 18 years of age, as is required in the second part of clause (a).

The exceptions permitted under clauses (b), (c) and (d) of Article 3 are covered respectively by the following provisions of the Act: Section 6 (a) (3): in localities or seasons in which climatic conditions require it; Section 5 (b) and Section 6 (a) (5): weekly rest; and Section 6 (a) (1 and 2), national requirements. Exceptions for "unusual pressure" of work in such terms are not included in the Act, but by Section 6 (a) (4) authorisation may be given for baking the supply of *matzot* for Passover. Section 6 (a) of the Act provides that the Minister of Labour may, in certain circumstances, authorise baking during the night or certain hours of the night and, except in cases of national necessity, the authorisations are subject to consultation with workers' and employers' organisations (Section 6 (e)). These consultations are usually in writing, but in urgent cases are verbal.

Article 4. Section 5 of the Act permits the exceptions provided for in this Article. Such night work must be notified to the regional labour inspector in writing not later than the following day, and may not be continued except under a written permit from the inspector.

Section 12 makes the Minister of Labour responsible for the administration of the Act; Section 7 gives the labour inspector power to supervise enforcement. The Government states that the inspectors visit baking establishments during the night, and that progress has been made in enforcing the provisions of the Act. In Jerusalem and Haifa the application of the Act is fully ensured. Elsewhere, and particularly in places where there are many small bakeries, the work of the inspectors is more difficult.

During the period under review four general permits were given for baking during nights following holidays, and special permits were granted in cases of the breakdown of machinery. The number of visits made by inspectors was 789; 67 warning letters were sent. During the year ending 31 December 1952, 77 cases were filed with the courts, and in 41 of these cases fines were imposed; 36 cases are still pending.

Uruguay.

During the period under review 74 contraventions were noted of Act No. 11146 re-establishing the prohibition of night work in bakeries, and fines totalling 11,305 pesos were imposed.

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 ³	15. 10. 1929
United Kingdom ³	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.

Australia.

The report states in regard to Article 3 that in bilateral agreements for immigration to Australia it is customary to reserve the right to Australia of appointing officers to accompany each ship in order to advise migrants concerning Australian conditions and, in general, to attend to their welfare during the voyage.

Austria.

During the period under review 1,360 Austrian citizens and 1,950 refugees emigrated.

Belgium.

During the examination of Article 4 of Convention No. 97 concerning migrant workers, which has been approved by the Belgian Parliament, the Senate Committee on Labour and Social Welfare raised the question whether it would not be useful to bring up to date and supplement the legislation of 1876 and 1950 regulating the transport of migrants. The Government decided to consider what effect could be given to these suggestions.

A statistical table appended to the report gives details of migratory movements which took place through the Port of Antwerp during the period under review. There were 1,573 direct departures (including 269 Belgians) and 2,973 indirect departures (including 1,712 Belgians).

Finland.

During the year 1952, 5,966 persons emigrated from Finland.

India.

During the year 1952, 53 emigrant and 58,688 non-emigrant unskilled workers went to Ceylon; in the first six months of 1953 the number of unskilled workers who went there was 19,778.

Under Section 30 (A) (1) of the Indian Emigration Act, the emigration of unskilled workers to Burma, Ceylon and Malaya is prohibited but in regard to these countries the Central Government has issued special or general exemption orders.

Ireland.

During the year 1952, 4,472 persons emigrated by sea to countries outside Europe. A number of persons of British nationality are included in this total. The figures for the years 1949, 1950 and 1951 are respectively 8,458 (revised), 5,089 and 3,418 (revised).

Japan.

A growing number of Japanese nationals emigrated to Argentina and Brazil. This emigration took place as a consequence of invitations issued by close relatives already living in these countries. However, a first group of Japanese nationals (1,264) left the country for Brazil within the framework of the first series of the governmental post-war emigration programme.

Legislative as well as administrative measures in respect of emigration and immigration, based on the Convention, are being considered by the Government.

Netherlands.

A statistical table appended to the report gives details of the total number (40,331) of emigrants who left during the period under consideration.

New Zealand.

The number of permanent residents who left the country for good during the year ended 31 March 1953 was 6,271 (5,763 to British Commonwealth countries and 508 to other countries).

Venezuela.

The report states that Venezuela is essentially a country of immigration and that no occasion has therefore arisen to give practical effect to the terms of the Convention.

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

Burma, Luxembourg, Mexico, Pakistan, Uruguay.

NINTH SESSION (GENEVA, 1926)

22. Convention concerning seamen's articles of agreement

This Convention came into force on 4 April 1928

Countries	Date of registration of ratification
Argentina	14. 3.1950
Austria	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 following information was supplied in reply to the observations made by the Committee of Experts in 1953 :

Article 1. This is applied under the provisions of Book III of the Commercial Code, which are applicable to all sea and river traffic in respect of vessels of more than six tons (Section 859 of the Commercial Code).

Article 5. According to Section 1222 of the *Digesto Marítimo y Fluvial*, no person may be employed on board an Argentine trading ship unless his name is entered in the official register of the General Prefecture of Shipping. Under Section 1223 the General Prefecture keeps special registers for the different occupations; on the other hand, the subprefectures and sub-offices keep partial registers of occupations, specifying the particulars which are required to be entered in these registers. The documents which the party concerned is required to produce

in order to be entered in the register of the General Prefecture are specified in Section 1243. Section 1245 provides that, after entry in the register, no person may be engaged as a member of a ship's crew unless he holds a seaman's book issued by the General Prefecture. This book must contain the particulars already entered in the register of the Prefecture. Section 1248 specifies that all engagements and discharges of a seaman shall be entered in his book under the supervision of the shipping authority. Section 1254 provides that each member of the crew must be aware of his obligations under the Commercial Code, and for this purpose the relevant provisions shall be set out in the seaman's book.

Article 13. Although the circumstances covered in this Article of the Convention are not specifically envisaged in the Commercial Code, the implication of the last part of paragraph 1, which enables a seaman to obtain his discharge, does not differ from the stipulation in Section 1200 of the Civil Code which provides that " the parties may dissolve their obligations by mutual consent". It should be noted that the Commercial Code refers back to the Civil Code in cases where the former does not contain specific provisions.

The application of paragraph 2 of Article 13 is guaranteed under Section 1627 of the Civil Code, which specifies that " a person doing any work or performing any service for another may claim remuneration, even if no such remuneration has been arranged, provided that the service or work forms part of his occupation or means of livelihood ".

Article 14. Section 986 of the Commercial Code stipulates that the master of a vessel is obliged to provide the members of his crew, if they so request, with a signed certificate stating " the nature of the agreement, the wage agreed upon, and any sums paid on account ". In addition, the discharge must be entered both in the seaman's book and in the list of the crew under the supervision of the competent authorities, as laid down in the *Digesto Marítimo*.

See also under Convention No. 9 for the information supplied by the General Prefecture of Shipping.

Australia.

During the period under review 9,955 seamen of all ranks and ratings were signed on for vessels in Australian ports. The total number of engagements during the same period was 32,816.

Belgium.

During the period under review approximately 3,100 seamen were covered by the provisions of the Convention. There were six disputes concerning, in particular, compensation for breach of contract, payment of wages, and holidays with pay. Five of these cases were settled by conciliation.

Chile.

According to the information supplied by the maritime inspection services for the period under review, 1,614 seamen were engaged and 3,370 persons were covered by the provisions of the Convention. The five seamen's employment offices, which are under the direction of the harbourmasters, are responsible for the supervision and control of contracts. No difficulties were encountered with regard to the placing of seamen or the renewal of their contracts.

Cuba.

During the months of July, August and September 1952, 310 engagements were effected in seven ports.

Finland.

During the period 1 July 1952 to 30 June 1953 the inspection visits carried out in connection with the engagement and discharge of seamen numbered 18,987 and 19,245 respectively. There were two infringements of the regulations.

France.

Detailed statistical data are appended to the report showing the number of persons employed on board vessels in various departments and in various categories ashore during the year 1952.

Ireland.

The number of seamen signed on during the period under review was 4,600.

Italy.

During the period under review the number of seamen signed on was approximately 48,000. Of these, 29,000 were engaged on passenger ships, steam vessels or motor boats and 19,000 on small vessels (fishing vessels and sailing vessels).

Mexico.

Article 1. The meanings of the terms "vessel", "seaman", "master" and "home trade vessel", as given in the Convention, are accepted by the national law and practice. The legislation does not fix any tonnage limits.

Article 2. The national legislation does not lay down any geographical limits for vessels engaged in commercial trade or in coasting trade other than that with Guatemala, the United States and Cuba.

Article 3. This is applied by Section 287 of the Act on general lines of communication and Sections 23, 28, 29, 136 and 137 of the Federal Labour Act. In addition to the general provisions relating to seamen, Section 29 of the Labour Act contains special provisions relating to con-

tracts of employment entered into by Mexican workers for services abroad.

Article 4. This is applied by Section 22 of the Federal Labour Act.

Article 5. Section 111 (Part XIV) of the Federal Labour Act lays down that the employer shall give to any employee who is leaving the undertaking a written certificate concerning his services. Neither the general provisions nor the special provisions relating to maritime work specify the contents of this certificate. Nevertheless, owing to the fact that, because of ratification, the Convention has been given the force of law, a worker can demand the application of the provisions of this Article of the Convention. The Government adds that it has no available copy of the certificate to forward with its report.

Article 6. This is applied by Sections 37 to 39, 55 to 57, 121 to 123, 140, 142, 144 to 146, 150 and 161 of the Federal Labour Act.

Article 7. The Act on general lines of communication provides that all members of the crew must be entered in the list of crew, which must contain the details laid down in the regulations. The list of crew must be signed by the master and must be communicated, after approval by the competent authority, to the Minister of Communications. These provisions were suppressed in the legislation in force, obviously with the intention of issuing legislative provisions to regulate the matter.

Articles 8, 9, 10, 11 and 12. These Articles are applied by the relevant provisions in the Federal Labour Act and the Act on general lines of communication.

Article 13. There is no provision in the national legislation which permits a seaman to break his contract and to request his discharge in order to take a better post, provided he finds a competent person to take his place. However, under Sections 123 and 125 of the Labour Act, the worker is entitled to cancel the contract of employment for special reasons; only one case has been brought before the courts in which a seaman's responsibilities under this Article were in dispute. The system in Mexico is more liberal and is only likely to prejudice a seaman who is offered a better post when the vessel is in a place where he is unable to leave it. This, however, is a circumstance which cannot be taken into consideration as regards the protection afforded to workers.

Article 14. According to Section 111 (Part XIV) of the Federal Labour Act an employer who does not give the employee the certificate required is liable to a fine. It is not possible for the Government to supply a copy of the certificate in question. When the seaman leaves the ship this fact must be recorded in the list of the crew.

The Ministries of Shipping and Labour, the conciliation and arbitration boards, the harbourmasters and, abroad, the Mexican consuls, are responsible for ensuring the application of the Convention. In each port there is a federal labour inspector who makes inspection visits to ensure that there is compliance with the provisions of the legislation. All contraventions are reported to the Ministry of Labour and are punishable by fines. There are no labour inspection reports and

no statistics which make it possible to estimate the number of workers covered by the Convention.

Netherlands.

Order of 18 March 1953.

In pursuance of the above-mentioned Order a central superintendent of police has been appointed as the official in charge of engagements and responsible for the delivery of seamen's engagement books. A copy of the text of the Order is appended to the report.

New Zealand.

Shipping and Seamen Act, 1952 (in force as from 19 November 1953).
Seamen's Arbitration Award.

The definitions given in the legislation of the various terms are in conformity with the Convention.

Article 3 of the Convention is applied by Sections 32 to 40 of the Act; *Article 4* by Sections 91 and 101; *Article 5* by Sections 58 and 61; *Article 6* by Sections 32, 33, 34 and 49.

Article 5. Under Section 58 of the Shipping and Seamen Act the master is required to sign and give to a seaman discharged from his ship—either on his discharge or on payment of his wages—a certificate of discharge in a form approved by the Minister of Marine, specifying the period of service and the time and date of discharge. Similar requirements apply (under Section 61) where a seaman engaged on New Zealand articles is discharged elsewhere than in New Zealand.

Article 7. There is no provision in the Act for a separate list of crew to be carried on board; but the signing-on agreement is signed in duplicate and one copy is kept on board.

Article 8. Under Section 36 of the Act the master is required to post up a copy of the signing-on agreement with the crew in a place which is accessible to the crew.

Article 9. New Zealand law does not provide for agreements for an indefinite period.

Article 10. Conditions for the termination of contract are determined by Sections 56 (1), 62 and 66 of the Act and by Clause 5 of the Seamen's Arbitration Award.

Article 11. Clause 55 of the Seamen's Arbitration Award provides that the master may dismiss a seaman either immediately or at the first port of call in certain specified cases (e.g., for drunkenness or misconduct).

Articles 12 and 13. Clauses 3 and 33 (a) of the Seamen's Arbitration Award provide that, at 24 hours' notice, a seaman may claim his discharge at the port where he first joined the ship or, if such port is not within the voyage of the ship, at other listed ports. In practice, immediate discharge is seldom refused if the seaman gives adequate reasons for requiring it.

Article 14. See under *Article 5*.

Norway.

Royal Decree of 17 October 1952.

A new Act concerning seamen was adopted on 17 July 1953 but has not yet come into force.

Article 1. The tonnage limit is fixed at 100 tons gross for all trades.

Article 2. The Royal Decree of 17 October 1952 defines as follows the geographical limit for extended home trade (*storkystfart*): Swedish and Danish waters east of the line Kristiansand-Hirtshals to Ystad, and along the German coast eastwards to Arkona.

Article 3. A copy of the engagement contract is appended to the report.

Article 6, paragraph 3 (10) (c). An agreement may be concluded for an indefinite period, either party being able to terminate it by giving one month's notice (for deck and engineer officers) or seven days' notice (for the remainder of the crew). The termination of an agreement can take effect in any port at which the ship calls to load or unload (Section 13 of the Act of 16 February 1923).

Article 6, paragraph 3 (12). The information which must appear in the engagement contract is given in Sections 11, 13 and 15 of the 1923 Act.

Article 9, paragraph 3. The exceptional circumstances in which notice of termination, even when given in accordance with the regulations, does not have the effect of dissolving the contract, are determined by Sections 16 and 17 of the Act.

Article 10, clause (d). The agreement may be terminated if the seaman falls ill or is injured. The relevant provisions on this point are contained in Sections 27 and 28 of the Act. The agreement is also terminated if the seaman deserts the vessel.

Articles 11 and 12. The cases where the shipowner or the master is entitled to dismiss a seaman are dealt with in Sections 35 to 40 of the Act.

The responsibility for the application of the legislation is entrusted to the Ministry of Industry, Handicrafts and Shipping. Supervision is exercised at the time of the signing on and discharge of seamen. Outside Norway, supervision is exercised by the consuls in virtue of Section 43.

See also under Convention No. 8.

Poland.

Act of 28 April 1952, respecting service on board Polish merchant ships in the foreign trade (L.S. 1952—Pol. 2).

Polish legislation does not employ the term "vessel engaged in home trade". In conformity with Section 37 of the above-named Act, the contract of service is drawn up in writing and is signed by the shipowner or his representative and by the seaman. The Act does not provide for the control by the public authorities of the form or the terms of the contract, since the rights and obligations of seamen are laid down in the above-mentioned Act. The seaman's obligations are determined by the ship's regulations, which are drawn up in agreement with the Central Board of the Trade Union of Shipping Workers and confirmed by the Minister of Shipping.

In conformity with Section 38 of the Act each seaman receives at the time of his engagement a sea service book showing the work which he has already performed.

In virtue of Section 39 of the Act the contract of service may be concluded for an unspecified duration, a specified duration, or for the duration of a particular voyage. A list of the crew is kept

on board, showing the functions of each member. The rights and obligations of all parties are established by the legislation or by collective agreements.

In conformity with Sections 37, 46, 47 and 50 of the Act, the annulment of a contract concluded for an indefinite period may take place after a minimum of 14 days' notice in writing. As far as Polish subjects are concerned, a contract can only be rescinded in a Polish port and, for foreign seamen, in the port where the contract is made or the port specified in the contract, or in a port in the country of which the seaman concerned is a national, even if the notice has expired before arrival at one of these ports.

In accordance with Section 47, the parties concerned can agree to the dissolution of the contract, whether it is concluded for a particular voyage or for a specified or an unspecified period. In accordance with the general legislation a contract is annulled by the death of the seaman. On the other hand, Polish legislation does not provide for the rescission of the contract on account of the loss or unseaworthiness of the vessel.

According to Section 48 of the Act and to the

Code of Obligations the contract may be dissolved instantly by either party for a serious reason. In the event of a dispute, a tribunal decides whether the reasons given are sufficiently serious. The expiry of a contract is noted in the seaman's service book. Moreover, the seaman may ask for a certificate giving an appreciation of his work.

The supervision of the application of the Act is entrusted to the Ministry of Shipping.

Yugoslavia.

The Government adds the following to the list of legislation applying the Convention mentioned in the previous reports :

Regulation of 10 February 1949 concerning the contents and method of concluding labour contracts.

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

Burma, Canada, Federal Republic of Germany, India, Luxembourg, Pakistan, United Kingdom, Uruguay.

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.

In reply to the observations made by the Committee of Experts the Government states that the Convention is applied in practice, since Section 859 of the Commercial Code refers both to maritime and river navigation, except as regards vessels of less than 6 tons. The Code of Social Legislation, which is at present in preparation, will lay down certain legislative provisions.

See also under Convention No. 8.

Belgium.

During the period under review 86 seamen were repatriated, 52 as the result of illness and 34 as the result of shipwreck.

Cuba.

Legislative Decree No. 882 of 1953, to modify Legislative Decree No. 660 of 1934 (L.S. 1934—Cuba 12 B).

Under Legislative Decree No. 882 repatriation costs have priority over other debts.

Italy.

During the period under review approximately 1,700 seamen were repatriated at the expense of shipowners or the public authority.

Mexico.

Article 1. The national legislation makes no distinction as regards the types of vessels which are included under the general term "ship" (*embarcación*), nor does it determine the tonnage of vessels engaged in commercial trade or in coasting trade. The latter trade is still limited to vessels capable of being anchored in all Mexican ports.

Article 2. See under Convention No. 22.

Article 3. This is applied under Sections 75, 87, 88 and 287 of the Act on general lines of communication and by Sections 29, 41, 141, 143 and 147 of the Federal Labour Act. Section 29 of the last-named Act contains special provisions relating to the repatriation of a worker and to the payment of the cost of the journey to his home.

Article 4. All the cases referred to in this Article are covered by the Federal Labour Act which gives the worker the right to repatriation expenses.

Article 5. The implementation of the provisions of this Article is ensured by the application of

Sections 29, 141, 159 and 160 of the Federal Labour Act.

The authorities responsible for the application of the provisions of the laws and regulations are the Ministries of Shipping and of Labour and Social Welfare, the conciliation and arbitration boards, the labour inspectors, the consuls and, in Mexican ports, the staff of the General Department of Population.

No reports are available from the inspection services and there are no statistics which make it possible to estimate the number of workers covered by the legislation.

Netherlands.

In connection with an observation received from employers' organisations on the contents of the report concerning Convention No. 23, the Government states, with regard to the application of Article 3 of the Convention, that in the case where the employment is terminated outside the Netherlands a foreign seaman has, in conformity with Netherlands legislation, the same right as a Netherlands seaman to free transportation to the place where the employment on board the vessel began or to a port in the country of which he is a resident, and this at the choice of the shipowner.

Poland.

Act of 28 April 1952 respecting service on board Polish merchant ships engaged in the foreign trade (L.S. 1952—Pol. 2).

Article 1. The above Act applies to all trading ships calling at foreign ports.

Article 2. The Act also applies to all persons engaged on board and entered in the crew list, including the master and officers. The expression "home trade" does not appear in the national legislation.

Article 3. In accordance with Sections 29 and 30 of the Act a Polish member of the crew is entitled to repatriation to his own country, while a foreign member of the crew is entitled, at his choice, to repatriation to the port where the contract was made, or to the port of departure of the ship or to a port in the country of which he is a national. The parties concerned may come to an agreement as to the port of repatriation.

Article 4. In all cases repatriation expenses are borne by the shipowner, unless the contract is dissolved owing to a fault on the part of the seaman.

Article 5. Under Section 31 of the Act, repatriation expenses include transportation, board and lodging. If at the time of his repatriation the seaman is employed on board, he receives remuneration for the work done.

The supervision of the application of the legislation is exercised in Poland by the Shipping Office, and outside Poland by Polish consuls.

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

France, Federal Republic of Germany, Ireland, Luxembourg, 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.

Statistical data for 1952 show that the total number of workers and employees in industry, commerce and domestic service covered by compulsory sickness insurance was 1,465,000 (1,103,000 wage earners and 362,000 salaried employees). In addition, 61,000 federal railway officials and 115,000 officials in other public services were insured against the risk of sickness. The total amount paid out in cash benefits was 419.4 million schillings (183.40 schillings per insured person); benefits in kind amounted to 972.3 million schillings (423.20 schillings per insured person). The total financial resources of the insurance scheme amounted to 1,509.5 million schillings, obtained from the employers' contributions (667.4 million), insured persons' contributions (708.6 million) and from public funds (133.5 million).

Chile.

Act No. 10383 of 8 August 1952 came into force on 7 December 1952.

Appended to the report are statistical data relating to the unified sickness, invalidity and old-age insurance scheme under Act No. 10383, showing that the number of contributors in 1951 was 1,048,000, of whom 377,500 were in agriculture. The persons covered against sickness include pensioners and members of contributors' families.

The amount paid out in cash benefits up to 6 December 1952 was 291.5 million pesos for sickness and maternity, and 1,397.6 million pesos for medical, hospital and similar benefits. Invalidity pensions amounted to 110.9 million pesos and administration costs to 318.3 million pesos. At the same date contributions amounted to 2,197.9 million pesos.

France.

Act No. 52-839 of 19 July 1952, to supplement the provisions of the Act of 29 July 1950 by which the benefits of the social security scheme were extended to persons who lost their sight in the Resistance Movement.

Finance Act of 7 April 1953, for the period 1953.

Decree No. 52-1161 of 14 October 1952, to amend Decree No 51-318 of 28 February 1951 to issue public administrative regulations in application of Act No. 50-879 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 No. 52-1390 of 22 December 1952, to amend Sections 14, 32 and 52 of Decree No. 45-0179 of 29 December 1945, as amended, to issue public administrative regulations in application of the Ordinance of 19 October 1945 fixing the social insurance scheme applicable to insured persons in occupations other than agriculture.

Decree No. 53-236 of 24 March 1953 to amend Sections 147 and 148 of Decree No. 46-1378 of 8 June 1946 to issue public administrative regulations in application of Ordinance No. 45-2250 of 4 October 1945, concerning the organisation of the social security scheme.

Decree No. 53-579 of 5 June 1953, to amend Decree No. 51-318 of 28 February 1951 to issue public administrative regulations in application of Act No. 50-879 of 29 July 1950, as amended by Decree No. 51-1320 of 17 November 1951.

Act No. 52-839 and Decree No. 53-579 extend the benefits of the social security scheme to persons who lost their sight in the Resistance Movement.

Decree No. 53-579 provides that persons who, on the one hand are affiliated to the social insurance schemes in application of Act No. 50-879 of 29 July 1950 (disabled persons and war widows) and, on the other hand, hold an invalidity pension under the social insurance schemes, receive benefits in kind under the sickness and maternity insurance scheme in virtue of the system by which they are covered as pensioners; benefits in kind under the insurance for long-term illness are insured under the Act of 29 July 1950.

Statistical information concerning the working of the sickness insurance scheme is appended to

the report : 8,400,000 wage earners and assimilated persons are covered by the general scheme for all risks ; 1,270,000 are covered for certain risks only (civil servants, employees of the Electricity and Gas Company of France, students, seriously disabled persons, war widows and orphans, etc.) ; and 2,600,000 are insured under compulsory schemes independent of the general scheme (miners, employees of the French National Railways and branch lines, men enrolled for naval conscription, agricultural workers, regular soldiers). It is estimated that approximately 17 million persons are entitled to benefits under the general scheme in virtue of the rights acquired by the 8,400,000 insured persons mentioned above. During the period under review, the total expenditure for benefits in cash amounted to 42,528 million francs, i.e., 30,294 million for sickness insurance proper and 12,234 million for long-term sickness insurance. The total expenditure on benefits in kind amounted to 164,883 million francs, i.e., 135,541 million for sickness insurance proper and 29,342 million for long-term sickness insurance. Social insurance contributions received amounted to 398,407 million francs, distributed as follows : 152,645 million from workers' contributions and 245,762 million from employers' contributions.

Federal Republic of Germany.

Act of 13 August 1952, to raise the maximum income limits for the purposes of social insurance and unemployment insurance, and to amend Ordinance No. 12 concerning the organisation of social insurance.

In accordance with the above-mentioned Act wage earners are liable for compulsory sickness insurance irrespective of their earnings. However, contributions and benefits are assessed only for earnings not exceeding 500 DM. a month. Salaried employees are compulsorily insured only when their monthly remuneration does not exceed 500 DM.

Detailed statistical data for 1951 show that the total number of employed wage earners, salaried employees and officials was 14,556,000. The total number of compulsorily insured persons was 13,595,000 (including 1,193,000 unemployed), while 11,300,000 members of families of compulsorily insured persons were covered ; for voluntary insurance the respective figures were 2,561,000 and 1,700,000.

The amount expended in cash benefits was 670,490,000 DM. (41.50 DM. per year per person insured) and that for benefits in kind was 1,500,000 DM. (92.91 DM. per year per person insured).

Luxembourg.

Ministerial Order of 1 December 1952, to establish the average value of remuneration in kind with regard to social insurance.

Grand Ducal Order of 13 March 1953, to supplement the Grand Ducal Order of 13 October 1945, to fix the headquarters, the competence and the organisation of the Arbitration Board and the Superior Social Insurance Board.

Grand Ducal Order of 27 April 1953, concerning the publication of the administrative arrangements, signed in Paris on 19 February 1953, relating to the General Convention between the Grand Duchy of Luxembourg and France with regard to social security, signed in Luxembourg on 12 November 1949.

Grand Ducal Order of 18 June 1953, to give effect to Section 1 of the Act of 29 August 1951 concerning the sickness insurance scheme for officials and employees.

The temporary arrangement of 15 October 1952 regulating the relations between workers' sick funds and doctors was not extended by the Medical Association when it expired on 15 June 1953. The sick funds regulated by the Social Insurance Code (workers' insurance) continue nevertheless to apply the rate fixed by the above arrangement with regard to the reimbursement of medical expenses.

The participation of insured persons and dependants in the medical expenses varies, according to the funds, from 3 to 5 francs per consultation and from 7 to 10 francs per visit.

Statistics appended to the report show that the sickness insurance funds for workers and domestic servants had an average of 77,901 members in 1952, of whom 15,019 were members of the sickness insurance fund for persons in receipt of old-age, invalidity and survivors' pensions and 3,269 were members of voluntary insurance schemes. The average annual contribution was 2,674.78 francs in 1952 as against 9,297.58 francs in 1951 ; the total amount of contributions due increased by 5.11 per cent. as compared with 1951, and amounted to 208,367,818 francs, i.e., 125,354,665 francs for the regional funds, with 53,676 insured persons, and 83,013,153 francs for the employers' funds, with 24,225 insured persons.

Peru.

Supreme Decrees of 29 and 30 May 1950 and 17 October 1952.

The report contains detailed information regarding the application of each Article of the Convention and states, in particular, that the exclusion from compulsory insurance of workers who are affiliated to retirement and pension funds applies only when the retirement and pension funds in question grant benefits at least equivalent to those provided for in the Convention.

According to the report no waiting period is required for the granting of medical benefits.

Compulsory insurance, which applies also to public employees, is being progressively extended throughout the national territory.

The report states that in 1952 the average number of manual workers insured was 321,575, the total cost of cash benefits was 21,654,295 soles, and the total cost of medical benefits was 52,623,316 soles. The contributions of employers, insured persons and the State amounted respectively to 32,925,187 soles, 16,539,372 soles and 10,984,131 soles. The total number of persons registered under the special scheme for non-manual workers was 184,620, and the expenditure on benefits was 16,844,413 soles.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1952. Various Regulations and Orders, issued in 1952 and 1953 concerning national insurance, industrial injuries and the National Health Service.

Detailed information is given regarding the modifications introduced in the sickness insurance scheme by the new Act, Regulations and Orders.

Rates of sickness benefit and additions thereto for dependants were increased, as well as the weekly rates of contribution under the national insurance scheme. Tables are appended to the report showing the new rates for various categories of persons. The national insurance scheme is now administered through 12 regional offices, 909 local offices and about 120 full-time and part time "public contact offices" which are designed to provide help and information on the various aspects of social security. There are at present 224 advisory bodies.

About 20.8 million contributors to the national insurance scheme were estimated to be covered for sickness benefits on 31 December 1951. Apart from administrative costs, approximately £63¼ million was expended on sickness benefits during the year ended 31 March 1952.

There are separate administrations for the health service in England and Wales, and Scotland. Copies of the National Health Service (Scotland) Acts, 1947 to 1952, and of the Regulations and Orders issued in connection therewith, are appended to the report. The position in Scotland as regards the provision of medical and hospital treatment and medicines is substantially the same as in England and Wales.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952.
Health Services Act (Northern Ireland), 1953.
Various Regulations and Orders, issued in 1952 and 1953, concerning national insurance, industrial injuries and health services.

Detailed information is given regarding the modifications introduced in the sickness insurance scheme by the new Acts, Regulations and Orders.

About 520,000 persons were estimated to be insured against sickness; expenditure on sickness benefit was approximately £3,114,000 for the year ended 30 June 1953, exclusive of administrative costs.

Uruguay.

The fact that a compulsory sickness insurance scheme has not yet been organised does not necessarily imply that the working population does not receive medical care. The State supplies them with medical, surgical and dental care, pharmaceutical products and hospitalisation free of charge, providing that the worker's monthly salary does not exceed 320 pesos.

About 5,550,000 pesos were spent in medical care. The number of persons who benefited from this assistance, including agricultural workers, was 375,000.

Yugoslavia.

Decree No. 37 of 1952, respecting contributions payable under social insurance, as amended by the Decree of 11 July 1952.
Decree No. 63 of 31 December 1952.

The report states that the new legislation does not make any modifications of substance to the provisions regulating the subject in question.

The number of workers, salaried employees and apprentices, with the exception of salaried employees in agricultural undertakings, was 1,909,000 in June 1953. The total number of allowances paid during the first six months of 1953 was 3,272,323,000 dinars in kind and 5,963,338,000 dinars in cash.

The report from Poland reproduces the information previously supplied.

25. Convention concerning sickness insurance for agricultural workers

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification
Austria	18. 2. 1929
Bulgaria	1. 11. 1930
Chile	8. 10. 1931
Colombia	20. 6. 1933
Czechoslovakia	17. 1. 1929
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.

Federal Act of 3 April 1952, to reorganise certain sections of social insurance legislation (First Social Insurance Reorganisation Act).

Special arrangements have been made under the new Federal Act for the sickness insurance

of casual workers in agriculture and forestry. These arrangements relate to liability to insurance, the right to benefits, and the payment of the contributions of such workers. A casual worker as defined in Section 19 of the Act is a manual worker who, for at least nine working days a month, is gainfully employed alternately by several employers, in a minor, but not simply a subsidiary occupation. For this purpose, a "working day" means a day on which a person works for one employer for at least four hours; a "minor occupation" is considered to be any employment for which wages not exceeding a certain limit are paid, or which is restricted to a period of less than a week, and is carried out during less than 24 hours a week; a "subsidiary occupation" is deemed to be a minor occupation carried out in addition to any employment liable to insurance or any independent activity.

Persons employed in a minor occupation in agriculture and forestry for less than nine days a month, or employed only in a subsidiary occupation are exempted from compulsory sickness insurance.

According to Section 26 of the Act, casual workers liable to insurance are entitled to ordinary sickness benefits after the completion of a qualifying period of six weeks within the 26 weeks immediately preceding their entitlement to benefits; for supplementary benefits fixed by the rules of the sickness funds the corresponding periods are 26 and 52 weeks. To calculate these qualifying periods, account is taken of all periods during which the worker, whether in casual work or in any other employment, has been liable to statutory sickness insurance. After the completion of the qualifying periods, benefit in cash and, in case of need, the special allowance (*Hausgeld*) payable to dependants while the insured person is receiving hospital treatment are granted only if the casual worker has at least 18 working days to his credit in the two months preceding the beginning of the illness which rendered him unfit for work, or was insured for at least 26 of the 52 weeks preceding that date. In cases of illness resulting from employment injury, no qualifying conditions are applicable.

The employer of a casual worker is required to pay a contribution for each day's work done by the said worker and recorded on his identity card. The employer is entitled to deduct half of this contribution from the cash wages paid to the casual worker (Section 24 of the Act).

Detailed statistical data show that the total number of persons employed in agriculture and covered by compulsory sickness insurance was 209,000 (198,000 wage earners and 11,000 salaried employees). The total amount paid out in cash benefits was 34.6 million schillings (111.90 schillings per insured person) and in benefits in kind 8.63 million schillings (278.80 schillings per insured person). The total financial resources amounted to 144.4 million schillings, made up as follows: employers' contributions, 64.9 million; insured persons' contributions, 75.6 million; public funds, 3.9 million.

Chile.

See under Convention No. 24.

Federal Republic of Germany.

See under Convention No. 24.

Luxembourg.

For legislation see under Convention No. 24.

Agricultural workers are insured by the regional funds or, in certain cases, by employers' sick funds. There are no special funds for this branch of the national economy and the existing funds do not provide for special book-keeping accounts in the case of these insured persons. The Government is therefore unable to supply information concerning the receipts and expenses of the sickness insurance scheme for agricultural workers; it nevertheless supplies information and statistics applying to all persons insured against sickness. This statistical information is the same as that supplied under Convention No. 24.

United Kingdom.

Great Britain.

See under Convention No. 24.

Northern Ireland.

See under Convention No. 24.

Uruguay.

See under Convention No. 24.

Yugoslavia (First Report).

Social Insurance Act of 21 January 1950, concerning workers, employees and their families (L.S. 1950—Yug. 1).

Ordinance of the Minister of Labour of the Federal People's Republic of Yugoslavia, concerning social insurance for agricultural workers, dated 27 March 1947.

Ordinance of 14 June 1947, concerning social insurance for workers using agricultural machinery.

Order of 15 April 1950, concerning the extension of the validity of the provisions relating to social insurance.

First Directive of 22 February 1950, for the application of the Act respecting social insurance for workers, employees and their families.

Decree of 2 June 1952, respecting the establishment of social insurance offices and the provisional management of social insurance revenues.

Decree of 4 June 1952, concerning contributions in respect of social insurance.

Order of 31 December 1952, respecting the payment of contributions and the utilisation of social insurance revenues.

Article 1. Compulsory sickness insurance for agricultural workers is provided by the Act of 21 January 1950 concerning workers, employees and their families.

Article 2. The above-mentioned Act applies to all workers, employees and apprentices in whatever branch of economic or social activity they are engaged, in public or private undertakings, institutions or establishments. However, certain special conditions are laid down for agricultural workers as regards the conditions under which rights to social insurance are acquired. Thus, in all State agricultural property and in co-operative and social organisations agricultural workers engaged by the year or the month, drivers of motor vehicles and workers using agricultural machinery, artisans, auxiliary personnel and all persons who carry out administrative work are covered by the general system of social insurance. Agricultural workers in the service of private employers have the right to social insurance, including sickness insurance, after at least three months' service, and subject to the regular payment of insurance contributions by the employer. Mechanics and drivers of threshing machines are also insured against all risks.

Article 3. The insured person who, as the result of illness, is temporarily unable to work, is entitled to cash benefits instead of his regular wage, for a period which in general does not exceed one year; in certain cases, this period may be extended. The right to sickness benefits is not subject to compliance with a qualifying period on the part of the insured person, but such period determines the amount of benefit which may in no case be less than 50 per cent. of his wages. The insured person is not entitled to sickness benefit if he suffers from incapacity for work due to an offence of which he has been found guilty, if he is himself responsible for his incapacity for work, or has delayed his recovery; sickness benefits, as well as invalidity benefits, are suspended for the period during which the insured person refuses to comply with medical orders.

Article 4. The insured person has the right to medical benefits in case of illness or in case of sick leave or convalescence. These benefits

include medical attention and treatment in hospital or in the home, medicaments and other therapeutic remedies, medical appliances and supplies, treatment in hospitals, spas and health resorts, maternity care, prosthetic, orthopaedic and other auxiliary appliances.

The insured person is entitled to medical benefits, irrespective of the qualifying period, during the whole period for which he requires it. This right is extended to an insured person who becomes ill within one month after the cessation of employment.

Article 5. The following members of families of workers and employees, as well as persons in receipt of a pension or invalidity benefit have the right to medical benefits: the spouse, children and grandchildren, if they are maintained by the insured person; the parents, brothers, sisters and grandparents, if they are incapable of working, are without means and are maintained by the insured person. Children, grandchildren, brothers and sisters, as well as orphans, whatever their relationship, are entitled to medical benefits up to and including the age of 17 years, or, if they are following a course of study, until the end of the regular period for studies, up to a maximum of 24 years of age. Other members of the family who are completely incapable of working are entitled to medical benefits for the duration of such incapacity.

Article 6. Social insurance offices are autonomous institutions administered by an assembly whose members are elected by the insured persons; these offices are non-profit-making. Supervision over the legality of the activities of these offices

is exercised by the regular courts. The general supervision of the management of social insurance funds comes within the competence of the State financial bodies.

Article 7. The remuneration of workers and officials shall not be subject to any deductions for social insurance contributions. These contributions are paid wholly by State bodies, institutions and undertakings, by co-operative and social organisations, or by private employers.

Social insurance funds are made up of social insurance contributions, by allocations from the State budget and by other moneys provided for special measures.

Article 8. The insured person has the right of appeal against decisions of the first instance by the regional or local social insurance office. The appeal is brought before the Social Insurance Office of the People's Republic. The decisions of this Office are of an administrative nature against which the insured person has the right to institute legal proceedings.

No decisions have been given by courts of law concerning the application of the Convention.

The number of salaried employees engaged in agriculture in June 1953 was 97,800. With regard to the data on total benefits in cash and in kind in respect of sickness insurance, the report states that there are no separate data for insured persons engaged in agriculture. See under Convention No. 24.

The report from *Poland* reproduces the information previously supplied.

ELEVENTH SESSION (GENEVA, 1928)

26. Convention concerning the creation of minimum wage-fixing machinery

This Convention came into force on 14 June 1930

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	9. 3.1931
Belgium	11. 8.1937
Bulgaria	4. 6.1935
Canada	25. 4.1935
Chile	31. 5.1933
China	5. 5.1930
Colombia	20. 6.1933
Cuba	24. 2.1936
Czechoslovakia	12. 6.1950
France	18. 9.1930
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.

With reference to the authorisation which may be granted in exceptional circumstances by the National Wages Institute to abate wages (Article 3, paragraph 2 (3) of the Convention) and as to whether or not this authorisation is subject to the conclusion of a collective agreement, the Government does not agree with the interpretation given by the Committee of Experts. Notwithstanding this difference in interpretation, it should be noted that in practice no use has been made of the facilities authorised by the Convention. Moreover, it should be borne in mind that employers and workers are represented on the governing body of the National Wages Institute; this means that the agreement of the parties which the conclusion of a collective agreement is intended to secure is obtained within the above-mentioned body, so that the two conditions referred to in the report of the Committee of Experts are thus fulfilled.

The Committee of Experts lays stress on the fact that no list has been supplied of the trades in which minimum wage fixing machinery has been applied; in point of fact nearly all the workers in the country are covered. For the Committee's further information, the Government

appends to its report a list of the agreements in force for the various trades in which minimum wages are fixed in conformity with Article 5 of the Convention.

Australia.

The manner in which the Convention was applied during the period did not differ substantially from that in recent years. The principal changes in legislative and executive activities bearing on the application of the Convention during this period were as follows:

The Defence (Transitional Provisions) Act, 1946-1951 was not re-enacted and expired on 31 December 1952; it was replaced by the Defence Transition (Residual Provisions) Act of December 1952. The relevant provisions of this Act maintain and keep in force orders, awards, determinations and decisions that were in force immediately before the commencement of the Act by virtue of the National Security (Industrial Peace) Regulations or by virtue of the Defence (Transitional Provisions) Act.

In December 1952 the Navigation Act, 1952, was also given Royal Assent. This Act amends the Navigation Act, 1912-1950 by inserting, *inter alia*, a number of provisions under the title "Part XA-Industrial Matters". The effect of these provisions is to transfer to a single judge of the Court of Conciliation and Arbitration all the powers relating to industrial matters concerning masters, pilots and seamen formerly dealt with by a Conciliation Commissioner. The Act provides for a system of references and appeals from the single judge to the Full Bench of the Court similar to that prescribed by the Snowy Mountains Hydro-Electric Power Act (which was dealt with in last year's report).

In December 1952 notification was published of the making of Statutory Rules, 1952, No. 113, which repealed the National Security (Maritime Industry) Regulations.

In March 1953 the Victorian Factories and Shops Act was amended; however, the amendments were of a drafting nature.

The report gives statistics relating to inspection visits which were carried out by the Commonwealth and various state inspectorates and to the amounts of arrears of wages which were recovered by court and other action during the period.

Copies of the report were sent to the representative employers' and workers' organisations, in accordance with Article 23, paragraph 2, of the

Constitution of the I.L.O. The attention of these organisations was drawn to the report of the Committee on the Application of Conventions and Recommendations submitted to the 1952 Session of the International Labour Conference, in which the Committee hoped that the organisations concerned would "take advantage of the opportunity which the Constitution affords them 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 25 November 1952 and 5 March 1953.

The above Orders give force of law to collective agreements concluded for homework in the basket-making, glove-making, fancy leather goods, travel goods, saddlery and military goods industries. The agreements provide for minimum wages which are linked to changes in the index of retail prices.

During the period under review the social inspection services reported 26 contraventions of the legislation respecting wages. Of these three were not followed up, four gave rise to a conviction and in one case a compromise was reached; the findings in respect of the other 18 cases are not yet known.

Canada.

Important changes in legislation are reported in two provinces. In British Columbia the Minimum Wage Acts were amended to enable the Board of Industrial Relations to require an overtime rate to be paid after a lesser number of weekly hours than 44 and to permit the Board to exempt any class of employers or employees from the operation of the Act for the purpose of efficient administration. In Saskatchewan the Act was amended to provide that where Christmas and New Year's Day occur on a Sunday the rates of pay fixed by the Minimum Wage Board for work on holidays should apply to the following Monday.

New Orders issued under existing Acts extended the scope of the regulations in four provinces. In Newfoundland a minimum rate of 50 cents an hour and time-and-a-half for work on Sunday, or after ten hours on a weekday, was established, with certain exemptions, for all male employees in the province over 18 years of age. Female employees of hotels and restaurants within 20 miles of urban centres were brought under the Nova Scotia Women's Minimum Wage Act. The application of the Saskatchewan Act was extended to the entire province, having been applied previously only to cities, towns and villages with a population of 300 or more and to certain other specified employments. Male employees in the refrigeration trade were brought under the regulation in British Columbia.

Basic wage rates were increased in four provinces. In Manitoba the increases ranged from 8 to 11 cents an hour. In Quebec a 10 per cent. increase was ordered. In New Brunswick women's minimum wages were raised under two Orders. In British Columbia increases were made under several existing Orders.

About 22,000 inspection visits were reported by various provinces, and wage adjustments amounting to about 140,000 dollars were carried out under minimum wage acts. The successful prosecution of employers was obtained in 31 cases.

Chile.

The General Directorate of Labour was notified of only one decision by the courts, a copy of which is appended to the report.

During the period covered by the report 37 joint departmental boards were functioning and in some cases fixed minimum wage rates which were much higher than those fixed in the previous year. The number of workers who benefited from the provisions of the Labour Code relating to the fixing of minimum wages was 57,599; the number of wage earners benefiting from the wage rates fixed as a result of wage claims rose to 152,366.

Included in the report are a copy of the new minimum wage rates applicable to private employees during 1953 and a statistical table showing wage claims made during 1952.

Cuba.

Decree No. 216 of 1953, respecting the wages of workers employed in the sugar industry.
Decrees Nos. 4426 and 4680 of 1952 and 730 of 1953, respecting port labour committees.

During the year 1952 the National Minimum Wages Board issued the following decisions: Decision No. 152 (11 June 1952) respecting minimum wage rates applicable to keepers and night watchmen on duty in suburban and residential areas throughout the territory; Decision No. 153 (11 August 1952) respecting minimum wage rates applicable to tobacco leaf sorters in the Remedios district; Decision No. 155 (29 November 1952) respecting dispensing chemists employed in convalescent homes, health centres and sanatoria; Decision No. 156 (1 December 1952) respecting wage rates applicable to announcers employed in wireless stations in the national territory.

The Social Defence Code (Section 575) lays down penalties in cases where the wages paid are lower than those established by the National Minimum Wages Board.

The number of inspection visits carried out was 21; seven infringements of the legislation were noted and penalties were imposed in three cases.

The texts of the above-mentioned decisions are appended to the report.

Federal Republic of Germany.

During the period under review a number of homework committees were established under the Homework Act of 1951, to encourage the conclusion of wage agreements or, where this should prove impossible, to fix compulsory minimum wages. In most cases, the homework committees are still continuing their efforts to induce the parties concerned to conclude collective agreements. Minimum wage fixing machinery was employed to establish compulsory minimum rates in respect of workers employed in the writing of addresses, the manufacture of artificial flowers and feathers, and in hand-knitting and crochet-work. Statutory minimum rates will prob-

ably be fixed for these employments within a few months from the day on which the Government submitted its report.

Ireland.

Seventeen Employment Regulation Orders were issued during the year.

The report gives details of the provisions of these Orders and supplies the following statistics concerning inspection under minimum wage regulations: number of inspection visits, 4,327; number of workers, 17,569; arrears of wages collected, £4,654.

Italy.

A Bill defining certain legal aspects of industrial relations between employers and workers was submitted to the Chamber of Deputies in December 1951; it was not passed because of the dissolution of the first Legislature of the Italian Republic. The present Government is pledged to submit a new Bill to Parliament at the earliest opportunity. This Bill will provide for collective industrial agreements, freely concluded between employers' and workers' organisations, to be binding on all concerned.

The Government states that in Italy the principle of equal pay for equal work is not an exception; in fact, in accordance with Article 37 of the Constitution of the Italian Republic, this principle is being introduced gradually as collective agreements expire.

The report contains statistical data on minimum wages in industry and commerce, which are determined in accordance with the standards described in detail in the supplementary report given last year, and on the number of workers covered by collective agreements.

The report states that the Supreme Court of Appeal in its judgments of 12 May 1951 (No. 1184), 21 February 1952 (No. 461), and 6 December 1952 (No. 3131) sought to apply Article 36 of the Constitution, under which a worker is entitled to a fair wage in exchange for a fair day's work so as to enable him to maintain his family decently and independently. The Court gave a ruling that the wage scales laid down in existing collective agreements should be considered as the minimum wages which, in equity, can be paid in cases where the judge, in the absence of an agreement between the parties, is called upon, under Section 2099 of the Civil Code, to decide on the level of wage rates.

Netherlands.

In the absence of the circumstances mentioned in Article 1 of the Convention there has again been no necessity to apply the Homework Act, 1933, or the Homework Order, 1936.

In a separate letter the Government draws attention to an omission in the second sentence of the first paragraph quoted under Convention No. 26—Netherlands, in the report of the Committee of Experts on the Application of Conventions and Recommendations to the 1953 Session of the Conference. The sentence, as amended, should read as follows: "This wage fixing takes place by means of wages regulations laid down

by the governmental Mediation Board after consultation of the employers' and workers' organisations concerned, or by means of a collective agreement approved by the Board".

The Government further reiterates its view that, as the Decree of 1945 cannot be considered as applying the Convention, the Government cannot properly supply information on the application of this Decree under Article 5 of the Convention. However, it is ready to attempt the compilation of some general data on the fixing of wages on the basis of the Decree and to communicate them separately, as soon as it is satisfied that the Committee of Experts agrees that the Decree and the Convention deal with different matters.

New Zealand.

The Minimum Wage Order of 1952 increased the rates for male workers by 4d. an hour, 2s. 8d. a day and 13s. 4d. a week, and for female workers by 3d. an hour, 2s. a day and 10s. a week. The Act provides, however, for approval by the Inspector of Awards of lower than minimum rates of adult workers incapable of earning a minimum rate.

The new Economic Stabilisation Regulations of 1953 no longer empower the Court of Arbitration to make standard wage pronouncements, but the Court may continue to amend awards and industrial agreements to give effect to the pronouncement made on 12 July 1952. The regulations provide further that in issuing wage orders the Court is required to take into account any increase or decrease in the volume and the value of production in primary and secondary industries in New Zealand and it is not restricted to events occurring since the date of the last standard wage pronouncement or general order, but it may consider events that occurred before that date and events likely to occur in the future.

The statutory minimum rates cover 167,786 workers in factories, 68,400 workers in shops and 33,500 workers in offices. During the year ended 31 March 1953 inspectors obtained wage recoveries for workers amounting to £1,317.

Norway.

In accordance with the wage adjustment agreed to in 1952 between the Norwegian Employers' Federation and the General Confederation of Trade Unions, hourly minimum wages for home industries were fixed at 2.12 kroner and 2.08 kroner for Oslo and Trondheim, respectively, and at 2.02 kroner per hour for all other localities. Corresponding increases were made as regards piece-work under the same agreement. Two cities and one rural district set up wage committees for the period 1952-55.

The Government states that minimum wage regulation covered 399 employers and 4,157 employees; of the latter 3,048 were employed in homes and 1,109 in workshops.

Switzerland.

Order of 16 October 1952, to give force of law to minimum wage agreements for homework in the ready-made men's clothing industry.

Order of 16 October 1952, to give force of law to minimum wages for homework in the underwear and ready-made clothing industry.

Order of 27 December 1952, to continue in force Orders concerning the hand-made Appenzell embroidery industry, the paper goods industry and hand knitting.

The Order concerning the ready-made men's clothing industry gives force of law to an agreement of 10 July 1952 under which minimum wages were raised by 5 per cent. It applies also to the boys' clothing industry in so far as the latter is not covered by the Order concerning the underwear and ready-made clothing industry.

The latter Order replaces and extends the scope of the Orders of 3 October 1949 and of 5 September 1950 concerning the women's ready-made clothing and underwear industry.

An extract from cantonal reports concerning the application of the Federal Act respecting homework during 1950 and 1951 is appended to the report.

Union of South Africa.

An amended list of the wage determinations in operation during the period under review is appended to the report, which also states that there has been an increase in the number of inspection visits made during the period under review as compared with the corresponding period covered by the previous report.

United Kingdom.

An Order has been made under Section 20 of the Wages Councils Act, 1945, bringing the constitution of the General Waste Materials Reclamation Wages Council (Great Britain), which had previously been constituted as a Trade Board, into conformity with the provisions of that Act.

In view of the long sustained improvement in the organisation of both employers and workers in the tobacco industry and the operation of a National Joint Negotiating Committee for the industry since 1948, the Wages Council in that industry was abolished by an Order made on 22 June 1953.

Since, as previously reported, no valid reason has been found for excluding bakers' roundsmen from the coverage of wage fixing machinery envisaged in the retail bread and flour confectionery trade, the settlement of this question has permitted the establishment of two Wages Councils in this trade, for England and Wales and for Scotland respectively.

The Catering Wages Commission submitted their ninth annual report covering the period ending 31 December 1952. As foreshadowed in the previous report, the Licensed Residential Establishment and Licensed Restaurant Wages Board has been reconstituted as an outcome of discussions which the Minister of Labour and National Service had with the trade unions and the employers' associations. Under the Catering Wages Act, 1943, the Minister has appointed, at the request of this Board, four committees to assist the Board in respect of maximum service hotels, seasonal licensed residential establishments, licensed restaurants and railway refreshment establishments, and all other establishments covered by the Wages Board. The Catering Wages Commission expressed their concern about the position of workers in unlicensed residential establishments and urged the reconstitution of

the wages board to give protection to such workers. This has not yet been achieved.

The report gives details as to the number of establishments (572,696) in various trades or parts of trades affected by the minimum wage fixing machinery. This figure comprises 433,748 establishments covered by wages councils and 138,948 by catering wages boards. Details are given regarding the minimum remuneration effective on 30 June 1953 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 3 million. The issue of certificates to learners is still restricted to workers in the retail bespoke tailoring trade in England and Wales and in Scotland. The number of certificates issued during the year to workers in this trade was 140. The total number of apprentices registered during the year by wages councils, which had provided special minimum rates for this class of worker, was 3,153. The number of exemption permits (including renewals) issued during the year to disabled or infirm workers by wages boards and councils was 597. The total number of workers holding such permits at 30 June 1953 was 2,021. During the year 37,994 inspections were made under the Wages Councils Acts of 1945-48. The wages of 234,127 workers were examined, 14 prosecutions (nine criminal and five civil) were undertaken and £114,455 10s. 0d. was collected in arrears of wages. Under the Catering Wages Act of 1943, 12,835 inspection visits were made; the wages of 67,784 workers were examined; six prosecutions (five criminal and one civil) were undertaken and the amount collected in arrears of wages was £47,179. During the period under review 14 decisions were given in courts of summary jurisdiction regarding statutory minimum remuneration; in 13 cases the various employers were fined a total of £251 and ordered to pay costs and arrears amounting respectively to £151 14s. 0d. and £845. Action was also taken in civil courts on behalf of workers in six cases, and orders for the payment of arrears of remuneration due totalling £261 5s. 0d. were secured. Costs awarded by the courts amounted to £20 14s. 0d.

Uruguay.

Act of 1 July 1953, to amend Act No. 11618, Section 12, first paragraph, which raised the maximum remuneration giving the right to family allowances.

Decree of 24 March 1953, to increase minimum family allowances to 10 pesos.

Decree of 23 December 1952, to amend the Decree of 7 January 1952 requiring employers to give information concerning the date, time and place of the payment of wages and salaries and to issue a certificate to each worker giving the worker's name, the date of commencement of employment, remuneration and duties or category of the worker concerned.

Act No. 11908 of 19 December 1952, to interpret Section 29 of Act No. 10449 specifying that, in case of appeals, the Resolutions of the Executive Power shall come into force 30 days after their publication.

Act No. 9910 applies to all homeworkers. Act No. 10449 applies to persons employed in the following: commerce, transport, banking, the liberal professions, trade associations, offices, etc.,

the iron and steel, textile, meat, leather and shoe-making, food, clothing, glass, construction, chemical, rubber, timber and tobacco industries, printing, machine shops, and gas, water and electricity undertakings, and other unspecified occupations. Act No. 10809 applies to rural workers. Act No. 11718 applies to sheep-shearers.

The only workers not covered are domestic workers. The number of workers covered by wages boards under Act No. 9910 is 50,000; approximately 350,000 are covered by Act No. 10449, 100,000 by Act No. 10809, and 14,000 by Act No. 11718.

Detailed information is given relating to the standard minimum wage in different industries, varying from 6.10 to 330 pesos.

The report contains detailed information regarding infringements and amounts imposed in fines for breaches of the three last-mentioned Acts.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.

During the period covered by the report no minimum wages were established: the rates previously fixed are no longer in force. For this reason the statistical data required under Article 5 of the Convention are not given.

With regard to the information requested by the Conference Committee in 1951, the report states that the examination and preparation of draft regulations designed to supplement the labour legislation of 1945 and 1947 has already been completed, and is at present in the hands of the Executive Power, which is studying it with a view to its possible adoption.

The reports from *Mexico* and *France* reproduce the information previously supplied.

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
Viet-Nam	6. 6.1953
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.

Argentina.

Decree No. 9652 of 2 June 1953.

In reply to the observations made by the Committee of Experts the Government states that the Executive Power has issued the above-named Decree, which adds a new clause to Section 89 of the Legislative Decree issuing Regulations under Act No. 9688 (industrial accidents and occupational diseases) incorporating in the said Legislative Decree the principles of the Convention concerning the marking of the weight on heavy packages transported by vessels.

Australia.

Act No. 109 of 1952, to amend the Navigation Act, 1912-1950.

The above-mentioned Act does not amend Regulation No. 51 concerning the marking of weight on heavy packages transported by vessels.

Belgium.

It has been noted that motor vehicles do not have their weights marked upon them; when vessels are being loaded, the weight of the motor vehicles is communicated to the persons concerned. One workers' organisation has expressed the wish to see extended the obligation to mark the weight on packages weighing less than one ton. It has been noted that the weight is often indicated even when the package weighs less than 1,000 kilograms.

Federal Republic of Germany.

Information is supplied in reply to the questions raised by the Committee of Experts in 1953 regarding departures from the legislation in respect of unwrapped goods transported in bulk (*Massengüter*), and concerning the transport, frequently repeated, of objects of known weight by vessels engaged in inland navigation in local traffic when public harbours are not used.

As regards the first point, the report defines the term *Massengüter* as goods, such as coal, ore, grain, paper, timber, lime, etc., which are handled mechanically by means of floating excavators, elevators, grabs, belt conveyors, etc. Since the specific weight of the piled-up goods is sufficiently known to the persons in charge of the operations, it is thought unnecessary to indicate the weight. In some cases, however, difficulties have arisen, for example, when large pieces of scrap iron have borne no indication of their weight.

No statistical data are available for the period under review, either as to the number and nature of contraventions, or the number of workers covered by the provisions of the Convention.

Observations made by the highest *Länder* authorities and by the mutual accident insurance associations regarding the practical fulfilment of the conditions prescribed by the Convention show that, as a general rule, the weight has been duly marked but that certain objects, e.g., thick sheet metals, are still despatched without their weight being marked. The Marine Mutual Acci-

dent Insurance Association states that the provisions of the Convention should be more scrupulously observed. In particular, imported woods of tropical origin are not marked as prescribed, due no doubt to the relatively primitive conditions in the ports of the exporting countries which do not permit of the weighing of objects. However, the weight of these objects can always be estimated from the dimensions and the specific weight. No accidents during unloading operations caused by the absence of the weight indication have been brought to the notice of the above-mentioned associations.

India.

During the period under review 60 heavy packages not bearing any indication of their weight were landed at the port of Calcutta. These infringements of the regulations were brought to the attention of the shipping agents concerned.

Indonesia (First Report).

Administrative Regulations No. 46 of 9 November 1938 (came into operation on 1 April 1939).

Article 1, paragraph 1. Section 1 (1) of the above Regulations limits application to the ports as defined by the Indonesian Shipping Act of 1936 (i.e., maritime ports, which are generally open to foreign trade).

Paragraph 2. Under Section 2 of the Regulations the approximate weight may be marked if the exact weight cannot be determined, or if the weight is liable to change substantially with climatic conditions. In this case the consignment note must indicate that the weight is approximate.

Paragraph 3. Under Section 1 (2) of the Regulations goods coming from other countries and passing through the port for reconsignment abroad or to other ports in Indonesia are exempted from the obligation to have their weight marked.

Paragraph 4. Under Section 1 (1) of the Regulations the obligation to mark the weight on the package devolves upon the consignor at the maritime port.

The supervision of the observance of the Regulations is entrusted to the customs and police officials.

Japan.

In reply to the observation made by the Committee of Experts in 1953 regarding the definition of the term "cargo", and the lack of precision in specifying the person responsible for having the weight marked on heavy packages, the following information is given:

The term "cargo" in Section 123 of the Ministry of Labor Ordinance of 1947 is defined as meaning "cargo the content of which is

invisible because of packing". It therefore excludes lumber, stone, iron bars and sheets, and similar unpacked materials. Both the Labor Standards Law and the Ordinance on Labor Safety and Sanitation lay down that in all establishments the employer is obliged to have the weight marked on heavy packages.

The number of labour inspectors has fallen from 2,735 to 2,437.

Netherlands.

During 1952 a check was made of 1,559 packages, of which 1,205 came from countries which have ratified the Convention and 354 from countries which have not ratified it. On 1,254 packages the weight was not marked; 903 of these packages came from countries which have ratified the Convention. The contraventions reported concern especially iron pipes, commercial iron, and tree trunks.

Sweden.

During the period under review no inspection report has indicated any infringements with regard to cargoes coming from countries which have ratified the Convention; on the other hand, several inspection reports mention vehicles weighing more than one ton coming from the United Kingdom which did not have their weight marked upon them. In addition, the fact that weights were incorrectly marked on sheet metal coming from Germany and the United Kingdom was noted but this did not form the subject of a report.

Yugoslavia.

The report states that national provisions containing the provisions of the Convention have not yet been promulgated for the reasons previously stated by the representative of the Yugoslav Government to the Committee on the Application of Conventions and Recommendations at the 36th Session of the International Labour Conference. However, in practice, the provisions of the Convention are applied and the lack of national provisions on this question entails no difficulty, seeing that in virtue of the terms of the new Constitutional Act of 13 January 1953 the ratification of an international Convention gives binding force of law to the provisions of the Convention.

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

Austria, Burma, Canada, Chile, Finland, France, Greece, Ireland, Italy, Luxembourg, Mexico, 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 *Ireland* and *Luxembourg* reproduce the information previously supplied.

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
Cuba	20. 7. 1953
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
Viet-Nam	6. 6. 1953
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 report states that there are no legislative or administrative regulations which apply the provisions of the Convention. As the conditions envisaged in the Convention do not exist in the country, it is difficult to furnish the replies required in the form of report. However, in view of the express request of the Committee of Experts, an attempt has been made to furnish whatever information is reasonably possible under the respective Articles.

Article 1. Recourse to forced or compulsory labour in any form is not authorised or permitted in the country.

Article 2. No special measures have been adopted in this field, as the necessity has not arisen. The question of exacting compulsory work or service from the inhabitants of non-metropolitan territories does not arise as Ceylon has no dependent territories.

Article 3. This does not apply.

Article 4. No imposition of forced or compulsory labour exists for the benefit of private individuals, companies or associations.

Article 5. No such concessions have been granted.

Article 6. No use is made of such practices in the country.

Article 7. A system of personal service of the kind contemplated does not exist in Ceylon.

Article 8. In the event of any system of forced or compulsory labour being instituted, the highest civil authority would unquestionably assume responsibility.

Article 9. This question does not arise in normal times.

Articles 10 to 22. These do not apply.

Article 23. No regulations have been made to give effect to these provisions, as the conditions envisaged do not exist in normal times.

Article 24. In the absence of any regulations, the question of enforcement does not arise.

Article 25. There is no legislation on this subject.

In a note appended to the report the Commissioner of Prisons and Probation Services sets out the types of services exacted from persons convicted in a court of law, and the manner of organisation and supervision of such classes of labour. A further note contains the observations of the Army Commander of Ceylon in regard to the aspect of forced or compulsory labour in the armed services.

Finland.

As forced or compulsory labour did not exist in Finland either before or after the ratification of the Convention this matter has not been the subject of any legislation.

Article 1. See above.

Article 2. Forced or compulsory labour is resorted to exclusively in prisons and during military service.

The work done in prisons is covered by the exceptions contained in Article 2, paragraph 2 (c), as it is carried out under the supervision and control of public authorities.

As regards measures taken by the competent authorities for the purpose of establishing a distinction between the forms of compulsory service which, in virtue of this Article, are excepted from the definition of "forced or compulsory labour" and the other forms of compulsory service, the report states that account should be taken of the fact that any work carried on outside the

area of the prison is subject to the approval of the central authorities and that this approval is only given on condition that the work is carried out under the supervision and control of the prison authorities.

Articles 3 to 25. The report states that these Articles do not apply in Finland, as there is no forced or compulsory labour and no legislation relating thereto.

Indonesia (First Report).

The Convention was ratified by the Netherlands Government on 30 March 1933 and declared to be in force in Indonesia with certain amendments as follows: (a) under the Netherlands administration Article 3 of the Convention was declared not to be in force but the Resident in Indonesia was responsible for the employment of forced or compulsory labour; (b) under the Netherlands administration Article 4 of the Convention was declared not to be in force as regards work done by the inhabitants of private estates in Java for their landlord.

At present none of the types of forced or compulsory labour covered by the Convention exists in Indonesia. Previously, however, there existed two systems of forced labour: one known as *rodi* (which was imposed on adults), and the other, work carried out in virtue of penal sanctions (Penal Sanctions Regulation).

The *rodi* system, which compelled every adult person to perform certain services in connection with public works, was suppressed by an Order published in Official Gazette No. 661 of 1934 (the report does not indicate the number, title or date of the Order published in the Gazette). This suppression, which was made effective for Java and Madura by an Order published in Official Gazette No. 21 of 1 February 1938, was extended to the whole of Indonesia as from 1 January 1942.

The legislation on penal sanctions, which had been revised by the Coolie Ordinance of 1931, was further revised in 1936, and in November 1941 the Ordinance concerning penal sanctions as well as the other Ordinances authorising forced or compulsory labour of any kind was repealed by an Ordinance which came into force on 1 January 1942.

As this legislation has been taken over by the Indonesian Government, forced or compulsory labour of any kind does not exist at present in Indonesia, not even as regards work done for private estates.

When Indonesia became a Member of the I.L.O. in accordance with its application of 4 May 1950, forced or compulsory labour no longer existed within the territory, as the texts providing for such labour had been repealed since 1 January 1942. It is impossible, therefore, to give a reply on this question in the manner laid down by the form of annual report on the application of Convention No. 29.

The Republic of Indonesia has ratified the Convention as a whole (including therefore Articles 3 and 4 of the Convention in respect of which the Netherlands Government had made certain reservations).

Japan.

In reply to the request made by the Committee of Experts, the Government states that under

Articles 12 and 18 of the Convention certain types of work are exacted from persons who are imprisoned as a consequence of a conviction in a court of law and also from persons who are fined as a consequence of a conviction in a court of law and are unable to pay the fine. Such work is imposed in a prison under the supervision of the Ministry of Justice, in accordance with Section 18 of the Ministry of Justice Establishment Law, taking into account the length of the sentence, the physical condition, skill, occupation and future of the person in question (Section 24 of the Prison Law).

If a person who, without being an "employer" as defined in Section 10 of the Labor Standards Law, exacts or attempts to exact work from another person through illegal acts such as outrage, injury, menace, confinement, etc., such acts would come under the provisions of Sections 204 (injury), 208 (outrage), 220 (capture and confinement) and 222 (menace) of the Criminal Code. Similarly a person who forces another person to commit acts against his will or prevents him from exercising his rights, comes under the provisions of Section 223 (compulsion) and is subject to the punishment provided under this Section.

The report contains an extract of a decision by a court of law concerning a question coming within the scope of the Convention.

Liberia.

The Administrative Regulations for Governing the Hinterland of the Republic, adopted in 1951 and replaced by a set of Revised Laws and Regulations approved on 22 December 1949, were drafted in accordance with the provisions of Convention No. 29. A copy of this legislation is appended to the report.

The Republic of Liberia has no dependencies and the laws of the country apply impartially to all its citizens.

Article 1. No forced or compulsory labour is authorised within the Republic of Liberia other than such compulsory labour as falls within the scope of paragraphs (a) to (k) inclusive of Section 34 of the above-mentioned Revised Laws and Regulations for Governing the Hinterland.

Article 2. The report refers to the reply given as regards Article 1. Liberia's first line of defence is made up of units of the Frontier Force used principally to police the Liberian boundary bordering on foreign territory and to render guard duty whenever necessary. In addition to these units there is a regular Army Corps made up of ten regiments.

Apart from sentences by regular and legally constituted courts there are judgments pronounced by courts martial which may impose punishments varying from hard labour to a fine and/or imprisonment. No extra services are exacted for military purposes or devoted purely to military ends.

During the period under review no compulsory work or service mentioned in this Article was exacted from citizens of the Republic except as mentioned under Article 1.

Article 3. The report refers to the information given in the previous reports.

Article 4. Forced or compulsory labour for the benefit of private individuals, companies or associations has always been illegal. Labour

recruited and supplied under Section 35, paragraphs (o) and (p), of the Revised Laws and Regulations is voluntary and free and the tribal chief concerned merely serves as an intermediary between employers and workpeople. Efforts will be made immediately to bring the conditions laid down in paragraphs (o) and (p) of the above-mentioned Section 35 into harmony with the provisions of Article 10 of the Recruiting of Indigenous Workers Convention, 1936 (No. 50), although Liberia has not yet ratified this Convention. Furthermore, the Liberian Government is under a contractual obligation to encourage, support and assist the efforts of associations under agreement with the Government to secure and maintain an adequate supply of labour. This obligation on the part of the Government in no way implies the application of force or compulsion upon the workpeople who offer themselves for work.

Article 5. The report refers to the information given under Article 4. The character of the labour involved is mostly unskilled and semi-skilled. The extent of the labour in each industry is governed by the Minimum Wage Act of 1944.

Article 6. It is the policy of the Government to suppress forced or compulsory labour. It is obvious therefore that officials cannot compel the workpeople of the country to work for private persons, companies or associations. Workpeople are encouraged through agents of the Interior Department and the Department of Agriculture and Commerce to be industrious and productive and to cultivate the good habits of thrift and independence. These objectives are only obtained if the workpeople themselves freely, in groups and individually, undertake productive pursuits. No force or compulsion is exerted by these agents.

Article 7. The nature of personal services which may be enjoyed by duly recognised chiefs who do not receive adequate remuneration is laid down in paragraphs (a) and (b) of Section 23 of the Revised Laws and Regulations.

Article 8. The use of forced or compulsory labour is regulated by statute as mentioned in the replies concerning Articles 1 and 10 of the Convention.

Section 35, paragraph (j) of the Revised Laws and Regulations provides for the movement of officials of the administration when on duty and for the transport of government stores.

Article 9, clause (a). The report refers to the reply given as regards Article 1.

Article 9, clause (b). Recourse to forced or compulsory labour is only permitted if and when occasion arises. No use is to be made of the workers after the imminent necessity is removed. The labour force is then demobilised.

Article 9, clause (c). No occasion has yet arisen to justify the introduction of forced or compulsory measures to test the availability of a labour supply which may prove inadequate to combat an emergency.

Article 9, clause (d). With abundant labour resources it would hardly be necessary to lay too heavy a burden upon the present population in case of an emergency.

Article 10. Forced or compulsory labour has never been exacted as a tax. The nature of such labour exacted for the carrying out of public works is explained under Article 1.

There exists a statute requiring that every male citizen between the ages of 16 and 60 years should perform road work. The relevant portion of Section 1416, paragraph 4, of the Revised Statutes of the Republic, Volume II, as amended by an Act of 20 January 1932, reads as follows :

Section 1416, *Duties of Township Officers*: Road overseers: they shall keep the roads and streets of the township in good order, condition and repair and to that end it shall be their duty and they are authorised to summon all male inhabitants of the township from the age of 16 to 60 years to assemble and clear out the streets and roads, requiring them to work not more than 24 days in each year.

It has been stated above that forced or compulsory labour is not exacted as a tax. The measures taken to ensure the effective application by the authorities of the criteria set out in clauses (a) to (e) of paragraph 2 of this Article are prescribed by the provisions of Sections 5, 14 and 34 of the Revised Administrative Laws and Regulations. The responsibility for the enforcement of measures provided for under Section 1416 of the Revised Statutes lies with city administrators and township officials under the direct administrative control and supervision of the Department of Justice.

Article 11. No other form of forced or compulsory labour exists in Liberia except as indicated under Articles 1 and 10. It has never been necessary to fix a proportion of the local population to be taken for such labour. The compulsory labour mentioned under the above Articles (road work and public works) is performed by workers residing in the immediate vicinity.

Article 12. The report refers to Section 34 (f) of the Revised Laws and Regulations, as well as to the information given under Article 10 of the Convention.

Article 13. The normal working hours for workpeople are laid down in Section 5 of the Act revising the Minimum Wage Fixing Act of 3 April 1944, and in Section 35 (d) of the Revised Laws and Regulations. Wages must be paid at the rate of time-and-a-half for all hours in excess of the normal hours.

A 48-hour week is authorised by law and provides a weekly day of rest, usually on Sunday. The usual rest day is not included in the number of national holidays when all work is stopped by a Proclamation, except in cases where special permission has been granted for work to be continued.

Article 14. The forced or compulsory labour contemplated under the provisions of the Revised Administrative Laws and Regulations and Section 1416 of the Revised Statutes is an annual free contribution to civic improvements required by law of all male citizens of the Republic. No payment is made in return for such public service. Travelling is usually not involved, but in cases where, as in the hinterland, a change in the place of work occasionally occurs the days spent in travelling are deducted from the required number of days' work on public works. As no wages are involved, it is unnecessary to make deductions for taxation, special food, clothing or accommodation supplied to a worker. These conditions are not items of any importance requiring action by

the Government. Tools are always supplied by the latter.

Article 15. The report refers to Section 11 (a) of the revised Act entitled "Act to fix minimum wages for workers and to protect the interests of the working classes". This legislation applies indiscriminately to all persons required by law to render public service to the State for civic improvement under the Revised Administrative Laws and Regulations and under Section 1416 of the Revised Statutes.

Article 16. The only form of forced or compulsory labour in Liberia is that mentioned above under Articles 1 and 10 of the Convention, but the workers are not required to be transferred to areas where climatic or dietary conditions are different from those of their habitual residence.

Article 17, paragraph 1. It is unusual for workers to be taken away from their natural habitat for any considerable length of time. Moreover, medical centres are scattered throughout the length and breadth of the Republic so that in most instances the site where the labour is being performed is within easy reach of a dispensary or hospital.

Paragraph 2. The report refers to the reply given under Article 14.

Paragraph 3. The report refers to the information supplied above under paragraph 1. Road transport service within the Republic is limited to specific areas. A road programme is being progressively carried out whereby all areas of the hinterland will ultimately be linked together. The fullest use is at present being made of all available means of transport.

Paragraph 4. There is very seldom any occasion for the repatriation of a worker, as work of a forced or compulsory nature is more often than not carried out in the vicinity of the worker's place of residence. It is, however, the responsibility of the Administration to see that a worker who is ill or who meets with an accident is first given medical care and then safely conducted to his place of residence.

Paragraph 5. The report refers to the information given under paragraphs 2 and 4 above. Forced or compulsory labour is regulated in the first instance by statutory provisions and is performed as an annual contribution to civil improvement by the male citizens of the Republic; it is therefore limited to periods of less than two years.

Article 18. The report refers to the information given under Article 8. The maximum weight to be carried by a worker is regulated by Section 35, paragraph (k) of the Administrative Laws and Regulations. The maximum distance which a worker may be taken from his home is regulated by Section 34, paragraph (b), of these Regulations; the maximum number of days which a worker may be required to work is regulated by Section 34, paragraph (f). Only the Government may exact forced or compulsory labour as indicated under Articles 1 and 10 above.

Article 19. The Government does not have recourse to compulsory cultivation, although it offers encouragement to the inhabitants to work their farms, by restricting litigation and travel in the hinterland during the farming season. The report refers to Section 49 of the Revised Administrative Laws and Regulations.

Article 20. The Government has not adopted any procedure for the collective punishment of offenders.

Article 21. The Government does not engage in commercial or industrial activities. Private individuals, companies or associations are not entitled under Liberian law to the use of forced or compulsory labour.

Article 23. Regulations to give effect to this Article have been referred to under preceding Articles.

Article 24. The setting up of a labour inspectorate is contemplated in the proposed new comprehensive Labour Code which was to be placed before the legislature in October 1953. The Administrators for the hinterland and the city and township officials are the media through whom regulations are brought to the knowledge of persons affected by forced or compulsory labour requirements.

Article 25. The report refers to the Pawning System Act of 19 December 1930, a copy of which was appended to the Government's report for 1934.

No decisions involving questions of principle were given by any of the courts since the ratification of the Convention.

No observations were received from employers' or workers' organisations on the practical fulfilment of the Convention. Such organisations are still in their formative stage.

Sweden.

The Government states that the Convention is of no significance whatever for Sweden and that its ratification should be regarded as an expression of principle.

Such work as it is permissible under Swedish law to oblige any person to reform, for instance fire-fighting, clearing of streets and roads after a heavy snowfall, etc., is not covered by the Convention. Nor is it considered that the Convention applies to the compulsory labour which certain persons may be obliged to perform by administrative decision (vagrants and other asocial individuals, such as persons who fail to discharge their maintenance obligations towards their children). In Sweden there are two institutions (one for men and one for women), which deal specially with vagrants, i.e., notoriously workshy asocial individuals. At the institution for men only a small number of vagrants have been obliged to carry out compulsory labour in recent years and then for a few months only. At the institution for women, the chief inmates are prostitutes who may be regarded to a large extent as psychopathic cases.

There were no complaints regarding the application of the provisions of the Convention.

Switzerland.

The report of 30 September 1950 gave an account of the *corvées* (Chapter II, Section 2 (f)), which are statutory communal services rendered in days of work and which the Convention does not consider as "forced or compulsory labour" (Chapter II, Section 2 (b)). An especially typical and interesting example of these *corvées* was the subject of an article entitled "Gemeinsinn als Quelle

des Staates", which appeared in the *Neue Zürcher Zeitung* (No. 1758 of 31 July 1953), a copy of which is appended to the report. This example, which occurred in a small parish in the Bernese Emmenthal, gives a clear idea of traditional corvées and of the spirit of goodwill and co-operation in which they are carried out. In this particular case the construction of a church was involved.

Venezuela.

Regulations of 4 May 1945 governing work in agriculture and stockbreeding.
Constitution of Venezuela, dated 15 April 1953.

See under Convention No. 1 for information relating to the force of law given to a ratified Convention, and to the eighth transitory provision of the Constitution.

The report adds that labour inspectors constantly make inspection visits in order to ensure the strict application of the relevant legislation.

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

Argentina, Chile, Denmark, Ireland, Mexico, New Zealand, Norway, 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	28. 6.1951
Mexico	12. 5.1934
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	29. 6.1953
Spain	29. 8.1932
Uruguay	6. 6.1933

¹ Conditional ratification.

Argentina.

The Government supplies the following information in reply to the observations made by the Committee of Experts. Section 4, paragraph (b), of Act No. 11544 and Section 13 of the Decree of 11 March 1930 provide that regulations issued by the competent authority will determine, for each branch of activity or each undertaking or for each district, the temporary exceptions which may be granted to enable undertakings to meet abnormal pressure of work. The system of individual authorisation is not applicable in cases where collective agreements already provide for the extension of the eight-hour day or 48-hour week.

Section 13 of the Decree of 11 March 1930 is still in force, as Section 23 of Decree No. 16115 of 16 January 1933 provides that, in the case of matters which are not regulated by the preceding Sections 4, 6 to 12, 13 (last paragraph), 14, 15 (last paragraph), and 18 to 22, the provisions of the Decree of 1930 will remain in force until such time as special regulations are issued for each branch of activity, in conformity with the Decree of 1933, in so far as these provisions are not contrary to the standards laid down by the latter. Sections 1 and 2 of Decree No. 23696 of 1944 provide that the Ministry of Labour and Social Welfare may authorise the temporary exceptions in question up to the coming into force of the regulations under Section 4 of Act No. 11544,

and in the circumstances and conditions established by this Act and by Section 13 of Decree No. 16115 of 1933.

For statistical information, see under Convention No. 1.

Chile.

Copies of decisions given by courts of law in the case of breaches of the regulations applying the Convention are appended to the report. In 1952, 6,365 visits of inspection were carried out in commercial or industrial undertakings and 498 infringements were reported.

Cuba.

Legislative Decree No. 884 of 1953.

Resolutions No. 189 of 1952 and No. 332 of 1953.

Legislative Decree No. 884 of 1953 co-ordinates the measures previously taken to provide for the adoption of the summer five-day week or a compensatory period of rest. The summer five-day week is compulsory, unless an agreement to the contrary has been concluded between the employers and workers concerned, during the months of June, July and August of each year in shops and offices. Undertakings are excluded in which no work is done on Saturdays throughout the year, those which apply a 40-hour week or less, and those which allow free afternoons throughout the week in the months of July and August. The daily hours of work may not be changed because of the application of these provisions and the summer rest day must be considered as an effective working day from the legal point of view.

Resolutions Nos. 189 and 332 relate to the closing on Saturdays of optometry undertakings and drug stores in Havana.

Finland.

In 1952, 26,473 commercial undertakings and offices (725 more than for the previous year) were covered by the legislation; 102,520 persons were employed in these establishments.

No infringements were reported.

Haiti (Voluntary Report).

See under Convention No. 1.

Israel (First Report).

Act of 15 May 1951 respecting hours of work and rest (L.S. 1951—Isr. 2.).

Article 1. The Act makes no distinction between the different branches of employment and applies to all employees, subject to the exceptions enumerated in Section 30.

Article 2. The definition "hours of work" means the time during which the employee is at the disposal of the employer, including any agreed short breaks granted to the employee for relaxation but excluding the breaks prescribed in Section 20 (uninterrupted breaks for meals).

Article 3. The report states that the provisions of Sections 2 (a) and 3 of the Act give full effect to the provisions of the Convention.

Article 6. The provisions of Section 4 (2) (v) of the Act fulfil the requirements of Article 4 of the Convention as regards personnel employed in government or local government services in non-industrial work.

Article 7. Section 10 of the Act provides for cases in which overtime is permissible, namely, *force majeure*, work in shifts, the preparation of the annual balance sheet or an inventory, and sales on the days preceding public holidays.

By virtue of Section 11 (7) of the Act, the Minister of Labour may authorise overtime in the case of seasonal work or, in exceptional cases, in order to meet exceptional and temporary increases in work.

Section 16 of the Act contains provisions relating to payment of overtime.

Article 8. By virtue of Section 33 of the Act, the Minister of Labour shall not grant a general authorisation for overtime work without previous consultation with the representative employers' and workers' organisations concerned.

Article 9. Section 11 (1) of the Act provides that the Minister of Labour may authorise overtime if a state of emergency is decreed.

Article 10. Section 35 of the Act lays down that the provisions of the Act shall in no case be interpreted as a limitation of the rights of employees arising from any Act, collective agreement, contract of employment or custom.

Article 11. The report states that the provisions of Sections 25 and 32 of the Act have not yet been put into operation.

Article 12. This is applied under Section 26 of the Act.

For information relating to the authorities responsible for the application of the Act and the methods of supervision and enforcement, see under Convention No. 1.

Separate data concerning the application of the Act to the employees covered by the Convention are not available, as the Act applies both to persons employed in industry and to those employed in commerce and offices.

A general permit for overtime work in banks during two weeks in June 1952 was granted in connection with the exchange of bank notes and compulsory loans.

The report adds that the implementation of the Act with regard to the employees covered by the Convention has not met with any particular difficulties.

New Zealand.

The estimated number of employees covered by the Shops and Offices Act at 31 March 1953 was 69,400 in shops and 33,500 in offices. Overtime worked by permits granted under this Act amounted to 49,099 hours for the year ended 31 December 1952.

During the year ended 31 March 1953, 18,646 inspections of shops and 2,283 inspections of offices were carried out. In the same period 355 infringements of the Act were reported and 149 complaints were also investigated; 45 of these were without foundation. No prosecutions were made, but 96 warnings were issued.

Uruguay.

Act No. 11885 of 2 December 1952.

The above-mentioned Act amends Section 1 of Act No. 10421 concerning hours of work in banks and similar undertakings in such a way as to abolish the compulsory dates for the coming into force of the summer and winter timetables.

During the period under review 39 breaches were reported and the amount of fines imposed amounted to 1,555 pesos.

The report from *Mexico* repeats the information previously supplied.

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.

Canada.

During the period under review 3,025 inspection visits were carried out on ships. In 600 cases the inspectors requested repairs, replacements or examination of gear to be effected. Twenty-two serious accidents were registered, nine of which were fatal, but in very few cases were these accidents due to infringements of the regulations.

Chile.

The number of workers covered by the relevant legislation is 12,038. A total of 3,229 accidents occurred in 1952 during the loading and unloading of ships; 3,195 of these accidents were of a minor character.

Finland.

The Government appends to its report a letter from the Ministry of Social Affairs submitted to the Conference Committee in 1953, in which it is stated, in respect of Article 2, paragraph 2 (1), of the Convention, that during the year under review considerable improvements have taken place as regards artificial lighting in certain ports, such as Rauma, Mäntyluoto (Pori), Hanko and Hamina. These ports make use of projectors mounted on steel towers about 30 metres high and of lamps installed on posts and on the fixed parts of cranes. The necessary funds for carrying out these plans have been included in the various municipal budgets for the current year. Thus,

in the budget for Turku, 15 million marks have been set aside for lighting the parts of the port where there is the most traffic. Improvements have also been made in the lighting of work-places and of wharves and quays.

With reference to Article 16 of the Convention, the Ministry had noted that on some vessels the provisions relating to the construction or permanent equipment of ships had not been applied. For this reason, the shipowners were informed that the period for the renewal or alteration of the equipment in question expired on 1 January 1953, subject to certain exceptions, and that the use of apparatus which did not conform to the regulations would be prohibited as from that date. In order to emphasise the importance of this matter instructions relating to the said apparatus have been given by the competent services in the course of numerous visits made to the ships.

Italy.

During the period under review 3,559 accidents resulting in temporary incapacity, 116 in permanent invalidity and three fatal accidents were registered.

New Zealand.

On 31 December 1952 there were 6,321 members of the industrial union for waterside employees, stevedores and timekeepers.

Sweden.

Notification of the Royal Medical Board of 19 December 1951 (which came into force on 1 July 1952).

With regard to Article 13 of the Convention, the report states that the Notification cited above provides for first-aid equipment on board ships.

Appended to the report are statistical data covering all accidents, without specifying which of them are covered by the Convention.

United Kingdom.

Great Britain.

During the period under review there were 5,557 accidents at docks, wharves and quays in Great Britain, of which 47 were fatal. The causes of these accidents are analysed in a table appended to the report. Legal proceedings for breaches of the Docks Regulations were instituted

against employers in 13 cases; 11 convictions were secured.

Northern Ireland.

During the year 1952, 150 accidents involving incapacity for work of at least 3 days, at docks, wharves and quays, were reported; one of these

was a fatal accident. Their causes are analysed in a table appended to the report.

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

Argentina, India, Mexico, 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 response to the observations made by the Committee of Experts the previous year, the Government gives the following information.

The prohibition of juvenile employment except in light work is provided under Sections 9, 10 and 11 of Act No. 11317 of 1924. The prohibition has also been extended to those occupations which may be prejudicial to the morals of young persons (Section 4 of the above Act, which prohibits the employment of children under 14 years of age and unmarried women under 18 years of age in any occupation which is carried on in the streets or in public places).

The Government states that the hours of work of children under 18 years of age are limited to six per day and 36 per week (Section 5 of Act No. 11317); in addition women as well as children under 18 years of age who work in the morning and in the afternoon must have a midday break of two hours (Section 7 of the Act).

The Government states that the weekly rest period is guaranteed by Acts Nos. 4661 and 11640 and the corresponding provincial Acts. The duration of this rest period is 36 hours and must cover Saturday afternoon and Sunday. According to the provisions of Section 3 of Act No. 4661, no exceptions can be authorised as regards the weekly rest period of women and of children under 16 years of age.

The Government states that as regards holidays, young persons also enjoy the benefits of a provincial system, in virtue of Section 9 of Decree No. 32412/45, as approved by Act No. 12921.

During the period covered by the report two cases were heard in the courts in respect of the prohibition of the night work of young persons in public entertainments. The Government refers to the statistical data supplied by the Inspection

and Supervision Division which are appended to its report on Convention No. 1. These data, which apply to several provinces, refer to the number of inspection visits carried out, infringements noted and fines imposed in respect of the legal provisions governing the employment of women and children.

Austria.

Statistics submitted by the Labour Inspectorate for the calendar year 1952 show that there were three infringements of the legislation in undertakings connected with teaching, arts and sciences, and entertainments.

Belgium.

During the period under review 40 exceptions concerning 54 children were authorised under Section 2, subparagraph 2, of the Royal Decree of 27 April 1927, respecting the employment of children in theatrical undertakings. Three court decisions were given concerning the application of the Convention. The commercial establishments visited by the inspection services employed 594 children between 14 and 16 years of age. One contravention was reported in these establishments and 16 in theatrical undertakings.

Cuba.

Legislative Decree No. 883 of 1953, concerning the employment of young persons.

The Government states that Section 2 of Legislative Decree No. 883 of 1953 prohibits the performance of dangerous work by children under 16 years of age, and that Section 7 prohibits in general the employment of children under 18 years of age in unhealthy or dangerous occupations. The General Directorate of Health and Social Welfare has not yet drawn up the list of dangerous and unhealthy occupations as required by Section 7 of the Legislative Decree. The Government states that the Ministry of Labour and its provincial offices, the General Directorates of Health and Social Welfare and of National Labour Inspection, and the National Bureau of Women and Young Persons are responsible for ensuring the enforcement of the legislation respecting the employment of young persons.

France.

Decree of 24 March 1953, to prescribe a medical examination for women and young persons under 21 years of age before admission to sports competitions.

The Government states that the scope of the provisions of Sections 2 and 5 of Book II of the Labour Code, which apply the Convention, has been extended by virtue of an Act of 21 March 1941 to cover employees in public and ministerial offices, the liberal professions, private societies, trade unions and associations of all kinds. However, the requirements of Section 1 (a) of Book II of the Labour Code, by virtue of which all persons wishing to employ young workers under the age of 18 years are called on to make a prior declaration to that effect to the labour inspectorate, does not apply to the establishments cited in the Act of 21 March 1941.

The Government also states that, after a case of the exploitation of children by their parents had come to the knowledge of the authorities, a Decree was adopted on 24 March 1953 to prohibit the issue of permits allowing young persons under the age of 21 years to participate in sports competitions, except after due medical examination

to certify that the young persons concerned are fit to participate in such competitions.

In reply to the observations made last year by the Committee of Experts, the Government states that, in order to bring Section 60 of Book II of the Labour Code into conformity with the Convention, a Bill will shortly be laid before the National Assembly, by which an addition will be made to this Section of the Code in a general statement to the effect that the penalties laid down in Section 168 of the Code will be made applicable also to all persons employing children in occupations which are dangerous to life, health or morals. Dangerous employment will thus be barred to all young persons under the age of 16 years.

Uruguay.

The Government states that the ratification of the Conventions referred to in its report on Convention No. 4 will make it possible to incorporate the provisions of this Convention in the national legislation, as well as additional provisions laying down penalties for infringements of the provisions of ratified Conventions.

The report from the *Netherlands* reproduces the information previously supplied.

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 Government refers to the information supplied to the International Labour Office for submission to the 36th Session of the Conference in reply to the observations formulated by the Committee of Experts in 1953.

Work is in progress on the drafting of a Bill designed to effect adjustments in the relevant legislation to bring it into line with the provisions of Convention No. 96.

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

Argentina, Chile, Mexico.

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.

Statistics of old-age pensions under the new Act, which came into operation on 7 December 1952, were not available when the report was prepared.

France.

Act No. 52-799 of 10 July 1952, to bring into force the system of old-age allowances for persons who are not employed for remuneration, and to substitute this system for that of temporary allowances.

Finance Act of 7 February 1953, for the financial year 1953.

Decree No. 52-1098 of 26 September 1952, to determine the conditions for the application of Act

No. 52-799 of 10 July 1952 respecting the special allowance and the special fund.

Order of 2 October 1952, relating to the revaluation of salaries to be taken into account in calculating old-age and invalidity insurance pensions and respecting the revaluation of invalidity pensions, annuities and old-age pensions under social insurance.

Decree No. 52-1132 of 8 October 1952, to amend Decree No. 51-995 of 1 August 1951, to issue public administrative regulations and to determine the the composition and working of the committees responsible for settling certain disputes relating to affiliation to old-age allowance funds established in application of the Act of 17 January 1948.

Decree No. 53-236 of 24 March 1953, to amend Sections 147 and 148 of Decree No. 46-1378 of 8 June 1946, to issue public administrative regulations in application of Ordinance No. 45-2250 of 4 October 1945 concerning the organisation of social security.

Decree No. 53-348 of 14 April 1953, to lay down certain provisions relating to co-ordination between the general and special social insurance systems as regards old-age insurance.

Decree No. 53-505 of 21 May 1953, to amend Decree No. 45-0179 of 29 September 1945, to issue public administrative regulations for the application of Ordinance No. 45-2454 of 19 October 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture (L.S. 1945—Fr. 1G).

Decree No. 53-590 of 25 June 1953, to issue public administrative regulations for the application of the Act of 24 October 1946, to reorganise the legal

departments for the social security system and mutual benefit societies in agriculture, in so far as they concern the special allowance system established by the Act of 10 July 1952.

Article 7. The Order of 2 October 1952 fixes, for the purposes of determining the average annual remuneration serving as the basis for the calculation of old-age pensions, the coefficients of the increase applicable to contributions (these coefficients range from 41.14 for 1930 to 24.64 for 1940) and the coefficients of revaluation applicable to pensions or annuities already liquidated (these coefficients range from 16.43 for the year 1941 to 1.10 for the year 1951). This Order fixes various other coefficients of revaluation which are applicable for certain categories of annuities or pensions.

Article 9. The Decree of 24 March 1953 fixes the maximum to be applied for the calculation of contributions.

Article 12. A protocol which was signed at the same time as the Franco-Danish convention on social security came into force on 1 October 1952; it extends the benefit of the temporary allowance to aged persons (this has now become a special allowance), for reciprocal reasons, to Danish workers who fulfil the same conditions as French workers and who can also claim five years of uninterrupted residence in France at the time of the claim (temporary absences not being taken into consideration).

Article 13. The following agreements came into force during the period covered by the report: the convention between France and Denmark on social security, signed in Paris on 30 June 1951, which came into force on 1 October 1952; the agreement concerning social security for Rhine boatmen, signed on 27 July 1950, which came into force on 1 June 1953.

Article 15. An Act of 10 July 1952 establishes the system of special old-age allowances for persons who are not employed for remuneration and substitutes this system for that of temporary allowances. As the special allowance, like the former temporary allowance, is paid to persons who are not employed for remuneration, it does not come within the framework of the Convention.

Article 21. See under Article 12.

Statistical data appended to the report show that on 31 December 1952 the total number of insured persons covered by the general scheme for occupations other than agriculture was estimated at 8,400,000. The number of persons in receipt of benefits of different categories was established on 31 December 1952 at 2,112,804; the total expenditure on pensions, annuities, allowances, benefits in kind and administrative expenses amounted to 169,483 million francs for the period 1 July 1952 to 30 June 1953.

Italy.

Acts Nos. 736 of 6 June, 2388 of 29 November and 4435 of 28 December 1952.

Regulations concerning social insurance and assistance in respect of journalists.

The report states that the legislation concerning general compulsory invalidity and old-age insurance has not been modified. It emphasises that this general scheme gives full effect to the provisions of the Convention.

The above-mentioned legislative texts apply to special insurance schemes for particular categories of workers. Act No. 736 improves the economic position of pensioners under the Provident Fund for persons employed by the Consumers' Tax Administration. It sets up a "pensions equalisation fund", administered by the National Social Provident Institution, and consolidates previous pensions and supplementary cost-of-living allowances by new rules for the calculation of pensions, subject to a guaranteed annual minimum of 120,000 lire for old-age pensions and 108,000 lire for invalidity pensions. Act No. 2388 extends the scope of the National Provident and Assistance Fund for workers in public entertainment undertakings to other categories of workers such as technical and administrative employees in these undertakings. Act No. 4435 makes substantial amendments in the pension scheme for public transport workers.

The regulations concerning social insurance and assistance in respect of journalists provides for invalidity, old-age and survivors' pensions on behalf of professional journalists affiliated to the National Provident Institution for Italian Journalists.

On 31 December 1952 the numbers of persons drawing old-age, invalidity and survivors' insurance benefit were 1,418,489, 526,302 and 395,164 respectively. Under accumulation schemes, the income and expenditure of the funds amounted to 16,873 and 6,229 million lire; the corresponding figures for assessment schemes were 197,708 and 190,348 million lire.

Peru.

Supreme Decrees of 29 and 30 May 1950.
Legislative Decree No. 10902.

The report gives detailed information regarding the application of the various Articles of the Convention and states, in particular, that an examination is being made of the different pension systems for officials in the civil service and salaried employees in commerce, agriculture and industry with a view to establishing uniformity and incorporating these systems in social insurance for employees.

On 31 December 1952 workers' social insurance covered 321,575 members, who are entitled to benefits under sickness, invalidity, old-age and survivors' insurance.

On 1 January 1952, 1,394 persons were in receipt of old-age pensions. During the period under review 24 pensions expired and 656 new pensions were granted.

The amount expended in old-age pensions during 1952 was 802,314 soles. The total amount paid to insured persons who had not acquired the right to an old-age pension was 44,149 soles.

The amount allocated to the reserve fund for insurance in 1952 was 3,104,923 soles. Contributions from employers amounted to 11,180,516 soles, those from insured persons to 5,558,183 soles, while the public authorities contributed 3,725,455 soles.

Poland.

The report states that during the period 1 July 1952 to 30 June 1953 an Order of the Council of Ministers of 17 January 1953 amended the

legislation in force respecting the amount of benefits.

The pensions of workers (and their widows) who have not worked for at least 18 months since the liberation of Poland—pensions which up to that time had been paid at a uniform rate—have been increased by 56 per cent. and are fixed at 140 zlotys per month for a worker and 98 zlotys for a widow.

Pensions for workers (and their widows) who have worked for at least 18 months since the liberation, and who were in receipt of pensions before 4 January 1953, have been increased by 48 per cent. The minimum is 142 zlotys for the insured person and 100 zlotys for the widow (when the average monthly earnings of the insured person are less than 350 zlotys), while the maximum is established at 266 and 186 zlotys respectively (when the average monthly earnings of the insured person are 950 zlotys or more).

The pensions of workers (and their widows) who have worked at least 18 months since the liberation, and who acquire the right to a pension after 3 January 1953, are equal to a sum corresponding to the average earnings of the insured person during the last six months of employment. The totals of these pensions are within the same limits as those indicated above.

Supplementary pensions for children, and orphans' pensions (or family allowances where applicable), as well as funeral expenses and supplementary benefits in case of total incapacity, are paid according to the same principle; they are fixed at the same amount as in the case of insurance against accidents and occupational diseases, the only difference being that the so-called joint sum for an orphan or orphans who have lost both parents may (in addition to the usual supplements) amount to 60 zlotys per month and, in the case of accident insurance, 73 zlotys per month.

The increase in the pension under the system of supplementary insurance for miners is governed by the Order of the Minister of Labour and Social Welfare of 20 January 1953. The fixed amount of the pension of the insured person, including the increase, is 55 zlotys (previously 26 zlotys); the increased amount is now 7.30 zlotys per month (previously 5 zlotys) for each period of 12 months of underground work and 6.57 zlotys (previously 4.50 zlotys) for other periods of 12 months taken into account for the calculation of the pension. The widow's pension amounts to 60 per cent. of the increased pension of the insured person.

Invalidity and widows' pensions paid before 4 January 1953 have been increased by 46 per cent. as from that date. Under this system the orphan's pension amounts, after increase, to 26 zlotys per month (previously 18.5 zlotys) for an orphan who has lost one parent, and to 53 zlotys (previously 36 zlotys) for an orphan who has lost both parents.

The increased funeral allowance is 525 zlotys (previously 360 zlotys) in the case of the death of a person in receipt of an invalidity pension or of the widow or wife of an insured person, and 262 zlotys (previously 180 zlotys) in the case of an orphan entitled to a pension, or of the child of a pensioner. The increased allowance applies only if the death took place after 3 January 1953.

The increase in special pensions for miners, to

which miners and other mineworkers engaged in underground work are entitled, is regulated by Order of the President of the Government, No. 75 of 17 January 1953. Pensions in this category have been increased by an average of 25 per cent.; at present, they amount to 235 zlotys per month for ten years of underground work in the first group of earnings (earnings up to 530 zlotys per month) and 975 zlotys per month for 25 years and more of underground work in the ninth group of earnings (earnings above 1,620 zlotys per month).

The increased rates of these pensions also apply to persons who have acquired the right to a pension after 31 January 1953, as well as to those who acquired this right before that date.

A special pension for a miner's widow amounts to 60 per cent. of the increased pension of the worker.

The special pension for orphans of miners (orphans who have lost both parents, or children of a worker who has died as a result of an occupational accident or disease) amounts to (a) for one orphan, 30 per cent.; (b) for two orphans, 50 per cent.; (c) for three orphans or more, 60 per cent. of the increased pension to which the deceased was entitled.

The increased supplement for pensioners requiring the assistance of another person amounts to 150 zlotys per month (previously 120 zlotys) without regard to the amount of the pension.

The funeral allowance paid in respect of the death of a person in receipt of a special pension amounts to a sum equal to three months of such pension at the increased rate; it is only payable in respect of a pensioner who died after 3 January 1953.

The report states that statistical data relating to the number of insured persons and of persons in receipt of benefits have not been published for the period under review.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1952.

Family Allowances and National Insurance Act, 1952 (Commencement) Order, 1952.

Various Regulations, issued in 1952 and 1953, relating to national insurance and non-contributory old-age pensions.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952.

Family Allowances, National Insurance and Industrial Injuries (Commencement) Order (Northern Ireland), 1952.

Various Regulations, issued in 1952 and 1953, relating to national insurance.

A married woman employed by her husband under a contract of service, if the employment ordinarily occupies not less than 24 hours per week and is in trade or business, is now treated as a self-employed person. The standard rate of retirement pension has been increased to 32s. 6d. for all insured persons over the minimum pensionable age. The award of a pension is conditional on the contributor having retired from insurable employment and not engaging in any work which is inconsistent with retirement, but beyond age 70 (65 for a woman) its payment is unconditional. The wife of a retirement pensioner, though

not herself insured, may claim on her husband's insurance a retirement pension of 21s.6d. a week. Certain time limits for claiming benefits and disqualifications for late claims have been modified. The amount by which the pension of certain hospital in-patients receiving medical or other treatment free of charge is reduced has been modified.

All rates of contribution to national insurance were increased as from 6 October 1952. The rates of employers' contributions payable in respect of mariners employed on foreign-going British ships who are not domiciled in the United

Kingdom and have no place of residence there are now three-fifths of the rates of contributions payable in respect of other mariners.

On 30 June 1951 an estimated 21.4 million persons in Great Britain were contributing under the national insurance scheme towards retirement pensions, and 540,000 persons were insured for retirement pensions purposes in Northern Ireland on 31 December 1952. Expenditure on retirement pensions exclusive of administrative costs in the year ended 31 March 1952 was £275.2 million in Great Britain and £5.2 million in Northern Ireland.

36. Convention concerning compulsory old-age insurance for persons employed in agricultural undertakings

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Poland	29. 9.1948
United Kingdom	18. 7.1936

volunteers, prisoners-of-war, deportees, or were imprisoned or interned for political or racial reasons.

Article 9. The Order of 22 July 1952 fixes the contributions payable for compulsorily insured share tenants.

Decree No. 52-1290 establishes maximum contributions to be applied when a wage-earning employee works for several employers.

The Order of 13 February 1953 fixes the contributions payable for apprentices and trainees.

Article 19. The Order of 1 July 1952 establishes the conditions in which the Central Agricultural Mutual Fund organises the commutation of old-age pensions and incomes and the value of this commutation.

Decree No. 52-791 establishes the conditions in which : (a) the total of old-age pensions is increased ; (b) the guaranteed minimum pension is paid to share-tenant-tappers and tappers and (c) the revised pension is allocated.

The Order of 23 March 1953 revalues old-age or invalidity pensions and annuities under compulsory social insurance in agriculture.

Statistical data appended to the report show that the number of compulsorily insured persons who contributed during the year 1952 was estimated at 1,290,000 ; the number in receipt of pensions and allowances for aged workers amounted to 176,216 ; the total amount of pensions and allowances paid during 1952 was 9,326 million francs ; during the same period expenditure on benefits in kind (reimbursement of sickness expenses), amounted to 382 million francs.

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 35.

Chile.

See under Convention No. 35.

France.

Decree No. 52-791 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.

Order of 22 July 1952, to fix the wage to serve as a basis for social insurance contributions in agriculture as regards share tenants (*métayers*) who are compulsorily insured.

Decree No. 52-1290 of 1 December 1952, to amend the Decree of 20 April 1950 respecting the financial resources of social insurance in agriculture.

Order of 12 December 1952, to assimilate to periods of compulsory insurance those periods during which compulsorily insured persons in agriculture were unable to pay their contributions owing to circumstances arising from the state of war.

Order of 13 February 1953, to fix social insurance contributions in agriculture as regards apprentices and trainees.

Order of 23 March 1953, to revalue old-age and invalidity pensions and incomes under compulsory social insurance in agriculture.

Decree No. 53-448 of 13 May 1953, to issue public administrative regulations relating to the co-ordination of the agricultural scheme with other social security schemes.

Article 2. Decree No. 53-448 determines the rights under old-age insurance of insured persons who have been covered successively or simultaneously by the scheme for agriculture and by another social insurance scheme.

Article 7. The Order of 12 December 1952 assimilates to periods of compulsory insurance those periods during which compulsorily insured persons in agriculture were either mobilised,

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

France.
Finance Act of 7 February 1953, for the financial period 1953.
Decree No. 53-236 of 24 March 1953, to amend Sections 147 and 148 of Decree No. 46-1378 of 8 June 1946, to issue public administrative regulations for the application of Ordinance No. 45-2250 of 4 October 1945 relating to the organisation of social security.
Decree No. 53-505 of 21 May 1953, to amend Decree No. 45-0179 of 29 September 1945, to issue public administrative regulations for the application of Ordinance No. 45-2454 of 19 October 1945 establishing the system of social insurance applicable to insured persons engaged in occupations other than agriculture.
Article 7. See under Convention No. 35 (Article 7).
Article 10. See under Convention No. 35 (Article 9).
Article 13. See under Convention No. 35 (Article 13).

Statistical data appended to the report show that on 31 December 1952 the number of insured persons covered by the general system for occupations other than agriculture was estimated at 8,400,000 ; the number of pensions being paid

at 30 June increased from 236,942 in 1952 to 247,853 in 1953 ; total expenditure amounted, for the period 1 July 1952 to 30 June 1953, to 14,721 million francs for pensions and to 10,963 million francs for benefits in kind.

Italy.
See under Convention No. 35.

Peru.
For legislation see under Convention No. 35.

The report gives detailed information regarding the application of the Convention and, in particular, states that social insurance for salaried employees is in the process of organisation.
The number of insured persons in 1952 was 321,575.
The total number of persons in receipt of pensions on 1 January 1952 was 1,823. During the period under review 22 invalidity pensions expired and 109 new invalidity pensions were granted.
The amount expended in pensions was 771,400 soles. Contributions from employers amounted to 10,210,312 soles, those from insured persons to 5,099,969 soles, and the amount contributed by the public authorities was 3,399,979 soles.

Poland.
See under Convention No. 35.

United Kingdom.
See under Convention No. 24.

The report from *Chile* 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

France.
For legislation see under Convention No. 36.

Article 2. The Decree of 13 May 1953 fixes the right to invalidity insurance benefits of insured persons covered successively or simultaneously by the agricultural scheme and by another social insurance scheme.
Article 7. See under Convention No. 36 (Article 7).

Article 9. See under Convention No. 36 (Article 9).

Article 19. See under Convention No. 36 (Article 19).

Statistical data appended to the report show that during 1952 the number of compulsorily insured persons who paid contributions was estimated at 1,290,000; the number of pensions being paid on 31 December 1952 was 18,106; the total amount paid out in invalidity pensions during 1952 was 973 million francs.

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 24.

The report from *Chile* 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

Peru.

Legislative Decrees Nos. 10902, 10941, 11215 and 11241.

Supreme Decrees of 21 February, 28 March and 21 April 1949, 29 and 30 May 1950, and 17 October 1952.

The report contains detailed information regarding the application of each Article of the Convention.

The number of insured persons during 1952 was 321,575. Total expenditure (including administrative expenses) amounted to 671,282 soles. Contributions from employers amounted to 1,659,175 soles, those from insured persons to 828,745 soles, and the amount contributed by the public authorities was 552,496 soles.

Poland.

See under Convention No. 35.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1952. Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952.

Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance.

The weekly rate of a widow's allowance for the first 13 weeks of widowhood has been increased from 36s. to 42s. 6d., and the supplement for the first child from 10s. to 10s. 6d. The weekly rate of the allowance for a widow with one child is raised from 40s. to 43s. Lower rates are paid where the husband's yearly average of weekly contributions numbers less than 50. The weekly rate of a widow's pension is now 32s. 6d. a week, and that of guardians' allowances 15s. Rules for the adjustment of the benefit of certain hospital in-patients have been altered. Increases have also been made in contribution rates and Exchequer supplements to national insurance.

About 440,000 women were in receipt of widows' benefits in Great Britain on 31 December 1952, excluding the short-term widow's allowance; in addition, guardians' allowances and orphans' pensions were in payment for nearly 25,000 children. Total expenditure on widows' benefits and guardians' allowances, exclusive of administrative costs, during the year ended 31 March 1952 was about £24.5 million.

In Northern Ireland 10,200 women were in receipt of widows' benefits at the end of 1952, and benefit was payable for about 3,900 children. Total expenditure on widows' benefits, orphans' pensions and guardians' allowances during the year ended 31 March 1952 was approximately £681,000.

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

Poland.
See under Convention No. 35.

United Kingdom.
See under Convention No. 39.

EIGHTEENTH SESSION (GENEVA, 1934)

41. Convention concerning employment of women during the night (revised 1934)

This Convention came into force on 22 November 1936

Countries	Date of registration of ratification
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, 5}	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.

See under Convention No. 4.

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. These data include for certain provinces the number of inspection visits, infringements reported and fines imposed as regards the legal provisions concerning the work of women and young persons.

Belgium.

Three decisions to ensure the application of the Convention were given by courts of law. The total number of women employed in the undertakings visited by the inspection services was 153,711. Nine infringements were reported.

Brazil.

With reference to the observations made by the Committee of Experts in 1952, the Govern-

ment states that in virtue of Legislative Decree No. 8249 of 1945, Section 379 of the Consolidation of Labour Laws is applicable to women engaged as employees by nationalised undertakings before nationalisation took place. Women engaged after the nationalisation of an undertaking are covered by the regulations relating to public services, under which hours of work are so fixed that they do not include the night period. The Government expresses the view that, in view of the foregoing, it is not necessary to amend the legislation relating to Convention No. 41.

Information relating to the number of infringements during the period under review will be communicated at an early date and in time for examination by the Committee.

Burma.

See under Convention No. 4.

Greece.

The report states that workplaces are inspected by the labour inspection officials, and, in default of such officials, by the police authorities. The payrolls of the persons employed in the undertakings are checked; they must indicate the sex of the employees and their hours of work. Officials in charge of inspection take the necessary measures to ensure that women are not employed in the interval between 10 p.m. and 5 a.m. In accordance with Greek legislation the interval during which work is prohibited falls between 9 p.m. and 6 a.m.

Iraq.

Under Article 4, clause (b) of the Convention the report states that, although the Labour Law provides for regulations to be made, no regulations have been made up to the present. However, the new Labour Code which is now before Parliament contains a provision relating to the exception provided for in the above-mentioned clause.

It has been reported that women work at night in certain seasonal industries such as wool-cleaning and date-packing. The new Labour Code will deal with the question of bringing these seasonal workers under the provisions of the Labour Law.

As regards Article 8, the Government states that the Labour Law does not apply to women who are employed in certain administrative or commercial establishments or undertakings covered by the law. However, the new Labour

Code contains provisions relating to exceptions in certain cases.

The Directorate-General of Labour in the Ministry of Social Affairs is responsible for the application of the Convention. The supervision and enforcement of the legislation is carried out by a small group of labour inspectors in Baghdad and by the respective labour superintendents in Kirkuk, Basrah, Mosul and Hilla. Routine visits are made to industrial undertakings covered by the Labour Law and warnings are issued in cases of contraventions. The inspection service is being developed.

No statistical data are available.

Ireland.

As in previous years the only exclusions allowed were in respect of certain firms engaged in the Christmas poultry trade. Three contraventions were reported in the period under review but

it was not considered necessary to institute proceedings against the employers concerned.

Venezuela.

See under Convention No. 1 for information relating to the force of law given to a ratified Convention and the eighth transitory provision of the new Constitution, under which the provisions of the Convention are maintained in force.

The report contains information regarding the reorganisation of the Social Security Department, which now includes a Social Security Technical Board.

The number of labour inspectors (in the Federal district and in the various states listed in the report) is 119.

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

Ceylon, Egypt, Netherlands.

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
Uruguay	18. 3.1954

¹ Has denounced Convention No. 18 in ratifying this Convention.

Argentina.

A court decision recognised spondylo-arthritis as an occupational disease giving rise to compensation ; the continuous effort of transporting materials by wheel-barrow is considered as a traumatic factor for older workers.

Austria.

See under Convention No. 17 for details in respect of the number of insured persons, total expenditure paid out in benefits, etc.

The number of reported cases of occupational diseases was 1,199, nine of which were fatal. In 304 cases compensation was paid for the first time.

Belgium.

Royal Orders of 28 January and 7 April 1953, to amend the Royal Order of 25 April 1951, to draw up the list of occupational diseases and to specify in respect of each disease the industries or occupations in which the injured worker is entitled to compensation, and also to specify the categories of workers covered.

Royal Orders of 2 March and 22 June 1953, to fix the rates of contributions for the year 1951 payable by the heads of undertakings and craftsmen, and respecting the statements and formalities required of these heads of undertakings, in application of the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases.

Act of 22 June 1953, to amend the Act of 24 July 1927.

The Act of 22 June 1953 stipulates that victims of occupational diseases who are in receipt of compensation or of a pension payable under the Act of 24 July 1927 are required to continue the payment of their social security contributions.

In a letter supplementing the information contained in the report, the Government states that, in order to give effect to the observations made by the Committee of Experts, the Government intends to promulgate a Royal Order to add halogen derivatives of hydrocarbons of the aliphatic series to the list of occupational diseases in respect of which compensation is payable.

Cuba.

See under Convention No. 18.

Denmark.

See under Convention No. 18.

France.

Act No. 52-898 of 25 July 1952, to provide for an increase in the compensation due under legislation relating to industrial accidents.

Decree No. 52-1168 of 18 October 1952, to amend the Decree of 17 November 1947 determining special measures for the application to occupational silicosis of the Act of 30 October 1946 concerning the prevention of and compensation for industrial accidents and occupational diseases.

Decree No. 52-1169 of 18 October 1952, to establish special measures for the application to occupational asbestosis of the Act of 30 October 1946.

Decree No. 53-238 of 24 March 1953, to amend Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations for the application of Act No. 46-2426 of 30 October 1946.

Decree No. 53-531 of 28 May 1953 concerning the application to special schemes of Act No. 46-2426 of 30 October 1946.

Decree No. 52-1168 of 18 October 1952 makes an improvement in the former compensation scheme, in particular with regard to the condition relating to the minimum period during which workers are exposed to the risk of silicosis. This extension is accompanied by stricter medical guarantees. The reforms made in the compensation scheme for silicosis have been extended to asbestosis by Decree No. 52-1169 of 18 October 1952.

Other amendments adopted during the period under review relate to the calculation of benefits.

During 1952 the social security bodies of the general scheme registered 5,582 reports of occupational diseases. The report supplies statistics concerning these diseases.

Iraq.

During the period under review two cases of tuberculosis were reported and compensated.

Ireland.

Statistical information appended to the report shows that in 1951 compensation amounting to £3,523 was paid in respect of 65 cases of occupational diseases.

Japan.

See under Convention No. 18.

Mexico.

The report contains the text of two decisions given by the Supreme Court in regard to the minimum period during which various prescribed occupational diseases can be contracted, and to the right of dependants to claim, if the injured worker dies, the payment of compensation for invalidity.

Netherlands.

Detailed statistical information appended to the report shows that 961 cases of occupational diseases, six of which were fatal, were compensated in 1951. The total expenditure involved was 5,230,202 florins.

New Zealand.

Reference is made to the report on Convention No. 17 for changes in the legislation on workers' compensation.

The Workers' Compensation Board is required to spend a proportion of its income for the purpose

of promoting the health and safety of workers, and has agreed to support the principle of establishing industrial health centres.

In order to know whether cases of ill-health due to conditions of work are occurring, the Notifiable Diseases Notice, 1953, was enacted, making the notification of occupational diseases a statutory requirement; accurate information will now be available.

Several cases have occurred of mild poisoning arising from the mixing of bait with arsenic; eight cases of lead poisoning were notified, six of which were in paint manufacture, painting and spraying.

Norway.

Statistical information is given concerning the years 1949 and 1950; more recent information is not available. Four cases of silicosis (three invalidity cases and one fatal) were compensated in 1949 and 20 (17 invalidity cases and three fatal cases) in 1950. Seven cases of lead poisoning and two of benzene poisoning were compensated in 1949, and four cases of lead poisoning in 1950. The total amount paid out in compensation was 57,150 kroner.

Poland.

See under Convention No. 12.

Sweden.

During the period under review 3,725 cases of occupational diseases were reported.

*United Kingdom.**Great Britain.*

National Insurance (Industrial Injuries) (Prescribed Diseases) Amending Regulations, 1953.

The above regulations have extended the scope of insurance against pneumoconiosis to persons employed in any occupation involving boiler-scaling or substantial exposure to the dust arising therefrom.

The report contains details showing the number of cases of prescribed diseases reported during 1951, as well as the number of disablement allowances and the amount paid out in benefits in respect of both accidents and prescribed diseases in 1952.

Northern Ireland.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amending Regulations (Northern Ireland), 1953.

These regulations replace the definition of one of the poisonous derivatives of benzene or its homologues and extend insurance against pneumoconiosis to persons employed in the manufacture of carbon-electrodes and in boiler-scaling.

No cases of lead poisoning or pneumoconiosis were reported in 1952. Among prescribed diseases, industrial dermatitis is still the chief cause of incapacity.

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

Brazil, Finland, Turkey.

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
Uruguay	18. 3.1954

France.

In reply to the observations made by the Committee of Experts in 1953 the Government states that, from an enquiry undertaken by the labour inspection services, it appears that in practice both regional and local collective agreements provide in general that overtime must be remunerated at 25 per cent. above the normal wage rate when from 41 to 48 hours are worked during the week, and at 50 per cent. above the normal wage rate when more than 48 hours are worked.

The Government considers that there are no grounds for amending Section 6, paragraph 1, of the Decree of 13 February 1937, which determines the methods of application of the Act of 21 June 1936 relating to the 40-hour week in glassworks, and which does not provide for increased wages in the event of a working week of more than 40 hours, since Article 3 of the Convention lays down that adequate remuneration may be determined by means of agreements. The employers' and workers' organisations have been invited to draw up an agreement which will bring those already concluded on this question within the framework of a collective agreement which may be concluded in accordance with the Act of 11 February 1950 relating to collective agreements.

Mexico.

Collective Agreement of 1947 between the Monterrey Glass Works and the Glass Workers' Union.

Works Regulations of the Monterrey Glass Works.

Article 1. This is applied under Section 81 of the Federal Labour Act.

Article 2. The report quotes the provisions of Section 16 of the Act of 16 April 1938 to ratify the Convention.

Article 3. The legislation provides for cases of *force majeure* and additional hours of work.

Article 4. This Article is applied by Sections 4 to 12 of the Works Regulations of the Monterrey Glass Works.

No statistical information is available.

The insertion of any of the provisions of the Convention in a collective labour contract, whether federal or local, automatically ensures compliance with these provisions.

Norway.

The only undertaking manufacturing sheet-glass is the "Drammens-Glasswerk". The shift system for this undertaking was authorised by the labour inspection authorities on 23 August 1929. The hours of work under this system are on an average 42 per week. The weekly rest period is 24 hours.

The application of the appropriate legislation is entrusted to the Directorate of Labour Inspection, which is under the Ministry of Labour and Local Government. This service has not encountered any case of infringement of the regulations applying the Convention.

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

Belgium, Ireland, 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.

The report contains the following figures relating to assistance granted to unemployed persons during 1952 : State contribution for total unemployment, 3,101,148,811 francs ; contribution by the communes, 207,785,723 francs. Expenses for partial unemployment amounted to 1,080,920,655 francs, and subsidies to communes carrying out works for assisting unemployed persons to 50,879,086 francs. The total expenditure in allowances to unemployed persons amounted to 4,232,948,552 francs.

The Government still has under consideration the Bill to provide 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, as individual members entitled to the benefit of allowances.

Ireland.

Various Statutory Orders and Regulations, made in 1952 and 1953, dealing with questions of insurability and unemployment benefit under the Social Welfare Act, 1952.

The Social Welfare Act, 1952, came into partial operation on 3 July 1952 and into full operation on 5 January 1953. As from the latter date, the co-ordinated system of social insurance embodied in the Act replaced various social insurance schemes, including the scheme for unemployment insurance contained in the Unemployment Insurance Acts, 1920-1952.

The report gives the following detailed information regarding the sections of the Social Welfare Act, 1952, under which the various Articles of the Convention are applied.

Article 1. As from 3 July 1952 the weekly rates of unemployment benefits and allowances for dependants were increased. The report gives details of the rates payable in respect of persons above and under 18 years of age, as well as the rate payable, as from 5 January 1953, to any person under 18 years of age who is entitled to increased benefit in respect of one or more dependants.

Reduced weekly rates of personal unemployment benefit and of increases in respect of adult dependants may be payable if the contribution conditions for unemployment benefit are partially satisfied.

The benefit may be withheld or reduced in specified cases where another benefit is payable under the Act.

Article 2. Every person over 16 and under 70 years of age (pensionable age), with the exception of those engaged in certain employments and employed under a contract of service, is insurable under the Social Welfare Act, 1952. The report enumerates the excepted employments specified in this Act. The Social Welfare (Insurance Inclusions and Exclusions) Regulations, 1952, added certain employments to those which are insurable under the Social Welfare Act, 1952, and also added to the list of employments excepted from insurance under that Act. The principal class of persons who become insurable by virtue of the Regulations is that of manual workers earning more than £600 per annum.

Provision for unemployment benefit has not been made in respect of persons engaged in specified types of employment, all of which come within the permissive exceptions in paragraph 2 of this Article. As from 6 October 1952 the composite rates of contributions for unemployment insurance were increased. These are lower for male contributors whose employment is mainly in agriculture and for female contributors whose employment is mainly in agriculture or domestic work; in the latter case the contributions do not rank for the payment of unemployment benefit.

The repeal of the Unemployment Insurance Acts, 1920-1952, by the Social Welfare Act, 1952, necessitated the making of new reciprocity agreements with Great Britain and Northern Ireland in regard to unemployment benefit and unemployment insurance. The position existing before the Appointed Day is, in general, maintained.

At the beginning of October 1952 the number of insured persons was 512,094.

Article 3. Under the Social Welfare Act, 1952, persons casually employed or employed on a short-time basis qualify for unemployment benefit if their unemployment can be regarded as continuous within the meaning of the following definition of a period of interruption of employment: "Any three days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment and any two such periods not separated by a period of more than 13 weeks shall be treated as one period of interruption of employment".

Article 4. A person has a statutory right to unemployment benefit provided that he has made application in the prescribed manner, is between the ages of 16 and 70 years, satisfies the contribution conditions, is not incapable of work and is deemed to be available for work and free from statutory disqualification.

Article 5. The Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1953, provide that existing female contributors, as defined in the Regulations, must satisfy an additional condition for the receipt of unemployment benefit. This condition, which applies to claims to unemployment benefit made at prescribed periods, requires that where ordinary and special rate contributions have been paid a certain proportion must have been ordinary rate employment contributions which rank for payment of unemployment benefit. Where no contributions have been paid, the non-payment must have been due to sickness or unemployment. On marriage a woman is disqualified from receiving unemployment benefit until 26 employment contributions have been paid on her behalf, subsequent to her marriage.

Article 6. A claimant's right to unemployment benefit is dependent on his satisfying conditions which require (a) not less than 26 employment contributions in respect of the period between his entry into insurance and the day for which benefit is claimed, and (b) not less than 50 employment contributions in respect of the last complete contribution year before the beginning of the benefit year in which the claim is made.

An unemployed contributor is entitled to unemployment benefit for 156 days in a period of interruption of employment, after which requalification for benefit is necessary, i.e., 13 further employment contributions must be paid on behalf of the claimant. However, in the case of a person over 65 years of age, requalification is not necessary provided that not less than 156 employment contributions have been paid in the period between his entry into insurance and the day for which benefit is claimed.

Details are given of the provisions of the Social Welfare (Contributions) Regulations, 1953, relating to the granting of credited employment contribu-

tions to an employed contributor for the period between the beginning of the contribution year preceding that in which he enters insurance and the date of entry into insurance, and in respect of any contribution week of notified incapacity or of proved unemployment. If, however, no employment contributions have been paid or credited in respect of an insured person for any two consecutive contribution years, an employment contribution shall not be credited, unless 26 employment contributions have been paid since the end of the second contribution year.

Article 7. As from 5 January 1953 a person is not entitled to receive unemployment benefit for the first three days of any period of interruption of employment.

Article 8. Attendance at a course of vocational or other instruction is not a condition for the receipt of unemployment benefit.

Article 9. Refusal of suitable employment is a disqualification for the receipt of unemployment benefit.

Article 10. A claimant who has refused an offer of suitable employment is not entitled to receive unemployment benefit for a determined period not exceeding six weeks. The report gives details showing the nature of employment which is not deemed to be suitable (as provided for in paragraph 1, subparagraphs (a) to (c) of this Article of the Convention), as well as the reasons (in keeping with those given in subparagraphs (a) to (d) of paragraph 2) for which a claimant may be disqualified for the receipt of unemployment benefit. The penalties for obtaining or attempting to obtain unemployment benefit fraudulently do not include disqualification for the receipt of benefit.

Benefit is payable to a person who receives compensation in lieu of notice terminating his employment, as from the first day on which his services are not required, subject to a "waiting period".

Article 11. Unemployment benefit is payable for 156 days in a period of interruption of employment (see under Article 6).

Article 12. Unemployment benefit is payable irrespective of the needs of the claimant.

Article 13. Unemployment benefit is payable in cash. No supplementary grant or allowances are paid.

Article 14. Questions arising in relation to claims for the various benefits or the insurability of persons and other matters relating to the position of employed contributors under the Act are determined by Deciding Officers and Appeals Officers appointed by the Minister, one of whom is appointed as Chief Appeals Officer. Provision is made for the determination of appeals and for appointment of assessors to sit with an Appeals Officer when any question which appears to require the assistance of assessors is being heard. Appeals Officers are assisted by assessors when hearing questions relating to claims to unemployment benefit. In questions other than those relating to claims to benefit and disqualifications therefor, the Minister may, at the request of the Chief Appeals Officer, refer such question to the High Court for decision. If such a question is decided by an Appeals Officer, any person who

is dissatisfied with the decision may appeal to the High Court on any question of law.

Article 15. The Act provides that a person shall be disqualified for benefit or any increase of benefit while he is absent from the State, but allows exceptions by regulation. Exceptions have been made in respect of certain ex-members of the Defence Forces resident in Northern Ireland and, in so far as the increase in respect of a dependant is concerned, of a dependent spouse. Provisions similar to those made under the former Unemployment Insurance Acts apply to frontier workers.

Article 16. Foreigners are entitled to benefit on the same conditions as nationals.

The Social Welfare Act, 1952, is administered by the Minister for Social Welfare.

The total amount paid in unemployment benefit for the financial year ended 31 March 1953, was £1,815,000, of which £972,000 was paid under the Unemployment Insurance Acts in the period 1 April 1952 to 4 January 1953, and £843,000 was paid under the Social Welfare Act, 1952, in the period 5 January to 31 March 1953.

New Zealand.

Social Security Charge Regulations, 1952 (Serial 1952/230).

The above-named regulations are a consolidation of the Social Security Contribution Regulations, 1939, and their amendments, and make only minor changes in the law.

During the year ended 31 March 1953 there were 199 applications for unemployment benefit; allowances were granted in 125 cases and total payments amounted to £3,187. At 31 March 1953 benefits were being paid in 15 cases.

Switzerland.

During the period under review, four cantons (Berne, Fribourg, Vaud and Geneva) have introduced provisions making admission to insurance conditional upon a specified period of non-agricultural employment for persons who, in the past, were regularly engaged in agricultural work.

One canton (Lucerne) has introduced compulsory insurance, so that the number of cantons which have made insurance compulsory for all employees, or for certain categories is now 17.

Two cantons (Schwyz and Upper Unterwalden) have delegated authority to introduce compulsory insurance to the municipalities.

Two other cantons (Fribourg and Valais) have authorised the State Council to introduce compulsory insurance in the municipalities, on the proposal of the latter.

There now remain two cantons (Appenzell-Outer Rhodes and Aargau) which have only voluntary insurance.

On 1 January 1953 the number of persons insured against unemployment was 599,335, as compared with 591,705 in 1952.

Appended to the Government's report are the report of the Federal Council for 1952 and Bulletins giving the legal decisions and awards, respecting unemployment insurance, of federal, cantonal and municipal courts, as well as of arbitration and conciliation boards.

*United Kingdom.**Great Britain.*

Family Allowances and National Insurance Act, 1952.
Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952.

National Assistance (Amendment) Act (Northern Ireland), 1952.

Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance and national assistance.

The standard weekly rate of unemployment benefit, as from 24 July 1952, became 32s. 6d. instead of 26s. for adults, (including some married women). For most married women the benefit was increased from 20s. a week to 26s., and for persons under 18 from 15s. to 20s. The supplement for an adult dependant was increased from 16s. to 21s. 6d. and that for the first or only dependent child to 10s. 6d. Increased rates of contribution also became payable from 6 October 1952.

Unemployed persons may now receive unemployment benefit, under certain conditions, for periods up to 19 months, depending on their record of contributions and benefits during recent years. Regulations came into force amplifying the provisions for determining the dates on which benefit is receivable and providing for the disregarding of certain periods in calculating the time limits for obtaining payment of benefit. A seasonal worker's "season" is now defined as the parts of the year in which he is normally employed, and his "off-season" as the parts in

which he is normally not employed ; if the latter period is not more than seven weeks he is not treated as a seasonal worker. The determination of whether a person is a seasonal worker and the period of his off-season usually depend upon his employment record in recent years.

An agreement between Great Britain and Italy has come into force under which a United Kingdom or Italian national who goes to Italy and becomes insured under the Italian scheme may have the insurance contributions he has paid in Great Britain taken into account for purposes of unemployment benefit in Italy. The converse applies in respect of a United Kingdom or Italian national coming to Great Britain. An agreement between Northern Ireland and the Republic of Ireland has also come into force, under which a person resident in the former but employed in the latter may elect to have his insurance for unemployment benefit deemed to be under the Northern Ireland scheme. Similarly, a person resident in the Republic of Ireland but employed in Northern Ireland may elect to have his insurance deemed to be under the scheme of the former.

Approximate expenditure for unemployment benefit in the United Kingdom during the year ended 15 June 1953 was £22.2 million, of which £19.1 million was for Great Britain. The number of persons registered as unemployed in Great Britain and Northern Ireland at the same date was 334,500, of whom 220,400 were male and 114,100 were female. On 30 June 1953 recipients of national assistance required to register for employment totalled 79,300, of whom 44,900 were receiving assistance in addition to their unemployment benefit.

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
Australia	7.10.1953
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
Uruguay	18. 3.1954
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	21. 5.1952

¹ See footnote 3 to Convention No. 19.
² See footnote 3 to Convention No. 1.

Brazil.

The national legislation on the subject is strictly applied and does not meet with any opposition from employers. With regard to the question by the Committee of Experts concerning public undertakings, the Government states that the national legislation strictly prohibits the employment of women in underground work in mines of all descriptions, whether public or private.

The Government states that it will communicate to the Office the data concerning infringements of the national legislation which have occurred during the period covered by the present report, so that the Committee can consider them in due course.

Greece.

The Mines Inspectorate, which ensures the application of the Convention in conjunction with the Labour Inspectorate, at present consists of three engineers. Information relating to the organisation of labour inspection is given in the report on Convention No. 1. The Convention is applied in a satisfactory manner.

India.

Mines Act, 1952 (L.S. 1952—Ind. 3).

The Mines Act, 1952, which was adopted on 15 March 1952, came into force on 1 July 1952. Section 46 of the Act prohibits the employment of women on underground work in mines of all kinds.

During the period under review visits of inspection without prior notice were effected by the staff of the Mines Department. Proceedings were instituted in all cases where women were found to be employed underground. There were eight proceedings (five in Bihar, one in Madras and two in Rajasthan); five convictions were obtained.

Indonesia (First Report).

Law No. 1 of 6 January 1951, to bring the Labour Law (No. 12) of 1948 into operation throughout Indonesia (L.S. 1951—Indo. 1).

The information supplied by the Government consists primarily of quotations from the national legislation which gives effect to Convention No. 45.

Articles 1 and 2. The application of these two Articles is assured by Section 8, paragraph 1, of the above-mentioned Law, which prescribes that women shall not be employed on work in mines, pits or places where minerals or other materials are extracted from the earth.

Article 3, clauses (a), (b) and (c). No provision in the national legislation allows exceptions corresponding to those authorised by virtue of these provisions of the Convention.

Article 3, clause (d). Section 8, paragraph 2, of the Labour Law provides, on the other hand, that the prohibition of the employment of women on the work listed in paragraph 1 of Section 8 does not apply in cases where women workers must visit underground sections of a mine from time to time in connection with their duties, without being employed there on manual work. The Government adds, however, that none of the

exceptions authorised under Article 3 of the Convention has been granted.

By virtue of Section 17 of the Labour Law, the responsibility for carrying out the provisions of the Law, of the government orders made thereunder and of the instructions issued by the labour inspectors lies with the employer and also with supervisory employees who have been explicitly instructed by the employer to ensure compliance with these provisions, instructions, etc.

Under Section 18 of the Act, in cases of non-observance of the obligations laid down in Section 17, persons who are found guilty are subject to penalties of imprisonment or fines.

The Minister of Labour is responsible for supervising the application of the relevant legislation, but in practice supervision is carried out by the Labour Inspectorate.

Mexico.

The authorities entrusted with the application of the Convention are the Ministry of Labour, the Department of the Federal District, the Federal Conciliation and Arbitration Boards, the Federal labour inspectors and the Attorney-General's Office.

There are no reports available from the Labour Inspection Service and no statistics which make it possible to estimate the number of workers covered by the legislation.

United Kingdom.

Great Britain.

The strength of the Inspectorate at 30 June 1953 was 153.

Venezuela.

Constitution of Venezuela, dated 15 April 1953.
Mines Act of 28 December 1944.
Regulation of 28 December 1944 giving effect to the Mines Act.

See under Convention No. 1 with regard to the following : information regarding the force of law given to a ratified Convention ; information relating to the eighth transitory provision of the new Constitution, which maintains the Convention in force ; and information relating to the reorganisation of the Social Security Department and to the number of labour inspectors.

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

Afghanistan, Argentina, Austria, Belgium, Ceylon, Chile, Cuba, Egypt, Finland, France, Ireland, Netherlands, New Zealand, Pakistan, Portugal, Sweden, Switzerland, Turkey, Union of South Africa.

46. Convention limiting hours of work in coal mines (revised 1935)

(Not yet in force)

Countries	Date of registration of ratification
Cuba	14. 4. 1936
Mexico	1. 9. 1939

of a collective agreement dated 12 April 1952 between the Sabinas Coal Mines and the Industrial Union of Workers in Mining, Metallurgical and assimilated undertakings, as well as the Works Rules of the above-mentioned company, dated 14 April 1939 and amended in 1949.

Mexico (Voluntary Report).

The report reproduces various clauses, relating to hours of work, holidays, rest periods, etc.,

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).

Shipping and Seamen Act, 1952.

The relevant provisions of this Act are summarised in the report on Convention No. 1.

The number of workers covered by the legislation giving effect to this Convention as at April 1953 will be found in the reports on Conventions Nos. 1 and 30.

The amount of overtime for which permits were granted during the year ended 31 December 1952 was 535,371 hours in factories and 49,099 hours in shops and offices.

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.
Act of 3 June 1953, to amend the Invalidity Insurance Act.
Royal Decree of 6 February 1953.
In reply to the observations previously made by the Committee of Experts concerning the incomplete application of Article 10 of the Convention, the Government states that a Bill is in process of preparation to amend the Invalidity Insurance

Act and, in particular, to repeal Section 168 of this Act. This Section, which ceased to be applied as from 1 May 1952, provides that a foreigner residing outside the country only receives a pension equivalent to the total of his contributions.
The Act of 3 June 1953 raises from 4,925 to 5,025 florins the maximum salary which is liable to compulsory old-age, invalidity and death insurance.
During the period covered by the report 19 pensions were allocated to persons living in Poland, consisting of 12 invalidity pensions, five widows' pensions and two orphans' pensions.
Yugoslavia.
The report contains statistics on the number of pensions paid to beneficiaries living abroad.
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

Mexico.
For legislation see under Convention No. 43.
Articles 1 and 2. See under Convention No. 43.
Article 3. The Works Regulations of the Monterrey Glass Works contain provisions relating to hours of work and shift work.
Article 4. Any alteration in hours of work may only be made with the consent of the trade union concerned and the approval of the labour authority. Records of additional hours worked are kept

according to the system employed by each industrial undertaking.
No statistical data are available.
New Zealand.
Agreement under the Labour Disputes Investigation Act, 1913, dated 17 April 1953.
Industrial Agreement under the Industrial Conciliation and Arbitration Act, 1925, dated 22 April 1953.
These agreements, copies of which are appended to the report, lay down conditions of employment for some of the workers in the glass industry. The first renews and amends an agreement which already existed for glassworks in Auckland, while the second is a new agreement applying to glassworks in Canterbury. The provisions relating to hours of work in both agreements are based on the 40-hour week.
The reports from the following countries either reproduce or refer to the information previously supplied :
France, 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

The reports from *Argentina, Japan* and *Norway* reproduce the information previously supplied.

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)".

52. Convention concerning annual holidays with pay

This Convention came into force on 22 September 1939

involved will be examined in connection with the drafting of the Code of Social Law, which is one of the special objectives of the Government's Second Five-Year Plan.

Matters relating to the keeping of records and the relinquishment of the right to holidays are regulated by provisions in the Commercial Code which cover persons employed in all industrial undertakings.

The report quotes a court decision which recognised the right to a holiday of an actor who was not engaged in his usual activities, in spite of the fact that such persons are excluded from the application of Act No. 11729. In another case it was ruled that failure to pay remuneration corresponding to the days of annual holiday is punishable by the penalties laid down in Decree No. 1740/45; however, failure to pay such remuneration does not authorise the worker to consider himself as dismissed.

Brazil.

Article 157 of the Brazilian Constitution and various sections of the Consolidation of Labour Laws provide for holidays with pay for all employed persons, including agricultural workers. Special legislation provides for annual holidays with pay for persons employed in public services.

In response to an observation made by the Committee of Experts in 1952 the Government states that the Consolidation of Labour Laws

Argentina.

The Government supplies the following information in response to the observations made by the Committee of Experts in 1953.

The provision in the Convention by which interruptions of work due to sickness are not included in the annual holiday is observed in Argentina and has been confirmed by a recent decision given by the Supreme Court of Justice of Buenos Aires. The jurisprudence on which this decision is based constitutes an important source of law in the country. Moreover, the question

applies to all workers, including persons employed in undertakings engaged in the transport of passengers and goods by inland waterways.

The Government also states that Sundays and public and customary holidays are excluded from holidays with pay; the latter vary between seven and 20 working days. In view of the fact that annual holidays must be remunerated without prejudice to the wages due to a worker, the latter should receive not only a sum corresponding to the number of days of annual holiday but also remuneration for any Sundays or public and customary holidays that may fall within the period of the annual holiday.

With regard to the question raised by the Committee of Experts concerning interruptions of attendance at work due to sickness, the Government refers to Section 132 of the Consolidation of Labour Laws which provides for 20 working days' holiday for persons who have been in the employer's service for 12 months and who have not been absent for more than six times during this period; 15 working days' holiday for 250 days' service; 11 working days for more than 200 days' service; and seven working days for less than 200 but more than 150 days' service. Section 132 also stipulates that days of absence from work on account of sickness cannot be deducted from the holiday period, which is calculated in proportion to the time spent in the employer's service.

Furthermore, Brazilian legislation provides that the following shall not be deducted from the period which gives the right to an annual holiday: (a) absence on account of an industrial accident; (b) absence on account of sickness duly certified by a social welfare institution, except when sickness benefits have been received for more than six months; (c) absence for a reason deemed by the management as sufficient; (d) period of suspension by reason of an administrative enquiry, when the enquiry is deemed to have been unfounded; (e) absence in the case referred to in Section 473 and its subsections; and (f) days when, for the convenience of the undertaking, the worker is not employed (with one exception).

The only exceptions in this connection are listed in Section 133 of the Consolidation of Labour Laws. These exceptions relate to specified periods of absence during the period of the acquisition of the right to a holiday. The same section also provides that a worker shall not be entitled to an annual holiday if, during the above-mentioned period, he has received sickness benefits for more than six months in all, whether continuously or not.

From 1 July 1951 to 30 June 1952, 39 infringements of the legislation were reported in the Federal District. Statistical information concerning the number of convictions in the period under review (1952-53) will be forwarded separately.

Denmark.

Holidays with Pay Act of 31 March 1953, to amend the Holidays with Pay Act of 1938 (L.S. 1938—Den. 5).

Regulation No. 43 of 16 March 1953, concerning holiday stamps.

Regulation of 29 May 1953, issued in application of the Act of 31 March 1953.

Regulation of 2 June 1953, concerning the calculation of holiday remuneration in respect of hotel and restaurant staff who are paid by tips.

The report quotes relevant sections of the Act of 31 March 1953. The provisions of this Act which apply the various Articles of the Convention are indicated below.

Article 1. Section 1 of the 1953 Act lays down that, in the case of cessation of employment, persons who have been accorded holidays with pay under rules similar to those applying to civil servants are granted holiday remuneration of the same amount as that laid down in the Act.

Article 2. Under Sections 2 and 4 of the 1953 Act the paid holiday amounts to one-and-a-half days in respect of each month of employment during the preceding year, which runs from 1 April to 31 March. If the holiday amounts to 12 days or less it shall be taken consecutively during the period 2 May to 30 September; if it exceeds 12 days the days in excess thereof shall also be given consecutively but may be given during the remaining part of the holiday year. Where desirable, in the interests of production, this part of the holiday may be given in single days. Public and customary holidays on which the persons covered by the Act do not work are not included in the annual paid holiday.

Article 3. The Act (Section 5) provides that the persons covered by it are entitled to holiday remuneration amounting to 6.5 per cent. of the wages earned in the course of the holiday year. Similar holiday remuneration is payable during periods of absence due to illness up to but not exceeding three months within a holiday year, provided the person concerned has been employed in the same undertaking for not less than one year prior to the occurrence of the illness. In the case of industrial injury, holiday remuneration is always paid during a period of absence of not more than three months provided that, at the time of the injury, the worker has been employed for not less than six consecutive days with the same employer. Persons who are engaged by the month or for a longer period, and in such manner that no reduction is made from their salary in respect of public holidays, days of absence on sick leave, etc., may be allowed an annual holiday with pay in lieu of holiday remuneration.

Article 4. This is applied by Section 7 (2) of the Act of 1953.

Article 5. This is applied by Section 7 (3) of the Act.

Article 6. Holiday remuneration is not payable in cash but in the form of holiday stamps or holiday cards.

Article 7. The employer is required to enter in the holiday records the length of the working period on which the calculation of the holiday is based, the dates at which the holiday is taken and the duration of the holiday.

Article 8. Section 7 (1) of the Act provides that any employer who, although requested to do so, fails without good reason to pay holiday remuneration shall be fined. Section 7 (4) provides that any transfer of holiday stamps or other evidence in respect of holiday remuneration is punishable by a fine.

During the period under review two law suits respecting contraventions of the Holidays with Pay Act were brought before the courts.

Israel (First Report).

Act of 4 July 1951, respecting annual holidays(L.S. 1951—Isr. 3)

Regulations of 14 September 1951, issued under Sections 22 and 36 of the above Act, and respecting membership of, and model rules for, holiday funds. Regulations of 19 March 1953, issued under Sections 3 (a) and 7 (b) of the above Act, and respecting the length of annual holidays and the prohibition of the accumulation of holidays.

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

Article 1. The Annual Holidays Act applies to all workers with the exception of those enumerated in Section 35.

Article 2, paragraph 1. Section 3 (a) of the Act provides that the length of the holiday shall be 14 days (in practice, 12 working days for each year of service with the same employer or in the same undertaking). The Minister of Labour may make regulations prescribing a longer holiday for certain occupations if he considers this necessary for the health of the employee or on account of the conditions of work. Such regulations were issued on 16 March 1951.

Article 2, paragraph 3. Section 5 (a) of the Act excludes from the calculation of holidays : public holidays established by law or custom or arising from agreement, but excluding the weekly day of rest ; days of incapacity for work arising from an accident or illness ; and a number of other days specified in the legislation.

Article 2, paragraph 4. Section 8 of the Act provides that the holiday shall be continuous but that the employee and the employer may by mutual consent, and with the agreement of the local committee of employees, if any, break up the holiday, provided that it includes one continuous period of not less than seven days.

Article 3. Section 10 of the Act applies the provisions of this Article. The Minister of Labour may make regulations containing complementary provisions respecting the calculation of normal remuneration for the purposes of this section.

Article 5. Section 12 of the Act provides that an employee shall not undertake paid work during his holiday and if he does so he shall be deprived of his holiday pay ; if he has already received the pay the employer may deduct it from his wages or salary or recover it as a debt.

Article 6. Section 13 of the Act applies the provisions of this Article.

Article 7. Section 26 (a) of the Act provides that the employer shall keep a holiday register in which he shall enter for every employee the details prescribed in the regulations. Such regulations have not yet been issued.

Article 8. Section 28 applies the provisions of this Article.

The Minister of Labour is responsible for the administration of the Act ; supervision and enforcement is entrusted to the Labour Inspectorate. While visiting undertakings, the labour inspectors make enquiries as to whether the Act is being observed. There are special reception hours in the Labour Inspectorate for the public to make complaints, receive explanations, and so on. After receiving an employee's complaint, the inspector

gets in touch with the employer and explains his duties under the Act. When explanations prove insufficient, warning letters are sent, and, if the letters remain ineffective, the case must be brought before the court. In the period under review 208 warning letters were sent ; no case was brought before the courts.

As large numbers of employees are organised, they have for years enjoyed an annual holiday, although in some cases these holidays are shorter than the one provided for by the Act. In most of the large undertakings where the employees are organised the Act was implemented without difficulty. In some cases where employees are not organised they are obliged by the employers to forgo their holiday rights under fear of losing their employment. Most of the complaints against employers were brought before the Labour Inspectorate by employees who had already left their employment without having received the holiday pay due to them.

In application of Division IV of the Act, the Minister of Labour has approved three holiday funds through which payments in lieu of holidays are made to wage earners who have worked for less than 75 consecutive days with the same employer or in the same enterprise in the course of one holiday year or two consecutive years. During the period under review the number of members of the General Holiday Fund, the Holiday Funds for Workers in Building and Public Works and the Holiday Fund for Agricultural Workers amounted to 26,497, 26,804 and 24,868 persons respectively.

The Government appends to its report the texts of the Regulations of 1951 and 1953, together with a copy of the model rules for holiday funds.

Mexico.

In view of the opinions expressed by jurists and various official authorities as regards the value to be placed upon the text of Article 133 of the Constitution, the Government has abandoned the proposal to incorporate the texts of the Conventions in the Federal Labour Act and has agreed to the compilation of a volume of labour law as distinct from the Federal Act but having the same force.

The Labour Law will contain a section entitled "Related Legislation" which will include the constitutional articles relating to labour, regulations relating to hygiene, etc., and the text of all the international labour Conventions which have been ratified by Mexico.

As each year it may be possible to ratify one or more Conventions, it is considered preferable to maintain and amplify the above-mentioned volume rather than to proceed with the reform of the Federal Labour Act, which would lead to many difficulties of a political nature.

Article 1. The general provisions contained in the national legislation relating to holidays are in complete agreement with this Article of the Convention. It is not necessary to make a distinction between industrial undertakings and establishments. The exceptions referred to in paragraph 3 of this Article are provided for in Sections 82, 210 and 211 of the Federal Labour Act.

Article 2. Section 82 of the Labour Act provides for an annual period of leave varying from four

to six days according to the length of service. However, this minimum has been greatly increased by virtue of collective agreements. The national legislation makes no distinction between regular holidays and holidays for apprentices and young persons; its provisions cover all workers. Public and customary holidays and absences from work due to sickness are not deducted from annual holidays. As regards the divergencies between the legislation and the Convention in respect of this Article, the Government states that workers can put forward their holiday claims on the basis of Article 123 of the Constitution. The report adds that the necessary legislative amendments cannot be made until the political situation is more favourable.

Article 7. The Government is unable to supply a model of the register required, owing to the fact that each undertaking employs a different system of recording the information.

Article 8. Provisions regarding penalties for infringements are contained in Sections 674 and 677 of the Federal Labour Act.

New Zealand.

In New Zealand the basic minimum annual holiday is determined by legislative provision,

but more generous provision may be made in individual awards, which may stipulate, for example, that after ten years' continuous service with the same employer each worker shall be given an annual holiday of three weeks on full pay. In the case of employees under the Hospital Board Clerical and Other Officers Industrial Agreement, 1952, three calendar weeks' annual holiday is granted after five years' service.

On 15 April 1953 the estimated number of workers covered by the relevant legislation applying the Convention was 631,000. During the year ended 31 March 1953, 396 alleged infringements by employers necessitated investigation; 262 warnings were issued, and there were seven prosecutions. There was one investigation of alleged contraventions by workers, which resulted in a warning being issued. The total amount of fines resulting from the prosecutions was £5 1s. 0d.

Arrears of wages under the Annual Holidays Act, 1944, paid at the instigation of the Department of Labour and Employment during the year ended 31 March 1953, totalled £1,096 3s. 3d.

The reports from *Finland* and *France* reproduce the information previously supplied.

TWENTY-FIRST SESSION (GENEVA, 1936)

53. Convention concerning the minimum requirement of professional capacity
for masters and officers on board merchant ships

This Convention came into force on 29 March 1939

Countries	Date of registration of ratification
Belgium	11. 4.1938
Brazil	12.10.1938
Bulgaria	29.12.1949
Denmark	13. 7.1938
Egypt	20. 5.1939
Estonia.	20. 6.1938
Finland.	8. 4.1947
France	19. 6.1947
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.

The shortage of officers previously indicated continued during the period under review. However, as the result of propaganda designed to attract young persons to a maritime career, the number of candidates for entrance examination held at schools of navigation has practically doubled.

Egypt.

There is still an insufficient number of certified engineer officers. The percentage of uncertified engineer officers serving on board Egyptian vessels is 3.5.

Finland.

During the period under review certificates of competency were issued to 470 deck officers and 689 engineer officers. During the same period ten persons were fined for infringements of the provisions in force.

France.

Decree No. 52-1147 of 7 October 1952, to lay down conditions for the exercise of the functions of radio electrician and chief radio electrician on board commercial and fishing vessels and pleasure boats.

During the year 1952, 1,325 certificates and diplomas were awarded, i.e., 753 for deck officers, 473 for engineer officers and 99 for radio electricians.

New Zealand.

For legislation see under Convention No. 9.

In accordance with the regulations drawn up to supplement the Shipping and Seamen Act of 1952, fishing boats which do not exceed 15 register tons and which do not normally go more than a distance of 50 miles from the coast are not subject to the provisions of the Act. The new legislation defines "master" and "officer" in terms identical with those given in the Convention. Section 17 of the above-named Act determines different categories of certificates of competency and also fixes the conditions in which certificates awarded by other countries of the British Commonwealth are recognised as valid in New Zealand. It also lays down penalties in case of infringement of the legislation and ensures its enforcement by a system of inspection, in accordance with the requirements of Article 5 of the Convention.

During the period under review 182 candidates were examined for masters' and mates' certificates, and 378 for marine engineers' certificates.

Norway.

During the period under review 1,031 certificates of competency were issued for the various categories of engineer officers in the merchant navy, together with 1,350 masters' and deck officers' certificates.

United States.

During the period under review 1,766 original licences were issued to masters and mates of all categories and 2,938 licences to engineer officers and chief engineers. In addition, 2,876 licences were issued to radio officers and motor-boat operators.

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

Brazil, Denmark, Mexico.

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
Uruguay	18. 3.1954

The voluntary reports from *Belgium* and *Mexico* reproduce the information previously supplied.

55. Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen

This Convention came into force on 29 October 1939

Countries	Date of registration of ratification
Belgium	11. 4.1938
Bulgaria	29.12.1949
France	19. 6.1947
Italy	22.10.1952
Mexico	15. 9.1939
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)".

It is estimated that the Convention applies to about 5,000 seamen. During the period covered by the report 52 seamen were repatriated.

France.

The total amount payable by shipowners is estimated at 1,200 million francs.

The report from *Mexico* reproduces the information previously supplied.

Belgium.

Act of 7 April 1953.

This Act increases substantially the amount of compensation paid to seamen in case of accident.

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.

The report gives the rates of sickness and invalidity benefits paid to seamen serving in the Belgian Merchant Navy, and the benefits paid to workers under the general social security scheme. For seamen the rates vary according to the rank of the different categories. For persons covered by the general scheme compensation

is based on a percentage of wages lost, which varies between 60 per cent. in the case of an insured person with dependants, 40 per cent. for an insured person without dependants, and 20 per cent. when the insured person without dependants undergoes treatment at the expense of the insurance fund or of a public institution.

The report contains information on the methods of calculating benefits under the general social security system.

France.

Act of 10 April 1953, to increase the total remuneration of seamen.

The increase in the total remuneration under this Act involves on the one hand an increase in

daily and monthly allowances, as well as pensions paid to insured persons out of the Seamen's General Provident Fund and, on the other, an increase in the contributions of insured persons and shipowners.

Article 2. The maximum of the total remuneration on which the daily allowance is based is increased to 1,108,080 francs.

The number of beneficiaries is estimated at 50,000. The total amount paid out in cash benefits is estimated at 400 million francs, or an average of 3,500 francs per insured person. Of this total, death benefits amounted to 1,300,000 francs and benefits in kind to 1,988.7 million francs. The resources of the insurance scheme are made up as follows : employers' contributions, 705 million francs ; contributions of insured persons and pensioners, 713 million francs; the amount contributed by the public authorities, 970 million francs.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1952. Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance, industrial injuries and the National Health Service.

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1952. Health Services Act (Northern Ireland), 1953. Various Regulations and Orders, issued in 1952 and 1953, relating to national insurance, industrial injuries and health services.

Persons who are neither domiciled nor resident in the United Kingdom may now be covered by the national insurance scheme by virtue of reciprocal agreement. During the period under review bilateral agreements were concluded with Italy. As from 29 December 1952 the minimum to which compensation may be reduced by reason of a person having received free hospitalisation is 6s. 6d. instead of 5s. Under the terms of the Workmen's Compensation Acts, the receipt of compensation in respect of total incapacity no longer entails adjustment in payments of sickness benefit. The rates of sickness benefit have been increased, including those payable to the dependants of the insured person. As from 6 October 1952 the rates of contribution were also amended. The various legislative texts mentioned above are appended to the report.

The Government of *Northern Ireland* states that statistics are not available of persons covered by the Convention.

57. Convention concerning hours of work on board ship and manning

(Not yet in force)

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

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.

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
Cuba	20. 7. 1953
France	9.12. 1948
Iraq	30.12. 1939
Italy	22.10. 1952
Mexico ¹	18. 7. 1952
Netherlands ¹	8. 7. 1947
New Zealand	10.10. 1946
Norway	7. 7. 1937
Sweden	6. 1. 1939
United States ²	29.10. 1938
Uruguay	18. 3. 1954

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)".

Canada (First Report).

Canada Shipping Act, 1934 (L.S. 1934—Can. 7), as amended on 30 June 1948.

The Amendment of 30 June 1948 modifies subsections 1 and 11 of Section 279 of the Canada Shipping Act of 1944, concerning the minimum age for admission of children to maritime employment, which was thereby raised to 15 years.

Shipping Masters at the seaports are entrusted with the supervision of the application of the Convention. Compliance with the above legislation is supervised by the Shipping Masters at seaports and by the Examiners of Masters and Mates under direction of the Department of Transport in Ottawa.

No difficulty has been experienced in applying the Convention.

The Government appends to its report the text of the above legislation.

New Zealand.

For legislation see under Convention No. 9.

Section 49 (1) of the new Shipping and Seamen Act lays down that no person under the age of 15 years shall be employed on any New Zealand ship and that any person who fails to comply with this provision is liable to a penalty. Children employed in training schools with the authorisation of the competent Minister are exempted from the above provisions.

Section 49, subsections 6 and 7, of the same Act,

provide that every ship must keep a register of all persons under the age of 18 years, with particulars of names, dates of birth, etc. The application of the relevant provisions is entrusted to the Minister of Marine who may, when he thinks fit, appoint any person as an inspector.

Norway.

Seamen's Act of 16 February 1923, amended by Acts of 19 June 1931, 7 June 1935 and 16 June 1939. Act respecting registration and signing on of seamen of 11 July 1947 (L.S. 1947—Nor. 3).
Seamen's Act of 17 July 1953 (not yet in force).
Collective Agreements between the Norwegian Federation of Seamen and the Norwegian Shipping Employers' Association.

The Seamen's Act of 16 February 1923 contains no explicit definition of the term "vessel", but it covers all seagoing vessels irrespective of tonnage. Section 10 of this Act prohibits the employment of children under 15 years of age on board ship; the minimum age for employment in the engine-room is 16 years. No exceptions to these provisions are admitted. A list of the crew must be kept on all ships over 100 tons gross, except fishing and sealing vessels. Persons employed on board ships in government or other public service are also exempt from compulsory registration unless these vessels are used for the commercial transport of goods and passengers. The crew list is checked by the seamen's registration authorities when a seaman signs on or off; these authorities are obliged to enter in or delete from the register the names of all seamen signing on or off a vessel.

In Norway the registration of seamen is carried out by the public employment offices for seamen and, outside Norway, by the Norwegian consulates or by special offices authorised for the purpose by the Ministry of Industry, Handicrafts and Shipping. The supervision of the application of the legislation and the administrative regulations is entrusted to the same Ministry.

Contraventions of the legislation are subject to penalties under the Seamen's Act.

Sweden.

See under Convention No. 7.

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

Belgium, France, Iraq, Mexico, Netherlands.

TWENTY-THIRD SESSION (GENEVA, 1937)

59. Convention fixing the minimum age for admission of children to industrial employment (revised 1937)

This Convention came into force on 21 February 1941

Countries	Date of registration of ratification
China.	21. 2.1940
Italy	22.10.1952
New Zealand	8. 7.1947
Norway.	26. 8.1938
Uruguay	18. 3.1954

New Zealand.
The report states that instructions (Circular 53/26), were issued on 24 June 1953 by the

Secretary of Labour, prescribing that, in future, no certificates of fitness are to be issued under Section 37 (1) of the Factories Act, 1946, to any young person under 15 years of age. This ensures complete administrative compliance with the Convention. The Government adds that the question of amending the legislation will be kept in view.

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

60. Convention concerning the age for admission of children to non-industrial employment (revised 1937)

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Italy	22.10.1952
New Zealand	8. 7.1947
Uruguay	18. 3.1954

New Zealand.
The Government refers to the statement made in 1953 by its representative to the Conference Committee on the Application of Conventions, in reply to the observations made last year by the Committee of Experts. The Government emphasises that, notwithstanding the limitations of the Education (School Age) Regulations (1943), only

a few infringements have been reported. These have been adequately dealt with by factory inspectors or by the Child Welfare Branch of the Education Department. In virtue of an administrative agreement, schoolteachers may draw attention to cases of the presumed employment of children. Child welfare officers have legal power to provide that the child may be made a ward of the State, a power which makes it possible to deal satisfactorily even with the worst cases of the employment of children.

The Government adds that New Zealand is not a country in which child labour is exploited and, in view of the fact that there are more pressing problems requiring legislative action, the Government does not consider that the matters dealt with in the Convention warrant a marked degree of priority.

61. Convention concerning the reduction of hours of work in the textile industry

(Not yet in force)

Country	Date of registration of ratification
New Zealand	29. 3.1938

New Zealand (Voluntary Report).
The amount of overtime worked by textile employees covered by the relevant legislation for the year ended 31 March 1953 was 579,102 hours for men and 125,866 hours for women.

62. Convention concerning safety provisions in the building industry

This Convention came into force on 4 July 1942

Countries	Date of registration of ratification
Belgium	3.10.1951
Bulgaria	29.12.1949
Finland	8. 4.1947
France	16.12.1950
Mexico	4. 7.1941
Netherlands	2. 5.1950
Poland	17. 4.1950
Switzerland	23. 5.1940
Uruguay	18. 3.1954

Belgium (First Report).

Act of 10 June 1952 concerning the health and safety of workers and hygiene in industry and workplaces. Act of 14 July 1951, to approve Convention No. 62. General Regulations on Labour Protection, approved by Decrees of the Regent of 11 February 1946 and 27 September 1947.

Article 1. Most of the provisions contained in Parts II to IV of the Convention are contained in the General Regulations on Labour Protection. By virtue of the Act of 10 June 1952 the King may prescribe any measure necessary to implement the provisions of the Convention.

Article 2. The provisions in force apply to all construction work. Provision for exceptions is made under the Decree of 27 September 1947, but no exceptions have been granted up to the present.

Article 3. The Regulations were published in the *Moniteur belge*. Employers, or their agents or representatives, are responsible for the application of the provisions laid down in the Regulations. Penalties are prescribed under the Act of 10 June 1952.

Article 4. The supervision of the application of the provisions concerning construction work is carried out by the technical inspection service, and, in certain cases, by the Mines Administration. The engineers and technical supervisors have free access to work sites: only engineers are authorised to draw up reports concerning infringements.

Article 5. The provisions in force apply to the whole of the metropolitan territory.

Article 6. In 1947, 129,918 persons were engaged in building and construction industries. The number of accidents reported was 11,306, of which 43 were fatal. The report contains information which is more detailed as regards the construction industry alone.

Article 7. Provisions concerning the installation, construction, taking down or alteration of scaffolds, as well as their inspection, are contained in Sections 438, 439, 442, 443, 444, 455 and 456 of the General Regulations on Labour Protection. The person responsible for supervising the construction, taking down and alteration of scaffolds, as well as their periodical inspection, is in practice the overseer of the work site.

Article 8. Provisions relating to working platforms, gangways and stairways are contained in Sections 438, 457 and 458 of the General Regulations. The height beyond which the special provisions of paragraph 2 become applicable has been fixed by Belgian legislation at 2 metres.

Article 9. Provisions concerning openings in floors, work on roofs, as well as the fall of objects from scaffolds or other working places are to be found in Sections 462, 465 and 466 of the General Regulations. The Convention provides that suitable precautions shall be taken to prevent the fall of persons or material when work is being carried on at a height exceeding that to be determined by national laws or regulations; Belgian regulations do not fix this height, in view of the fact that the prescribed precautions are taken on all roofs, steeples, cornices, etc., irrespective of their height.

Article 10. The provisions in the Convention concerning means of access, ladders, lighting, danger from electrical equipment and the stacking of materials on work sites are contained in Sections 61, 184 to 266, 459, 466 and 467 of the General Regulations. It should be noted that the latter contain detailed provisions concerning the prevention of danger from electrical equipment (Sections 184 to 266).

Article 11. The provisions concerning hoisting machines and their attachments are to be found in Sections 268 and 279 of the General Regulations.

Article 12. Provisions relating to the examination and tests mentioned in the Convention are prescribed in Sections 280 and 281 of the General Regulations.

Article 13. The report states that the provisions of this Article are not prescribed by the General Regulations and adds that the Government has undertaken to adapt Belgian regulations to the Convention as soon as possible.

Article 14. Provisions of the Convention relating to the establishment of safe working loads, and the marking of these loads, are contained in Sections 268, 269, 276 and 277 of the General Regulations.

Article 15. Sections 30 to 32 of the General Regulations contain provisions concerning the safeguarding of mechanical parts; Sections 184 to 266 relate to the provision of efficient safeguards for electrical equipment (paragraph 1 of this Article of the Convention). Sections 270 and 271 of the Regulations contain provisions relating to methods to reduce the risk of the accidental descent of the load. Belgian regulations make no explicit provision as regards the precautions to be taken to reduce the risk on any part of a suspended load becoming accidentally displaced.

Article 16. The provision of the Convention concerning personal safety equipment is contained

in Section 149 of the Regulations and that concerning the use of this equipment in Sections 172 and 173.

Article 17. Section 468 of the Regulations contains a provision concerning the risk of drowning, etc.

Article 18. Sections 174 to 179 of the Regulations contain detailed provisions with regard to first aid.

The report states that infringements of the legislation in force are very numerous, except as regards the construction, taking down or alteration of scaffolds, in respect of which the Regulations are observed in most cases, especially by large-scale establishments or on main construction sites. Relatively unimportant infringements have been reported in finishing work and in repairs. Infringements have been noted as regards compliance with the provisions concerning the maintenance of materials in proper condition; in particular, because of the high price of wood, planks, ladders and supports are used for as long as their condition permits.

The report states that the use of tubular metal scaffolds permits the construction of scaffolding in which there is less risk of displacement than in the case of wooden scaffolds; the use of modern hoisting appliances has meant that hoisting appliances are seldom installed on scaffolds.

In regard to the minimum width of 40 centimetres laid down for working platforms the report points out that this is seldom respected in the case of movable ladder scaffolds (scaffolds used by painters). There are no scaffolding planks on the market which are wider than 40 centimetres and a workman who has to work in a seated position considers that it is more dangerous to use two planks than one. In fact, where one plank is used, the worker has more freedom of movement, is further away from the wall of the building and does not risk being caught between the two planks, as the first one, on which he is seated, is always liable to bend to a certain extent. However, the trade union organisations have expressed their opposition to a reduction in this width. When working platforms are constructed on tubular scaffolds, the normal distance between the tubes permits the establishment of platforms consisting of four, five or six planks. Nevertheless, platforms consisting of only two or three planks are often used. The distance to the guard-rail, which is fastened to the tubes, is thus very great and the efficacy of the guard-rail is nil. In such cases there is also a dangerous space behind the worker. Labour inspectors who note these various infringements first try to remedy the situation by persuasion, and then, in the case of repetition, draw up reports.

Guard-rails are often missing as a result of negligence on the part of the workers; the latter have still to be educated in this respect.

The report points out that precautions are increasingly being taken against the risk of falls of persons or materials from heights; on the other hand, a certain negligence is noted as regards the fastening of ladders and the dangers from electric wiring.

The provisions concerning hoisting appliances are in general well observed.

Employers' organisations have stated that it is difficult to observe the provisions relating to the width of working platforms and to ensure the fencing of openings used for the shifting of materials.

Workers' organisations have made complaints as regards infringements of the existing regulations concerning scaffolds in general and the fencing of openings in particular.

The Government has prepared a report relating to the Safety Provisions (Building) Recommendation, 1937 (No. 53) (Model Code of Safety in the Building Industry). It has made a very detailed comparative analysis showing which provisions of this Recommendation are at present contained in Belgian legislation.

Finland.

During the year 1951, 70,618 workers were employed in the construction industry. In 1949 the total number of accidents in this industry was 12,768, of which 52 were fatal and 211 resulted in permanent incapacity.

France.

In reply to the observations made by the Committee of Experts in 1953 as regards paragraphs 1, 2, 3 (c) and 5 to 8 of Article 7, paragraph 2 of Article 9 and paragraph 5 of Article 10, the report states that, as the Decree of 9 August 1925 is to be examined with a view to its revision and as this work is to be started before the end of 1953, more account will be taken of the provisions of the Convention in drafting the new text.

The report adds that if the Decree of 21 March 1914 is revised, it is probable that an age limit will be laid down for the handling of hoisting machines (Article 13, paragraph 2, of the Convention).

The report states that the provisions of paragraph 1 (a) and (b) of Article 8 of the Convention seem to be covered by Sections 2, 43, 46, 47, 48 and 52 of the Decree of 9 August 1925; that the provisions of paragraph 1 of Article 10 of the Convention are covered by Sections 44 to 48 of the Decree, and, finally, that the provisions of paragraph 1 of Article 16 of the Convention contain provisions similar to those of Sections 49 to 54 of the Decree.

Comprehensive and detailed statistical information is given for the year 1950. The number of insured workers was 806,946, among whom 212,170 were victims of 226,776 accidents, of which 582 were fatal and 9,020 resulted in permanent incapacity. The principal causes of accidents were the following: handling of gear and appliances, fall of worker, worker walking, shock and blow, hand tools, fall of objects, machine tools incorporating sharp instruments.

Netherlands.

The report contains statistics for the year 1952 relating to the types of work covered by the Convention. Non-fatal accidents numbered 36,991; there were 35 fatal accidents. The report gives the causes of these accidents.

Many large undertakings have started campaigns for accident prevention and technicians who are specialists in safety measures have been appointed for certain large building projects.

Safety regulations for work sites have been prepared and brought to the notice of the workers.

Reports of infringements were drawn up in 117 cases.

Switzerland.

During 1951, 63,867 workers were employed in the building industry. The total number of acci-

dents in the industry was 27,004, of which 9,665 were very slight.

The annual report of the Swiss National Accident Insurance Fund is appended to the Government's report.

The reports from *Mexico* and *Poland* reproduce the information previously supplied.

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
Uruguay	18. 3. 1954

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 report states that statistics of union wage rates drawn from selected collective agreements are now published regularly in the *Labour Gazette* and that information on statutory minimum rates has been published in the Department of Labour report entitled *Provincial Labour Standards Concerning Child Labour, Holidays, Hours of Work, Minimum Wages, Weekly Rest-Day and Workmen's Compensation*.

A new enquiry has been initiated to provide additional statistics of wage rates in the form of general changes in wage rates between 1 October and 1 April, based on annual sample surveys made

by the Department of Labour. The results are published in the *Labour Gazette*.

Denmark.

Act No. 65 of 31 March 1953 raised the statutory holiday allowance from 4 per cent. to 6.5 per cent. of wages as from 1 April 1953. This corresponds to an annual holiday of three weeks.

After discussions with the Danish Employers' Association a preliminary investigation was made of hours actually worked in the second quarter of 1953 ; the results will be available early in 1954.

France (First Report).

Article 2. In conformity with the provisions of this Article, Part IV of the Convention, relating to statistics of wages and hours of work in agriculture, has been excluded from ratification. At the same time, an annual sample survey of wages in agriculture was inaugurated in the second quarter of 1951. The report contains a table showing monthly wages in agriculture in the second quarter of 1952.

Article 4. The principal source of information on wages and hours of work is a quarterly enquiry covering 30,000 establishments with ten or more employees ; at present this enquiry covers approximately 4,200,000 workers, i.e., 78 per cent. of the persons employed in mining and transport undertakings and in gas and electricity services.

Article 5. With respect to the branches of activity covered, statistics of average earnings are compiled and published regularly only for coalmines. Some statistics of average earnings in industry are available on the basis of tax returns ; steps are being taken to obtain statistics of average earnings in mining and transport undertakings and in gas and electricity services. The report contains a table showing gross earnings per day and total hours worked in coalmines for the four quarters of 1952.

Articles 6 and 9 to 12. The provisions of these Articles will be applied through the enquiry at present being carried out by the Ministry of Labour, the results of which will be published shortly.

Article 8. Statistics of family allowances are compiled and published separately, for standard families rather than as an average for all employed workers. A table included in the report shows monthly wage rates, as well as family allowances

in two zones with different rates, for July and October 1952, and January, April and July 1953.

Article 13. Statistics of time rates of wages and normal hours of work are compiled and published regularly.

Article 14. Since the enactment of the Act of 11 February 1950 only the inter-occupational minimum wage fixed by legislation constitutes the general minimum which is applicable to all occupations. Normal hours of work are fixed by legislation for all wage earners. Statistics of average weekly hours of work and of wage rates actually prevailing are compiled and published regularly.

Article 15. Statistics of wage rates per hour and of normal hours of work are compiled and published quarterly for 18 groups of industries. No statistics are compiled on an occupational basis. Tables included in the report show the average weekly hours of work in France on 1 July 1953, classified according to workers, employees and all employed persons in various industries; the report also contains a table showing, for the Paris region, the average wage rates per hour for workers at 1 July 1953, classified according to industry, sex and occupational groups.

Article 16. The statistics compiled relate to wage rates per hour.

Article 17. Statistics of wage rates per hour are published separately for males and females over 18 years of age. The statistics of average hours of work are not computed separately by sex.

Article 18. Statistics of wage rates per hour and normal hours of work are calculated for each of 18 regions covering the whole country.

Article 19. Special enquiries relating to payment for holidays and family allowances are carried out every two years.

Article 21. Index numbers are compiled quarterly according to the data relating to hourly wage rates and weekly hours of work. General index numbers are weighted according to the relative importance of the different industries.

Ireland.

The most recent data for the statistical series mentioned in previous reports are given. There has been no change in the nature of the statistics in the period under review.

Netherlands.

The wages enquiry of September-October 1953 included juveniles, who had not been covered in the 1951 and 1952 enquiries.

Statistics are transmitted of the actual number of hours worked in coalmines, as well as the number of shifts.

Norway.

Statistics of average hours actually worked by industry were published for the first time in 1953, referring to the year 1951.

The quarterly statistics of average earnings in manufacturing have been expanded to include a number of establishments which are not members of employers' associations, but it has not yet been possible to include statistics of average earnings in building and construction in the same way.

Detailed statistics of wages and hours of work were published in *Lønnsstatistikk, 1951*, a copy of which was appended to the report.

Sweden.

As from 1952 the industrial classification of the annual and quarterly statistics of wages in mining and manufacturing has been modified in order to conform more closely to the United Nations International Standard Industrial Classification of All Economic Activities.

The regular statistics of agricultural wages, which are not based on a representative sample, were checked by means of a special sampling survey in 1953.

With respect to the observation made by the Committee of Experts the Government states that the question of transforming 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 not yet been considered in the joint discussions of the Social Welfare Board, the Swedish Employers' Confederation, and the Swedish Confederation of Trade Unions.

Switzerland.

The report gives the most recent data for the statistical series mentioned in previous reports. There has been no change in the nature of these series in the period under review.

United Kingdom.

The report refers to the publication of current statistics of wages and hours of work, and transmits information on hours of labour in coalmining, family allowances, limitations on overtime, and a general index number of wage rates.

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

Australia, Finland, Mexico, New Zealand, Union of South Africa.

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
Poland	13. 4. 1954
Portugal	13. 6. 1952
United Kingdom	13. 5. 1952
United States	9. 4. 1953

Belgium (First Report).

An officially recognised able seaman's certificate has not yet been provided for in Belgium.

The Marine Department has just prepared a draft Royal Order on the award of certificates, diplomas and licences in the merchant navy and the sea-fishing industry, in which certain provisions are made for the award of an able seaman's certificate corresponding in all respects to the requirements of the Convention.

It is anticipated that the new Order will come into force on 1 October 1954 at the latest.

Canada (First Report).

Certification of Able Seamen Regulations, dated 21 August 1953.

The Convention was incorporated in the Shipping Act of 30 June 1948. By virtue of Section 228A of the Act, the Governor General in Council made Administrative Regulations to implement the

Convention. Copies of these Regulations are appended to the report.

The Convention came into force in Canada on 1 April 1952. In order to facilitate the certification of able seamen, schools were established at Halifax, Montreal and Vancouver. As was foreseen, however, there has been little demand for training as most candidates had qualified for certificates by virtue of service performed at sea previous to Canada's ratification of the Convention.

As from 1 April 1952, every person who signs on as able seaman on a seagoing ship is required to hold the necessary certificate. This certificate may be awarded without examination to all seamen who had completed three years at sea on deck in seagoing ships prior to 19 March 1951, the date on which Canada ratified the Convention. Seamen who completed the three years' service after this date are required to pass an examination based upon the Administrative Regulations referred to above.

No difficulty has been experienced in putting the Convention into effect. The application and observance of the above legislation and regulations are supervised by the Shipping Masters at seaports and by the Examiners of Masters and Mates under the direction of the Department of Transport in Ottawa.

Netherlands.

From the date of the coming into force of Royal Order No. K. 131 (1 April 1951) up to 31 August 1953, 320 certificates were awarded.

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
Cuba	13. 1. 1954
France	28. 6. 1951
Guatemala	13. 2. 1952
Iraq	13. 1. 1951
Israel	23. 12. 1953
Italy	22. 10. 1952
Poland	11. 12. 1947
Uruguay	18. 3. 1954

France (First Report).

Act of 11 October 1946 respecting the organisation of industrial medical services (L.S. 1946—Fr. 11).
Decree of 26 November 1946, as amended by the Decree of 27 November 1952 to apply the Act of 11 October 1946.

The Government states that the above-mentioned legislation is applicable only in the territory of metropolitan France, with the exception of the Overseas Departments and Algeria.

Article 1, paragraphs 1 and 2. The compulsory examination of all wage earners forms part of the protective measures instituted by the Act of 11 October 1946 and the Decree of 26 November 1946, as amended in 1952, for the benefit of workers employed in the following establishments and in the following workplaces: works, factories, worksites, workshops, laboratories, kitchens, cellars, wine and spirit stores, shops, offices, loading and unloading undertakings, theatres, circuses and other places of entertainment and dependencies thereof, whether public or private, secular or religious, even when these institutions are carried on for educational purposes or are of a charitable nature, as well as public and ministerial offices, establishments within the jurisdiction of the liberal professions, civil societies, trade unions and associations of every kind.

Undertakings in which only the members of one family are employed under the control of the father, mother or guardian are also covered by the Act.

Mines, quarries and mining industries of all kinds do not come within the scope of the Act of 11 October 1946, but they are covered by a special regulation concerning industrial medicine, under the supervision of the Ministry of Labour and Commerce (Directorate of Mines).

Transport undertakings are not subject to the regulations mentioned above. Nevertheless, wage

earners in rail and air transport undertakings are subject to medical supervision under the control of the competent services of the Ministry of Public Works and Transport.

The Act of 11 October 1946 is applied in all undertakings engaged in the handling of merchandise.

Paragraph 3. The line of division which separates agriculture from industry and commerce for the application of industrial medicine is fixed, according to circumstances, by agreements between the Ministry of Agriculture and the Ministry of Labour or even by jurisprudence.

Article 2. The Decree of 27 November 1952, applying the Act of 11 October 1946 respecting the organisation of industrial medical services, provides that undertakings subject to the application of the above Act can engage wage earners only if they undergo a preliminary medical examination. This examination, which consists of a chest X-ray, makes it possible to determine, in particular, whether or not the wage earner is medically fit for the work envisaged, and the posts to which, from a medical point of view, he should not be appointed, as well as those which would suit him best.

After the examination, the industrial medical officer who undertakes the examination establishes: (1) a certificate addressed to the employer, which has to be kept by the latter; this certificate indicates fitness for employment and, if necessary, the conditions under which the wage earner must work; (2) a medical record, kept by the medical officer, every provision being made to ensure medical secrecy and the inviolability of the records; (3) a special certificate which is given to the wage earner at his request when he leaves the undertaking.

The models for these certificates are fixed by Order of the Minister of Labour and Social Security and of the Minister of Public Health and Population.

Medical certificates can only be communicated to medical labour inspectors, who are bound by professional secrecy with regard to all information entered on the certificate which is not related to an occupational illness.

Article 3. Children under 18 years of age employed in an undertaking subject to the Act are required to undergo a medical examination at least every three months. Moreover, after an absence due to an occupational illness, after an

absence of more than three weeks due to a non-occupational illness, or in the case of repeated absences, wage earners must undergo a compulsory medical examination when they return to work. Persons exposed to dangerous work of any kind are subject to special supervision; the medical officer is responsible for the decision as to the frequency of the examination in special cases.

Article 4. The Decree of 27 November 1952 makes it compulsory for all wage earners, without distinction as regards age, to undergo a medical examination at least once a year. In addition, workers exposed to dangerous work are subject to special supervision.

Article 5. The expenses resulting from the application of the regulations relating to industrial medicine are borne entirely by the employer.

Article 6. Measures are taken to ensure the social protection of maladjusted children and adolescents, classified in three categories: (1) the psychologically maladjusted (the dull and backward, and those with behaviour problems); (2) the sensorially handicapped (young people who are blind or deaf and dumb); and (3) the physically handicapped (paralytics, those with amputated limbs). The report gives detailed information regarding the measures taken in this respect, namely, (a) the organisation of a network of services and institutions engaged in the rehabilitation of these children and adolescents; (b) financial aid either for such services and institutions or for the children and adolescents concerned.

Studies and projects are in course of preparation on the two following points: (1) the institution of special certificates regarding the fitness for employment of maladjusted adolescents who have been rehabilitated; (2) special reserved posts in public services and private establishments for such children and adolescents.

In order to find a solution to these problems, the services of the Ministry of Public Health collaborate closely with those of the Ministry of Labour and Social Security, of National Education and, with regard to juvenile delinquents, of the Ministry of Justice.

Article 7. The employer is required to present to the labour inspector or to the medical labour inspector, for each of his wage earners, a medical certificate on which the doctor indicates whether the person concerned is fit for the work which he is performing (Section 11 of the Decree of 27 November 1952).

Article 8. The regulations concerning industrial medicine are applied to all the territories of metropolitan France.

The different medical examinations mentioned above are effected by industrial medical officers. These officers are attached either to a given establishment or to a joint medical service for various undertakings; they are bound by a contract with the employer or the chairman of the joint service. They cannot be appointed or dismissed except by agreement with the works committee of the undertaking or the supervisory organ of the joint service.

The supervision of the application of the different provisions mentioned above is ensured by the Labour Inspection Service and the Medical Labour Inspection Service.

The Medical Labour Inspection Service consists of a chief medical officer, medical inspectors for the technical staff, and medical inspectors who are paid for each consultation.

A technical medical inspector is appointed in each labour and manpower division. In particular, he is responsible for the supervision of the functioning of the district medical services inaugurated under the Act of 11 October 1946 and, in particular, of the conditions in which the industrial medical officers carry out their functions. He is assisted in this task by temporary medical inspectors who carry out certain inspection missions.

Infringements of the legislation and regulations with regard to medical visits are reported by the labour inspectors.

Up to the present no inspection report has been established with regard to the conditions of application of the Convention, which has not given rise to any observations on the part of the employers' or workers' organisations concerned.

Iraq (First Report).

Labour Law No. 72 of 1936 (L.S. 1936—Iraq 2), as amended by Law No. 36 of 1942.
Regulation for Workshops and Factories, No. 38 of 1937.

Articles 1 and 2. The report refers to Sections 7 (3) and 35 of the Labour Law and Article 18 (a) and (b) of the Regulation for Workshops and Factories. The competent authority has not defined the line dividing industry from commerce and agriculture. Documents certifying fitness for employment are issued by a qualified doctor or by a medical board. The competent authority is the local health authority.

Article 3. The Government refers to Article 18 (b) of the Regulation for Workshops and Factories. Various medical instructions have been issued by the Ministry of Health concerning exceptional cases.

Article 4. The Government refers to Article 18 (b) of the Regulation for Workshops and Factories.

Article 5. All medical examinations carried out by the doctors attached to the local health authorities or official medical boards are free of charge.

Article 6. No measures applying this Article have been taken up to the present and no temporary permits or certificates issued.

Article 7. The Government refers to Articles 18 (b), 19 and 20 of the Regulation for Workshops and Factories.

Article 8. No exception is made, in whole or in part, to the application of the Convention.

Article 9. No declaration has been made under the terms of this Article.

The application of the laws and regulations indicated above is entrusted to the Ministry of Social Affairs and supervised by the Directorate General of Labour and Social Security. The application of the Labour Law is supervised by the labour inspectors, as well as by the medical inspectors and the local health authorities.

Poland.

Order of the Council of Ministers dated 14 March 1953, concerning conditions for the admission to employment in handicrafts of young persons between 14 and 16 years of age.

The above Order prescribes that the admission of young persons of 14 years of age to employment in handicrafts for purposes of apprenticeship can only be authorised after presentation of a medical certificate attesting that the applicant is fit to take up the work in question.

Medical examinations are carried out in accordance with the Decree of 2 August 1951 and the Instructions of the Minister of Health dated 25 September 1951 mentioned in the previous report. If the doctor states that the work carried out by the young person has a harmful effect on

his health, the young person must be assigned to some other form of employment and, failing such alternative work, his contract of employment must be terminated and an indemnity paid to him in accordance with the provisions of the legislation. The labour inspector is authorised to recommend the transfer of the young worker to another form of employment within the same undertaking or, if the employer does not give effect to this or does not observe the conditions required by law respecting the young worker's vocational training, rescission of the contract of employment.

The Government also refers to the information supplied in writing to the Conference Committee in 1953.

The text of the Order of 14 March 1953 is appended to the report.

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
Israel.	23.12.1953
Italy	22.10.1952
Poland	11.12.1947
Uruguay	18. 3.1954

France (First Report).

See under Convention No. 77.

Poland.

For legislation and general information see under Convention No. 77.

With reference to the observations made last year by the Committee of Experts, the Government states that the new list of types of employment prohibited for young workers, referred to in the information supplied to the Conference Committee in 1953, will be communicated to the Office as soon as it has been published.

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
Dominican Republic	22. 9.1953
Guatemala	13. 2.1952
Israel.	23.12.1953
Italy	22.10.1952
Poland	11.12.1947
Uruguay	18. 3.1954

Poland.

For legislation and general information see under Convention No. 77.

The Order of 14 March 1953 limits the hours of work of young persons, during the period of their apprenticeship in handicrafts and until they have reached the age of 16 years, to six hours daily and 36 hours weekly. The Order also prohibits the employment of young workers at night (between the hours of 9 p.m. and 6 a.m.) in handicrafts.

Statistics and other information relating to the application of the Convention have not been published.

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
Dominican Republic	22. 9. 1953
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
Japan	20. 10. 1953
Netherlands	15. 9. 1951
Norway	5. 1. 1949
Pakistan	10. 10. 1953
Sweden	25. 11. 1949
Switzerland ¹	13. 7. 1949
Turkey	5. 3. 1951
United Kingdom ¹	28. 6. 1949

¹ Excluding Part II.

Austria.

- The Federal Act of 20 May 1952 concerning labour inspection in transport undertakings came into force on 1 July 1952 ; Regulations under the Act were issued by the Federal Ministry of Transport and Nationalised Undertakings, which is the authority responsible for inspection in transport undertakings.
- Article 6.* Inspection in transport undertakings is carried out either by federal officials or officials of the federal railways. The status and conditions of service of these officials are governed by the relevant regulations.
- Article 7.* The first transport inspectors have been appointed on the basis of their knowledge and extensive experience in transport undertakings, as well as their personal qualifications.

- Regulations concerning the technical qualifications of transport inspectors are being prepared.
- Articles 9 and 10.* At 30 June 1953 the General Labour Inspectorate was composed of 128 men inspectors and 10 women inspectors. Of these, 83 inspectors had completed their specialist training, namely, 4 doctors, 2 physicists, 15 civil engineers, 1 agronomist, 19 chemical engineers, 18 electrical engineers, 18 mechanical engineers, and 6 mining engineers. The staff of the mines inspectorate consisted of 98 officials, 32 of whom were mining engineers. The staff of the transport inspectorate included, in addition to the chief inspector, seven inspectors for the railways, three for the postal services, one for tramways and two administrative assistants, one of whom (a woman) was occasionally occupied on inspection work. The total employed in the three services was 250.
- Articles 12 and 13.* With respect to transport, the powers of inspectors enumerated in these Articles are provided for by Sections 5 to 12 of the Act concerning labour inspection in transport.
- Articles 20 and 21.* As regards the mines inspectorate, the Federal Ministry of Commerce and Reconstruction has published a Mines Handbook covering the year 1952, which includes information concerning the various points mentioned in Article 21. A report has also been published by the transport inspectorate for the period 1952-53.

France.

- Article 2.* Mines engineers under the authority of the Ministry of Industry and Commerce supervise conditions in mines, quarries and connected workplaces, and, since 1942, in undertakings engaged in the manufacture, transport and the distribution of gas for lighting. In rail, road and air transport undertakings, the application of the legislation is carried out by transport labour and manpower inspectors, placed for this purpose under the authority of the chief civil engineers of the Ministry of Public Works. Officials specially designated by the Minister of National Defence supervise the application of Book II of the Labour Code in undertakings where production is related to the national defence.
- Articles 20 and 21.* In accordance with long-established practice, which was interrupted by the war, annual reports on the functioning of

labour inspection are again being made to the central authority. The report for 1952 is being prepared and will be communicated to the International Labour Office.

Haiti (Voluntary Report).

Act of 9 September 1947 concerning labour inspection in industry and commerce.

The report quotes the various sections of the above Act and adds that, in accordance with this legislation, a general labour inspection service was set up in the Labour Office. This service consists of 33 inspectors, including four women. These officials are acquiring the necessary technical training either through fellowships, offered in particular by the International Labour Office, or through practical training and special courses. Industrial accidents must be reported to the labour inspection service, to which an industrial medical officer is attached. An annual report on the activities of the inspection service is published in the Labour Review.

India.

With regard to Article 9 of the Convention the report states that the office of the Chief Factories Adviser (Government of India) has recently carried out industrial hygiene surveys in various hazardous occupations, with the help of a special industrial hygiene unit and in co-operation with State factory inspectors. The surveys covered the following: (1) the effects on the health of workers of exposure to chromite dust in the chromite mines of Mysore; (2) the incidence of silicosis among workers in mica mines in Bihar; (3) health hazards in connection with refractory products (silica brick and fireclay brick-making) in Bihar.

Iraq (First Report).

Labour Law No. 72 of 1936 (L.S. 1936—Iraq 2), as amended by Law No. 36 of 1942.

Regulations for Workshops and Factories, No. 38 of 1937.

Law No. 4 of 1950 to ratify Convention No. 81.

Article 1. A system of labour inspection in industrial workplaces has been set up in virtue of Section 32 of the Labour Law.

Article 2. The system of labour inspection applies to all workplaces covered by the Law, including mining and transport undertakings.

Article 3. No duties other than inspection are assigned to labour inspectors.

Article 4. Labour inspection is under the authority of the Directorate-General of Labour and Social Security in the Ministry of Social Affairs.

Article 5. Section 32 (c) of the Labour Law refers to co-operation with local authorities.

Article 6. Labour inspectors are public officials and are subject to the Iraqi Civil Service Law.

Article 7. Labour inspectors are appointed from among persons with a higher education, especially graduates of the Iraqi Law College. They receive initial training by senior officials, who accompany them until they become adequately qualified. Subsequent training is carried

out by foreign experts engaged permanently or temporarily.

Article 8. No women inspectors have been appointed so far.

Article 9. No technicians or specialists are associated in the work of inspection, but the health authorities co-operate on matters concerned with the protection of the health and safety of workers, as prescribed in Section 32 (c) of the Labour Law. If the need is felt for specialists to be associated in labour inspection the necessary measures will be taken.

Article 10. Inspection is carried out by a group of seven inspectors at Baghdad and by one labour superintendent at each of the following points: Kirkuk, Mosul, Basrah and Hilla. This arrangement covers the entire country. An increase in the inspection staff is being considered in next year's budget.

Article 11. Inspectors are furnished with suitably equipped offices and have available to them, for the performance of their duties, adequate transport facilities and travelling expenses.

Articles 12 and 13. Section 32 (c) and (e) of the Labour Law and Section 16 of the Regulations for Workshops and Factories define the powers of labour inspectors.

Article 14. Section 15 (c) of the above Regulations provides for the notification of „dangerous occurrences”.

Article 15. Section 33 of the Labour Law requires labour inspectors to observe secrecy as regards industrial information obtained by them.

Article 16. Inspectors are instructed to make frequent inspection visits when necessary, especially to undertakings where compliance with the Labour Law is neglected.

Article 17. Advice is frequently given by inspectors and, when necessary, this is followed by warnings and the institution of legal proceedings.

Article 18. Penalties for contraventions are provided for under the Labour Law and the Baghdad Penal Code.

Article 19. Reports are made in accordance with a prescribed form (a copy of which is appended to the Government's report).

Articles 20 and 21. Annual inspection reports have not been published up to the present.

Article 25. Part II of the Convention has been excluded from the statement of acceptance. It is proposed to give effect to this Part after the enactment by Parliament of new legislation which is now under consideration.

Article 29. No area is excluded from the application of the Convention.

The report adds that the inspection staff is small, but a considerable increase in the number of inspectors in the near future is envisaged. Such administrative difficulties as are encountered will be overcome when the new Labour Law, which is wider in scope, is applied.

The report refers to an I.L.O. technical assistance mission on the organisation of labour inspection services in Iraq, which was carried out in 1952-53.

Ireland (First Report).

Factory and Workshop Acts, 1901-20.
 Apprenticeship Act, 1931.
 Conditions of Employment Acts, 1936 and 1944.
 Holidays (Employees) Act, 1939.
 Industrial Relations Act, 1946.

Article 1. A system of labour inspection is maintained for the enforcement of the legislation listed above.

Article 2. The system of labour inspection applies to workplaces covered by the above-mentioned legislation.

Article 3, paragraph 1. The legislation provides for the enforcement of conditions relating to health, safety, welfare and hours of work of adult and juvenile workers of both sexes. Provisions relating to wages, as determined by apprenticeship committees set up under the Apprenticeship Act and by joint labour committees set up under the Industrial Relations Act, are enforced by inspectors in those trades to which they apply.

Paragraph 2. No duties other than the primary duties of labour inspection are entrusted to labour inspectors.

Article 4. Labour inspection is under the supervision and control of the Minister for Industry and Commerce.

Article 5. The report states that effective co-operation between the inspection service and other government services is assured because the inspectorate is a government service, and that employers and workers and their organisations are free to interview and discuss matters with inspectors.

Article 6. Inspectors are permanent civil servants and as such have security of tenure and pension rights.

Article 7, paragraph 1. As inspectors are subject to the statutes governing civil servants, they are recruited with sole regard to their qualifications for the performance of their duties.

Paragraph 2. Inspectors are appointed on the recommendation of the Civil Service Commissioners, who are advised by interviewing boards of experts.

Paragraph 3. During an inspector's two-year probationary period, training "in the field" is provided by more experienced inspectors supervised by senior officers.

Article 8. Both men and women are eligible for appointment as inspectors.

Article 9. Experts qualified in electrical and mechanical engineering and in chemistry are included in the inspection staff. Doctors appointed under Section 122 of the Factory and Workshop Act are available to perform the duties set out in this Section of the Act.

Article 10. On 31 December 1952 the inspection staff consisted of three senior inspectors and 14 inspectors; it included chemists and mechanical and electrical engineers.

Article 11, paragraph 1. One central and one local office, suitably equipped, are provided. Adequate public transport is available.

Paragraph 2. All necessary expenses are reimbursed to inspectors.

Article 12, paragraph 1. The necessary powers are provided for in the Factory and Workshop Act.

Article 13. Inspectors may seek a court order prohibiting the use of machinery, etc., until satisfactory repairs or alterations have been effected.

Article 14. The Factory and Workshop Act requires occupiers to notify the district inspector of factories of the occurrence of industrial accidents and of certain occupational diseases.

Article 15. The report states that the law and practice correspond to the provisions of this Article.

Article 16. An effort is made to visit all registered premises once a year. Many premises are visited more often than once a year.

Articles 17 and 18. The Factory and Workshop Act provides for the institution of proceedings for infringements of the legal provisions and penalties for obstructing labour inspectors.

Article 19. Reports of inspectors are submitted to the central authority as soon as possible after the inspection visits to which they relate.

Articles 20 and 21. Annual reports giving the information called for are published. A copy of the report for 1952 is appended to the Government's report.

Articles 22 to 24. A declaration excluding Part II from the acceptance of the Convention was made at the time of ratification.

Article 25, paragraph 3. The Holidays (Employees) Act, 1939, makes provision for annual holidays or payment in lieu thereof and for payment in respect of public holidays for certain classes of workers employed in commercial workplaces. The Shops (Conditions of Employment) Acts, 1938 and 1942, make similar provision for shopworkers and, in addition, regulate the hours of work and rest periods of such workers. Employment Regulation Orders made under Part IV of the Industrial Relations Act, 1946, regulate the conditions of employment (wages, hours of work, rest periods, holidays, etc.) of law clerks and of messengers in certain areas. These are the only provisions which, at present, apply to workers in commercial workplaces. Compliance with these provisions is enforced by a system of labour inspection. The extension of the system to cover all commercial workplaces is not at present contemplated.

Article 26. The workplaces to which the Convention applies are defined in the relevant legislation. The ultimate decision in any case of interpretation of the provisions of these Acts rests with the competent courts.

Article 29. It is not proposed to have recourse to the provisions of this Article.

No decisions regarding the application of the Convention were given by courts of law or other courts. No practical difficulties were encountered in the application of the Convention, and no observations were received from organisations of employers or workers.

Netherlands (First Report).

Decree of 17 September 1930, to promulgate the text of the Labour Act, 1919, as amended (L.S. 1930—Neth. 2 B).

Decree of 23 August 1920, to issue public administrative regulations concerning the labour inspectorate (L.S. 1924—Neth. 6).

Decree of 13 March 1931 to amend the Decree of 23 August 1950.

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 (L.S. 1934—Neth. 2).

Acts Nos. 135 and 136 of 25 April 1951 to modify, respectively, the Labour Act and the Act concerning safety.

Article 1. A system of labour inspection has been in force since 1890. It consists of a general labour inspectorate and a port labour inspectorate.

Article 2, paragraph 1. The system of labour inspection applies to all industrial and commercial establishments covered by the Labour Act and the Act concerning safety.

Paragraph 2. The general labour inspectorate is not competent in respect of underground and surface mines operations, except in regard to work in the offices of the undertakings; neither is it competent in respect of railways and tramways.

Article 3. Officials of the labour inspectorate are appointed to serve on various committees and bodies of a technical, social or scientific character set up by public authorities or by other organs. They are also appointed to participate in the work of international bodies dealing with matters related to the protection of workers.

Article 4. Labour inspection is placed under the supervision and control of the Minister of Social Affairs and Public Health.

Article 5. The Director-General of Labour and the chief district inspectors organise co-operation between the inspectorate and other services and institutions engaged in similar activities and employers and workers. Close relations are maintained with the Labour Foundation (the central organ of the industrial employers' and workers' organisations) and with numerous government services and institutions in scientific, social and technical fields.

Article 6. Officials of the labour inspectorate are public officials. Their status, stability of employment and remuneration are regulated by law and the independence envisaged by this Article is fully ensured.

Article 7, paragraphs 1 and 2. Labour inspectors are in general required to have a university degree in engineering or its equivalent, and the chief inspectors are appointed from their ranks. The technical staff must have had a technical education at the secondary school level, and women inspectors an education in social questions. The qualifications of candidates for these posts are examined by a special committee appointed for this purpose. Assistant inspectors are almost always selected from among workers in various trades who have played leading roles in their respective trade unions. They receive practical training in inspection work in the course of their duties.

Paragraph 3. Special courses are arranged in order to improve the theoretical knowledge of newly-appointed officials. Practical training is acquired in the course of duty with a district service.

Article 8. A woman inspector is appointed to the central staff of the Director-General of Labour, and one in each of the districts. These

officials are assigned special duties in respect of women and young workers.

Article 9. The staff of the inspection service includes specialists trained in mechanical and electrical engineering, chemistry and architecture. The central staff of the Director-General of Labour includes a medical adviser and five doctors, advisers in mechanical and electrical engineering, chemistry and agronomy, and a woman general adviser. They give advice to the Director-General and the chief district inspectors, make visits where necessary in the districts, participate in periodical meetings of the chief district inspectors and are in touch with special bodies and commissions.

Article 10. For purposes of the general labour inspectorate, the country is divided into ten districts each of which is placed under a chief district inspector who, in turn, reports to the Director-General of Labour. In 1952 the total staff of the central service was 96 and of the districts 273. The latter included 10 chief district inspectors, 10 inspectors, 10 women inspectors, 35 technicians, 85 assistant inspectors and 123 administrative and clerical staff.

Article 11. The district offices correspond to the requirements of this Article as regards organisation and accessibility. Cars are officially placed at the disposal of the inspectors for administrative visits; in addition, loans are granted to the staff if they wish to purchase their own means of transport. Inspectors are reimbursed travelling and incidental expenses in accordance with rules fixed by decree.

Article 13. The provisions of this Article are applied by the Act concerning safety, the Labour Act and Acts Nos. 135 and 136 of 25 April 1951.

Article 14. The local offices of the inspection service are notified of industrial accidents by the National Insurance Fund. Doctors are required to give written notice of cases of occupational disease.

Article 16. An inspection register and a record sheet are kept for every industrial establishment subject to inspection and all observations arising from an inspection visit are entered therein. These documents are classified so as to show immediately whether or not an establishment has been inspected for some time or if a periodical visit should be made. This permits of the systematic control of all industrial establishments.

In 1952 inspection officials carried out a total of 173,858 visits to industrial undertakings, of which 41,619 were general inspection visits.

Article 18. Penalties are provided for in the respective Acts.

Articles 19 and 20. The chiefs of the inspection districts make complete monthly and annual reports to the central service. On the basis of this information, the Director-General of Labour draws up an annual report on inspection activities.

Articles 22 to 24. The system of labour inspection applies to commercial workplaces.

The Convention cannot at present be applied to overseas territories, which are governed by special legislation.

There were no judicial decisions.

The labour inspection service has endeavoured, by means of publicity, lectures, courses, etc., to stimulate the observance and implementation of the legislation and to reduce accidents to a minimum.

No difficulties have arisen in applying the Convention and the collaboration of the police and the judicial authorities has been most helpful in this respect.

The report contains statistical information on inspection visits, complaints, infringements, etc. A memorandum on the organisation and functions of the labour inspection service is appended to the report.

Turkey (First Report).

Act No. 3008 of 8 June 1936 respecting labour (L.S. 1936—Turk. 2).

Decree No. 3/6291 of 2 August 1947, to issue regulations concerning the labour inspectorate.

Administrative Instructions of 28 April 1948 for the labour inspectorate.

Decree No. 2/15592 of 4 April 1941, to issue regulations concerning the supervision and inspection of undertakings operated directly by the State, a province or a commune, or undertakings in connection with national defence.

Regulations (which came into force on 1 January 1949) concerning the inspectorate of the Workers' Insurance Institution.

Act No. 5690 of 13 December 1950, to ratify Convention No. 81.

Act No. 5018 of 20 February 1947, respecting trade unions of employees and employers, and federations of trade unions (L.S. 1947—Turk. 1).

Act No. 4772 of 27 June 1945, respecting insurance against industrial accidents and occupational diseases and maternity insurance (L.S. 1945—Turk. 1).

Article 1. Section 91 of the Labour Act provides that the State shall ensure by means of supervision and inspection that conditions of employment are in accordance with the legal requirements and with national interests.

Article 2. The system of labour inspection applies to all workplaces covered by the Labour Act. Mining and transport undertakings are not exempt from the application of the Convention.

Article 3. In addition to the functions enumerated in paragraph 1, inspectors are responsible for the inspection of trade unions, under the Trade Unions Act, and for the conciliation of industrial disputes, in virtue of the regulations respecting arbitration and conciliation in industrial disputes.

Article 4. Labour inspection is placed under the supervision and control of the Ministry of Labour.

Article 5. Under Section 96 of the Labour Act, institutions of the State, provinces and communes are required to provide for the supervision and inspection of undertakings in all matters connected with their rights and legal competence, and to notify the labour inspectorate of their inspection activities and the measures taken. Labour inspectors maintain contact with employers' and workers' organisations and take account of their views and comments.

Article 6. Labour inspectors have the status of public officials and are entitled to all the guarantees applying to such officials.

Article 7. Labour inspectors are recruited with sole regard to their qualifications for the perform-

ance of their duties. Occasionally, they receive training in special courses and are sent abroad as trainees, with a view to improving their professional knowledge.

Article 8. Both men and women are eligible for appointment to the inspection staff. At present there are several women inspectors.

Article 9. Specialists in medicine, engineering, electricity and chemistry are included in the inspection staff; the maximum advantage is taken of their expert knowledge.

Articles 10 and 11. The staff of the inspection service numbers 113, of whom 89 are inspectors. The latter are attached to regional offices, of which there are 20. The most important offices, in terms of the number of inspectors are as follows: Istanbul (36), Izmir (11), Ankara (8), Seyhan (7), Bursa (4). The remaining regional offices each have one or two inspectors.

Labour inspectors are furnished with special transport facilities in cases where suitable public facilities do not exist. They are reimbursed any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12. Under Section 92 of the Labour Act, officials responsible for supervising conditions of employment are empowered at any time to check, examine and inspect undertakings, methods of work, registers, records, accounts and documents of all kinds relating to employment and business transactions, the appliances, tools, apparatus, machinery, raw materials and all accessories needed for work, and all arrangements intended to ensure the life, health, safety, development, recreation and housing of employees. Labour inspectors are likewise empowered to enter freely and without previous notice any workplace, except State, provincial or communal undertakings or those connected with national defence.

Article 13. Under Section 56 of the Labour Act, labour inspectors are empowered to require employers to effect, within a time limit of six months, such improvements or alterations as may be necessary to secure compliance with the regulations respecting the protection of workers' health and safety in employment.

Article 14. Under Sections 56 and 57 of Act No. 4772 respecting accident and maternity insurance, industrial accidents and cases of occupational disease are required to be notified to the Workers' Insurance Institution.

Article 15. Public officials are prohibited under the Public Employees Act (No. 788) from engaging in any business activity. Therefore inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision. Inspectors are required under Section 93 of the Labour Act to observe strict secrecy with respect to technical, commercial and financial matters relating to undertakings under their supervision, unless it is necessary to reveal these matters in connection with official proceedings. They are also bound not to reveal the names and personal particulars of persons from whom they have received information or who report any matters to them.

Article 16. The principle followed in practice is that workplaces must be inspected at least once a year. However, visits may be made as

frequently as required to ensure the effective application of the relevant legal provisions.

Articles 17 and 18. Persons who violate legal provisions which are enforceable by labour inspectors are granted definite time limits in which to remedy the defects in question. If they fail to do so, they are liable to prompt legal proceedings. Section 98 of the Labour Act prohibits both employers and employees from obstructing inspectors in the performance of their duties, under penalty of a fine or, in the case of a more serious offence, to prosecution under the Penal Code.

Article 19. Inspectors are required to submit to the central inspection authority periodical reports, drawn up in the manner prescribed by the said authority, on the results of their inspection activities.

Articles 20 and 21. Annual general reports on the work of the inspection service will be prepared and copies transmitted to the International Labour Office.

Articles 22 to 24. The provisions respecting labour inspection in industry apply equally to labour inspection in commerce.

Article 29. No areas have been excluded from the application of the Convention.

The reports adds that draft Labour Inspection Regulations to consolidate the measures which give effect to the Convention have been submitted to the Council of State for review.

United Kingdom.

Great Britain.

The Annual Report of the Chief Inspector of Factories for 1951 (published in March 1953) shows that the total number of factories registered at the end of the year was 238,709. Of these, 212,245 were factories with power and 26,464 without power. In addition, other premises subject to inspection during the year numbered 82,616 (including docks, warehouses, building sites, works of engineering construction and premises registered under the Lead Paint Act, 1926). The number of visits to factories was 244,954 and to other workplaces 9,972.

Northern Ireland.

The Annual Report of the Chief Inspector of Factories for 1952 shows that the number of registered workplaces at the end of the year was 8,485 (including 5,627 factories with power, 1,279 factories without power and 1,579 other places within the scope of the relevant Acts). The estimated number of persons employed in factories in June 1952 was 168,650 and in building operations and works of engineering construction 34,000. During the year 5,815 factories were fully inspected and 7,503 visits were made to premises subject to inspection.

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

Finland, Norway, Sweden, Switzerland.

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
Philippines	29.12.1953
Sweden	25.11.1949
United Kingdom	27. 6.1949
Uruguay	18. 3.1954

Belgium (First Report).

- Article 20 of the Constitution of 1830.
- Section 27 (b) of the Regulation on Discipline, issued in application of the Act of the States General of the United Provinces of 15 March 1815, maintained in force by Decree of the Provisional Government dated 27 October 1830.
- Act of 31 March 1898 concerning occupational unions.
- Act of 24 May 1921 to guarantee freedom of association (L.S. 1921—Bel. 2-3).
- Act of 27 June 1921 concerning associations not conducted for profit.

Articles 1 and 2. Article 20 of the Constitution states: "Belgians have the right to associate; this right may not be subject to any preventive measures". Moreover, the Act of 24 May 1921 provides that "freedom of association in all fields is guaranteed. No person shall be compelled to join or to refrain from joining any association". The Act also provides that "any member of an association may withdraw from it at any time in conformity with the rules" and that "any provision having the effect of denying his liberty to do so shall be void".

The report also states that workers' and employers' organisations may be freely set up, without authorisation of any kind.

Under the system of common law, industrial organisations may be freely set up as simple *de facto* associations, without any specific legal status; they may, however, accept the status of "legal occupational unions" in accordance with the Act of 31 March 1898, or the status of "associations not conducted for profit" governed by the Act of 27 June 1921. In fact, Belgian trade unions have opted, in a very large majority, for the status of *de facto* associations, without legal personality.

Articles 3 to 6. Freedom of association, as guaranteed by the Belgian Constitution, also implies the application of the principles set forth in these Articles. No obstacle is raised to the establishment and activities of trade unions, federations and confederations of trade unions, provided only that they conform to the legislation concerning the police and security.

Article 7. The acquisition of legal personality is optional for trade unions, which, in order to obtain it, may take the form of an occupational union or of an association not conducted for profit. The conditions placed by the legislation on this legal recognition do not conflict with Articles 2 to 4 of the Convention.

Article 9. Members of the armed forces may not combine in industrial associations.

Moreover, military personnel, officials and employees belonging to the Ministry of National Defence are not allowed to belong to any group of a political nature or having political tendencies.

There are no legal provisions which prohibit members of the communal police forces from becoming members of industrial organisations of their own choosing. They have full and complete freedom of association and may only be subjected to disciplinary action if, by using this freedom, they contravene the obligations inherent in the status of agents of the public services. With respect to members of the judicial police and of the internal security force of the State, the report states that the Convention contains no guarantee which is not already given to them by the Belgian Constitution; they must, however, exercise their trade union rights in a manner compatible with respect for the law and with the obligations incumbent upon them as members of a public service.

Article 11. The Government states that it has submitted to Parliament, for ratification, Convention No. 98 concerning the application of the principles of the right to organise and to bargain collectively. The report also refers to the Act of 24 May 1921, guaranteeing freedom of association, and the Legislative Decree of 19 June 1945, which determines the status of joint committees.

The Government forwards the text of a judgment given on 29 June 1953 by the Council of State which ruled that, under Article 9, the Convention is not applicable to members of the armed forces and of the police, and consequently rejected an appeal for the annulment of a Decree

concerning the status of the internal security force of the State.

No complaints have been made to the Government by workers' and employers' organisations concerning the application of the Convention.

Denmark (First Report).

Article 85 of the Constitution of 1849 (until 5 June 1953).

Articles 78 and 85 of the Constitution of 1953 (since 5 June 1953).

Article 2. The above-mentioned constitutional provisions guarantee to all citizens the right of association, without previous authorisation, for any lawful purpose. Danish legislation does not subordinate the creation of employers' or workers' organisations, or affiliation to such organisations, to any condition.

Article 3. Article 78, paragraph 2, of the Constitution of 1953 provides for the dissolution, by judgment of the courts, of associations which use violent means or seek to attain their objectives by violence, by instigation to violence or by any similar unlawful pressure on persons having different opinions. The legislation does not interfere in any way with the drawing up of the constitutions and rules concerning the activities and objectives of employers' and workers' organisations.

Article 4. Associations which violate the above-mentioned provisions of Article 78, paragraph 2, of the Constitution of 1953 may be dissolved by legal procedure. Under paragraph 3 of the same Article no association may be dissolved by decision of the Government; however, an association may be suspended, provided that proceedings are taken against it immediately with a view to its dissolution.

Article 5. Danish legislation does not limit in any way the right of employers' and workers' organisations to establish federations and confederations and to affiliate with them, or to affiliate with international organisations of employers or workers.

Article 6. There are no special provisions concerning federations and confederations of employers' and workers' organisations.

Article 7. Danish legislation lays down no special conditions governing the acquisition of legal personality by workers' and employers' organisations.

Article 8. Apart from the above-mentioned provisions of Article 78 of the Constitution of 1953, the legislation contains no special provisions in this respect.

Article 9. Danish legislation contains no special provisions concerning the application to the police of the provisions of the Convention.

With respect to members of the armed forces, the provisions of Article 78 of the Constitution of 1953 are applicable to them in so far as the legislation on the armed forces does not otherwise provide (Article 85 of the Constitution of 1953).

The Permanent Court of Arbitration has given a number of decisions concerning the recognition of the right to organise in respect of both employers and workers.

No observations have been made by employers' and workers' organisations concerning the application of the Convention.

France (First Report).

Constitution of the French Republic of 27 October 1946.

Act of 21 March 1884, as amended by the Act of 12 March 1920 and consolidated in Book III of the Labour Code by the Act of 25 February 1927.

Act of 19 October 1946 concerning the general status of public servants.

Act of 28 September 1948 concerning the special status of members of the police force.

The report states that French legislation is in harmony with the Convention. The legality of industrial associations is sanctioned by a constitutional provision, since the preamble to the French Constitution provides that "any person may defend his rights and his interests by trade union action and belong to a trade union of his own choosing". This legality was recognised towards the end of the nineteenth century by the Act of 21 March 1884, as amended in 1920, and consolidated in Book III of the Labour Code in 1927. Freedom of association which, apart from the period of occupation when, under the Labour Charter, single trade unions with compulsory membership were instituted, has never been restricted in the country, and constitutes one of the fundamental principles of French law.

Article 2. Workers and employers may freely establish industrial associations. In this connection they are not required to ask for either preliminary authorisation or subsequent approval. At the time of their establishment, industrial associations must comply with certain basic and formal obligations. As regards the basic obligations, the associations may only include persons carrying on an occupational activity and members engaged in the same occupation or similar or allied occupations; in addition, they must have as their exclusive purpose the study and defence of the workers' interests. As regards the formal obligations, the founders of an association are required to draw up the constitution and rules in writing and to deposit them, together with the list of members holding managerial or administrative positions, at the town hall of the locality in which the headquarters of the association is situated or, in the case of Paris, at the Prefecture of the Department of the Seine.

Article 3, paragraph 1. Trade union organisations enjoy absolute freedom in the preparation of their constitutions and internal rules, in the election of their officers, in the management of their interests, in the preparation of their programmes of action and in the carrying out of their activities, as long as they respect the fundamental principles of French law. In particular, they are free to appoint their leaders from among their members who are of French nationality, enjoy civil rights and have not been condemned to certain legal penalties. The legal personality of trade unions is very extensive and allows them to conclude any contract and to take any action necessary to achieve their objectives and to manage their property.

Paragraph 2. The administrative authorities do not intervene either in the establishment or in the functioning of trade unions.

Article 4. In no case may a trade union be dissolved by an administrative authority. Dissolution may take place only if the members so desire, from the expiry of the time limit fixed by the constitution or by a decision of a judicial authority. In the latter case the dissolution may be pronounced only in the event of infringements of the legal provisions concerning the basic and formal obligations with which trade union organisations are required to comply. It may be requested by the Public Prosecutor but such a request is not binding on the judges.

Article 5. Regularly constituted trade unions are free to combine in federations. The latter enjoy the same rights as the trade unions of which they are composed. There are a number of inter-occupational unions, as well as numerous federations for industries or trades. These unions and federations are free to associate in confederations. There are no legal provisions to prevent trade union organisations, federations or confederations from affiliating with international organisations of workers and employers; French trade union organisations have made full use of this freedom.

Article 6. The provisions of Articles 2, 3 and 4 above also concern federations and confederations, which are not subject to any special regulation.

Article 7. The acquisition of legal personality by trade unions, associations, federations or confederations is not subject to any condition which is likely to conflict with the application of the provisions of Articles 2, 3 and 4 above. Trade union organisations which have deposited their constitutions and rules in the normal manner are by this fact compulsorily endowed with legal personality.

Article 8. In exercising the rights which are recognised by the Convention, workers and employers and their respective organisations are expected, in the same way as other persons or organised associations, to respect the law. Trade union organisations are not subject to any special provision, whether it relates to legislation on freedom of assembly, the security of the State, a state of emergency, or penal law.

Article 9. Members of the police, like other categories of public servants, have the right to establish trade unions under the provisions of Book III of the Labour Code, in application of Section 6 of the Act of 19 October 1946 concerning the general status of public servants, and of Section 2 of the Act of 28 September 1948 concerning the special status of members of the police force. However, a united stoppage of work may give rise to penalties which would leave disciplinary guarantees out of account. In addition, the Act of 27 December 1947, reorganising the State security companies, provides that the commanders, officers, non-commissioned officers and men of these companies have the right of association but not the right to strike.

The Government adds that the significant development of trade union organisation in France shows that the protection given by the various legal provisions determining the legal status of associations of workers and employers has been effective. Among the legislative measures which are designed to protect the right of association or which contribute to assuring the

free exercise of this right, the Government cites the Act of 11 February 1950 concerning collective agreements, which provides for the compulsory inclusion in agreements which may be subject to the extension procedure of clauses concerning the free exercise of the rights of association and freedom of opinion for the workers, the Ordinance of 22 February 1945, on works committees, as amended, the Act of 16 April 1946 concerning shop stewards, as amended, and Articles 306, 307, 309 and 311 of the Penal Code.

Mexico.

Federal Constitution of 5 February 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931—Mex. 1).

Article 2. Article 9 of the Constitution recognises the rights of assembly and of association as human rights. This provision is based on a similar provision in the Constitution of 1857 which served as a basis for the organisation and functioning of workers' associations. These were, however, governed by common law before the present Constitution (Article 123, paragraph XVI) defined freedom of association as a class right, belonging exclusively to workers and employers.

It may be considered that Mexican legislation recognises the right of association and the autonomy of this right. Employers and workers may thus associate to defend their interests in organisations of their own choosing, the only restriction being, as with all other rights, that they shall respect the law. The associations constituted by the Mexican workers take the form of trade unions, and have legal personality so that they are able to achieve the objectives allowed to them by law. Mexican legislation lays down a certain number of conditions with respect to the constitution and the objectives of the associations and the categories of persons who may participate in them.

Among the conditions relating to the objectives of the associations there is a provision that an association must be composed of workers or of employers and must have as its aim the study, advancement and defence of the common interests of its members.

It is now generally accepted that the objective of an industrial association is to defend and improve the economic situation and working conditions of its members (Section 232 of the Federal Labour Act).

With respect to the persons who may be members of a trade union, Section 237 of the Federal Labour Act contains a provision which is in contradiction with the constitutional principle granting freedom of association without distinction; this section requires that "persons who are forbidden by law to become members of associations or who are subject to special regulations shall not form trade unions". The only categories to which this provision can apply are members of the armed forces and the police who are not yet authorised to form associations in Mexico. Article 9 of the Convention provides for a situation of this kind.

A second condition with respect to the persons who may participate in trade unions is to be found in Section 238 of the Federal Labour Act, which provides that trade unions must be composed of at least 20 workers, in the case of

workers' associations, and of three employers, in the case of employers' associations. A number of objections have been made to this section, which appears to restrict freedom of association, but it should be borne in mind that this provision aims at giving recognition to social groups which are powerful enough to attain the objectives assigned to them.

With respect to the right to become a member of a trade union, certain understandable restrictions have been made to the general rule by which any worker may join an occupational association: these restrictions concern minors and foreigners. In conformity with Article 123, paragraph III, of the Constitution, which forbids the employment of children under 12 years of age (thus fixing a minimum age for admission to employment), Section 239 of the Federal Labour Act provides that only persons over 12 years of age may become members of a trade union. The same section prohibits persons under 17 years of age from participating in the management of a trade union. This provision was adopted to take into account the physical and intellectual development of minors, and was motivated by the desire to ensure that trade union leaders are fully capable of directing their associations.

With regard to women, Section 241 of the Act grants them the absolute right to join trade unions; in other words, a woman, who must obtain the consent of her husband to conclude any other contract, may join a trade union without such authorisation. Under Section 240 of the Act foreigners are not allowed to occupy any posts of management in a trade union, although they are authorised to form trade unions or to join them. This provision does not completely correspond with the principle of the Constitution, but it is explained as a measure of defence of the interests of Mexican trade unions.

Finally, conditions relating to the form of trade unions are laid down in Section 242 of the Act which requires that a trade union must be registered by the competent authority (the conciliation and arbitration board for the local unions, and the Minister of Labour and Social Welfare, for the federal organisations). For this purpose, they must submit two copies each of the record of the constituent meeting, the constitution and rules and the minutes of the meeting at which the committee of management was elected, and must indicate the number of members composing the association. Trade unions must draw up their constitutions in writing and these must contain the points listed in Section 246 of the Act. Section 243 provides that when these conditions have been fulfilled no competent authority may refuse to register a trade union. Under Section 247, legally registered trade unions enjoy legal personality. It is, of course, for the competent authorities and the conciliation and arbitration boards to decide if the trade unions fulfil the conditions laid down by the legislation concerning their constitution; they may refuse to register them if they consider that these conditions have not been fulfilled. Authorities which register trade unions which have not complied with the conditions laid down by the legislation are liable to fines provided for in Section 683. Authorities who receive a request for registration which is not in conformity with the legislation must indicate to the persons concerned what corrections are

necessary. When a request for registration is refused, the persons concerned have the right of appeal against the responsible authorities. This procedure should not be considered as a restriction or an obstacle to freedom of association and constitutes a normal measure in a legal system.

Article 3. Under Mexican legislation, the right of workers' and employers' organisations to draw up their own constitutions and rules is clear. The authorities may not intervene in any way in this matter; however, Section 246 of the Federal Labour Act provides that the constitutions of trade unions must include the name of the trade union which distinguishes it from others, its headquarters, its objects, the obligations and rights of its members, the method of appointing the committee of management, the conditions for the admission of members, the grounds and procedure for expulsion and the disciplinary penalties (with the reservation that members of a trade union may not be expelled unless two-thirds of the members have approved), the method for the payment of contributions, their amount and the method of managing the said sums, the date for submitting accounts and the rules for the dissolution of the trade union. The aims which a trade union may legally propose are defined in Section 232 of the Act, which provides that workers' or employers' organisations must have as their objective the study, advancement and defence of their common interests.

Article 4. In order to facilitate the work of trade unions, Mexican legislation requires that they must be registered with the Ministry of Labour and Social Welfare, thus proving that they have been legally constituted. Registration gives legal personality to trade unions and may only be cancelled in two cases mentioned in Section 244 of the Act, i.e., at the request of the trade union itself (in which case the board may cancel the registration without any further formality) or when one-third of the membership requests it. The power to cancel the registration of a trade union belongs exclusively to the conciliation and arbitration board. Moreover, workers' or employers' organisations may only be dissolved or suspended in conformity with the provisions freely accepted by the members of the association and included in its constitution and rules.

Article 5. Section 255 of the Federal Labour Act expressly states that "trade unions may form federations and confederations which, for this purpose, are subject to the provisions relating to such bodies. They shall specify in their constitutions the manner in which the component trade unions shall be represented on the board of directors and in the general meetings."

Article 6. According to Section 255, the provisions applicable to employers' and workers' organisations apply also to federations and confederations of these organisations. Section 256 provides that "any affiliated trade union may withdraw from the federation or the confederation at any moment, even if an agreement to the contrary exists".

Article 7. No provisions exist in Mexico subordinating the acquisition of legal personality by workers' and employers' organisations, their federations and confederations, to conditions which restrict freedom of association.

The provisions requiring that trade unions shall be registered with the Ministry of Labour and Social Welfare were included in the Federal Labour Act because of the social importance which Mexican legislation accords to freedom of association. These provisions do not in any way subject the formation of trade unions to previous authorisation. This is expressly laid down in Section 234 of the Act, which provides that no person may be compelled to join or to refrain from joining a trade union.

Article 8. The law must, of course, be respected during the exercise of trade union rights as in the case of all other rights.

Article 9. Members of the armed forces and of the police may not form trade unions.

Article 10. Mexican legislation is not in contradiction to the provisions of this Article.

No decisions were given by courts of law involving questions of principle relating to the application of the Convention, but they have given decisions concerning the application of the principle of freedom of association.

No observations were made by employers' or workers' organisations concerning the practical application of the provisions of the Convention.

Pakistan (First Report).

Trade Unions Act of 25 March 1926.
Cabinet Secretariat's Notification No. 6/148-EST (S.E.) of 30 August 1948, on the recognition of associations of government employees.

No new legislation has been promulgated to give effect to the provisions of the Convention. The rights in question are nevertheless recognised by the provisions of the Trade Unions Act of 1926. The Convention has been brought to the notice of all concerned and its provisions are applied in practice.

The Basic Principles Committee of the Constituent Assembly of Pakistan has included in its recommendations a provision declaring, *inter alia*, that freedom of association is a fundamental right to be guaranteed in the future Constitution of the State, which is at present before the Assembly.

Article 2. The right of workers and employers to establish their organisations without previous authorisation is not subject to statutory restrictions. It is only when these organisations seek legal status by way of registration under the Trade Unions Act that certain conditions specified in Sections 5, 6, 7, 15, 16, 21, 22, 27 and 28 of the Act require to be fulfilled. However, the intention underlying these conditions is not to restrict the right of workers and employers to form their associations. They are designed to help them to develop the administration of their organisations on sound lines. Similarly, government employees have complete freedom to join organisations of their own choosing, so long as they do not take part in, or assist financially or otherwise, a political movement, by which is meant any movement or activity whose aim is, directly or indirectly, to excite opinion against or to embarrass the legal Government, or to promote feelings of hate and enmity among different classes of citizens or to disturb the public peace. In the case of government employees seeking recognition by the Government they are required to comply with

the conditions laid down in the Cabinet Secretariat's Notification of 30 August 1948.

Article 3. The right guaranteed by this Article to employers' and workers' organisations is not subject to restrictions. There exists in the country a good number of trade organisations which enjoy this right. However, when they seek legal recognition they must comply with the provisions of Sections 5, 6, 7, 15, 16, 22, 27 and 28 of the Trade Unions Act before registration. These provisions are designed to help employers and workers to form associations based on just principles and are considered to be in their own interest. Similarly, the recognised associations of government employees enjoy the rights granted by this Article subject to the conditions laid down by the Cabinet Secretariat's Notification referred to under Article 2.

Article 4. Present practice is in conformity with the terms of this Article in so far as unregistered trade unions are concerned, as the latter cannot be dissolved by administrative action. In the case of registered unions, the registration certificate can be withdrawn or cancelled if the union does not comply with the provisions of Section 10 of the Act. The intention also behind this statutory provision is to help the workers and employers to develop their organisations on sound lines. In the case of associations of government employees, recognition cannot be withdrawn except in the circumstances specified in paragraphs 6 and 7 of the Cabinet Secretariat's Notification referred to above. The withdrawal of registration or recognition does not involve the dissolution of the union or association.

Article 5. There is no law contravening the provisions of this Article; federations and confederations which are affiliated with international organisations have been formed in the country.

Article 6. No national law is in conflict with the provisions of this Article.

Article 7. The acquisition of legal personality is optional for workers' and employers' organisations. Nevertheless, those unions which seek recognition under the Trade Unions Act have to fulfil the provisions of Sections 5, 6, 7, 15, 16, 21, 22, 27 and 28 of the Act, but these are not of such character as to restrict the application of the provisions of Articles 2, 3 and 4 of the Convention. Similarly, the recognised unions of government employees have to fulfil the conditions contained in the Cabinet Secretariat's Notification referred to above.

Article 8. There are central as well as provincial laws, such as the Security of Pakistan Act of 1952, the West Punjab Public Safety Act of 1948, the East Bengal Public Safety Ordinance and the North West Frontier Provinces Public Safety Act, which are applied when there is danger to the security and safety of the State and to the maintenance of public peace.

Article 9. It is not at present proposed to apply the guarantees provided by the Convention to the armed forces or to the police. The Trade Unions Act also does not apply to policemen or military personnel.

Article 10. In practice the term "organisation" is interpreted to mean an organisation of workers or employers for promoting and defending

the interests of workers or employers. Furthermore, Section 2 (h) of the Trade Unions Act is in conformity with this Article.

The ratification of the Convention by Pakistan was announced by Radio Pakistan and by a communication to the press; the central ministries, the provincial governments and the employers' and workers' organisations were also informed.

The Government of Pakistan is not aware of any judicial decisions raising questions of principle relating to the application of the Convention.

Certain workers' organisations complained of victimisation of their members because of their association with trade union activities. After a detailed enquiry it appeared that the action taken against those persons was due to bad behaviour on their part.

Sweden.

The negotiations already mentioned in the previous report were continued between the authorities and the trade unions concerned, with a view to establishing a model code setting out the conditions of service for employees of local authorities. These negotiations are not yet completed.

In response to the request of the Committee of Experts the Government forwarded the text of two decisions given by the Labour Tribunal on the subject of alleged infringements of trade union rights.

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

Austria, Finland, Iceland, Netherlands, 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
Dominican Republic	22. 9. 1953
France	15. 10. 1952
Guatemala	13. 2. 1952
Iraq	22. 6. 1951
Italy	22. 10. 1952
Japan	20. 10. 1953
Netherlands	7. 3. 1950
New Zealand	3. 12. 1949
Norway	4. 7. 1949
Philippines	29. 12. 1953
Sweden	25. 11. 1949
Switzerland	19. 1. 1952
Turkey	14. 7. 1950
United Kingdom	10. 8. 1949

Australia.

Re-establishment and Employment Act, 1945 (Sections 47-49) (L.S. 1945—Austral. 1), as amended in 1952.

Social Services Legislation Declaratory Act, 1947.

Articles 1 and 2. The Commonwealth Employment Service is maintained and administered through the Employment Division of the Department of Labour and National Service, which is the national authority responsible for the national system of employment offices.

The activities of the Employment Division include the organisation and maintenance of the employment service, including the provision of facilities to assist in bringing about and maintaining a high and stable level of employment throughout the Commonwealth; the placing of migrants and the supervision of employment contracts of certain migrants; registration, medical examina-

tion and call-up of youths under the National Service Act; the recruitment of experts for the Commonwealth and United Nations technical assistance programmes; assistance to the Department of Social Services in the administration of the Unemployment and Sickness Benefit Scheme and in the operation of the Training and Physical Rehabilitation Scheme for invalid pensioners; and assistance to the Repatriation Department in the operation of vocational training schemes to rehabilitate ex-members of the armed forces.

Article 3. A network of employment offices, located as conveniently as possible for employers and workers, is provided in sufficient number to serve each geographical area of the country. Agents have been appointed in isolated areas, under the control of a full-time employment office, to provide the employment services required in those areas.

There is a regular programme of inspection of offices and this, together with the examination of periodical reports from the offices, provides the basis for keeping the employment situation under review and for revising the facilities to meet the changing requirements of the economy and the distribution of the working population.

Article 4. Power to appoint employment service advisory committees is given to the Minister under Section 49 of the Re-establishment and Employment Act, 1945. So far no such committees have been set up, but the co-operation of representative organisations of employers and workers is sought in the operation of the employment service and the development of its policy.

Article 5. The general policy of the employment service regarding the referral of workers to available employment has been developed after consultation with representative employers' and workers' organisations, but not through employment service advisory committees.

Article 6. The employment service operates through a network of local employment offices and agents. There are a number of specialist offices which cater to the needs of particular sections of the community. The service is controlled by a central office through six regional offices located in the capital cities of the states. Applicants for employment are registered under a uniform system and, after a comprehensive evaluation has been made of their occupational qualifications, experience and wishes, and following vocational guidance where necessary in the case of juvenile and disabled persons, they are assisted to obtain employment suitable to their skill and physical capacity. Uniform arrangements ensure that full details of their requirements are obtained from employers who notify vacancies, in order to allow applicants and vacant jobs to be suitably matched. There is a comprehensive system of clearance in each state whereby vacancies for which no suitable applicant is immediately available are forwarded to a central clearing house, which circulates details to all employment offices from which applicants are likely to be forthcoming.

Occupational mobility is promoted by means of labour market information, interviewing techniques and vocational guidance, where appropriate. Geographical mobility is facilitated through the clearance system and by arrangements under which employment offices advance, in suitable cases, the fares and travelling expenses of workers proceeding to employment away from home or to an interview with a prospective employer. Through its specialised rural sections the employment service assists in the temporary transfer of workers from one area to another to meet seasonal or temporary demands for labour.

In the field of migration the employment service advises the Government on employment opportunities for immigrants, helps immigrants to find suitable employment, with due regard to national needs, and assists them with advice and information necessary to help them to settle satisfactorily in Australia.

The service obtains detailed information on the employment situation through the local and regional offices and prepares monthly surveys of employment levels in New South Wales and Victoria, in collaboration with the Commonwealth Bureau of Census and Statistics. This information is made available to interested government departments; information is also issued regularly to the public.

The employment service also undertakes research into long-term employment opportunities in different professions and skilled trades; the results are made available to persons seeking assistance and to outside bodies, including universities, technical colleges and professional institutions.

The service assists in the provision of unemployment and sickness benefits available under the Social Services Consolidation Act, 1947-1952, and the payment of re-employment allowances provided under the Re-establishment and Employment Act. Claimants for unemployment benefits must register for work with an employment office which is responsible for administering the work test. In some areas the employment service acts as an agent of the Department of Social Services and pays unemployment benefits.

Article 7. The size of the employment offices is not conducive to specialisation within them by occupations or industries. However, specialised offices exist for the following categories of workers: professional workers, disabled persons, building tradesmen, metal tradesmen, rural workers and waterfront workers.

Article 8. Special attention is given to assisting young persons to obtain employment suited to their abilities, aptitudes, qualifications and interests, and to encouraging them to make use of existing vocational guidance facilities. Close relations are maintained with local public and private schools. Talks are given to students at school. Young persons placed in employment are encouraged to return to the employment office should they require additional information or assistance in finding other employment.

Youth placing work is generally supervised in each state by a youth employment office attached to the Professional Services Office in each capital city. This office maintains liaison with education authorities, youth welfare organisations, apprenticeship authorities, etc., and seeks to co-ordinate their activities with its own work.

Article 9. The staff of the service consists of officers of the Commonwealth Public Service, and as such they are independent of changes of government and of improper external influences. They are recruited solely on the basis of their competence for the work to be performed. There is provision for induction and follow-up training for new entrants as well as for on-the-job training, supplemented by class training at suitable centres, for officers in the service. Particular emphasis is laid on the improvement of the industrial and occupational knowledge of officers and their interviewing techniques.

Article 10. Employers are encouraged to make full voluntary use of the employment service facilities by means of regular visits by officers and by addresses given to employers' organisations. Close contact is maintained with workers' organisations and other bodies concerned with workers' welfare. The use of the service by workers is also encouraged through the advertisement in selected newspapers of vacancies notified to the service by employers which cannot be filled from applications registered at employment offices.

Article 11. Arrangements have been made for co-operation between the employment service and university appointments boards and professional institutions which are the principal private employment agencies in Australia not conducted with a view to profit.

Article 12. No areas of Australia are excluded from the application of the Convention.

The Department of Labour and National Service is responsible for the administration of Sections 47 to 49 of the Re-establishment and Employment Act. Inspectors attached to regional offices submit regular reports to the Central Office which co-ordinates and directs inspection work through its Organisation and Methods Section.

The over-all organisation and the staffing of the employment service is under the control of the Commonwealth Public Service Board of Commissioners.

On 30 June 1953 there were 118 local employment offices and 355 agents in small country centres. The activities of the employment service during the 12 months preceding 30 June 1953 included 594,377 registrations; 328,080 referrals to employment; 235,727 placings effected; 332,101 vacancies notified; 672,571 persons given advice or information; 7,444 migrants placed in employment for the first time. Up to 30 June 1953 the employment service has placed in employment 102,185 displaced persons who entered Australia under the scheme operated by the International Refugee Organisation.

Canada.

New Subsection (3) of Section 88 (Part III) of the Unemployment Insurance Act, 1940 (added by the Statutes of 1952, Chapter 51, Section 16).

The above-mentioned new subsection of the Unemployment Insurance Act deals with discrimination in employment and reads as follows: "It shall be the duty of the 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".

During the period covered by the report the Unemployment Insurance Commission operated a total of 232 National Employment Offices, branch offices or suboffices. In addition, the National Employment Service is represented by a branch in each of the Commission's five regional offices.

Progress has been made in the co-ordination of the work of national regional and local employment committees towards the objectives of Article 4 of the Convention.

As regards the specialised services supplied to specific occupations, industries and groups of individuals (Article 7 of the Convention), the report states that close liaison has been established with the newly-appointed Co-ordinator of the National Committee on Civilian Rehabilitation by the officials dealing with handicapped and aged persons.

Current statistics concerning the operations of the employment service are published monthly in the *Labour Gazette*, which is forwarded regularly to the International Labour Office.

Iraq (First Report).

Labour Law No. 72 of 1936 (L.S. 1936—Iraq 2), as amended by Law No. 36 of 1942.

Regulation No. 37 of 1946 for the establishment of employment agencies (L.S. 1946—Iraq 1).

Law No. 11 of 1951, to ratify Convention No. 88.

Article 1. Section 31 of Labour Law No. 72 of 1936, as amended, empowers the Government to issue regulations for the establishment of general employment agencies in Baghdad and in any other place where the establishment of such agencies is deemed necessary. Section 1 of Regulation No. 37 of 1946 defines an "employment agency" as a free official service for the purpose of facilitating the employment of workers covered by the Labour Law and the Regulations issued under it by way of their registration and by endeavouring to find work for those who are unemployed.

Article 2. These agencies are under the direction of the Ministry of Social Affairs and the Directorate-General of Labour and Social Security.

Article 3, paragraph 1. Five employment agencies have been established, in Baghdad, Mosul, Basrah, Kirkuk and Hilla.

Paragraph 2. Under Section 5 of Regulation No. 37 of 1946 the Minister may establish employment agencies in other places as required.

Articles 4 and 5. No advisory committees have been established so far. This question is at present under consideration.

Article 6. Employers are invited through the press or radio, or by visiting officials or inspectors, to notify employment agencies in their area of their labour needs. Workers seeking employment are advised by notices issued by the employment offices, or by means of the press or radio, to register at the employment agencies, and, if suitable, they are referred to undertakings for employment.

Articles 7 and 8. No arrangements have been made so far.

Article 9, paragraph 1. The staff of the employment service is composed of public officials employed under the Civil Service Law, which ensures stability of employment.

Paragraphs 2 and 3. The staff of the employment service is selected from highly-qualified graduates of the Iraqi Law College.

Paragraph 4. The staff receive an initial training by attending special courses on their duties; they are then attached to senior staff for further training. Subsequent training is given by foreign experts.

Article 10. Employers are encouraged to make full use of the free services of the employment agencies, especially when they are being visited by inspectors in the course of their inspection duties.

Article 11. There are no private employment agencies.

Article 12. No areas are excluded or exempted, in whole or in part, from the application of the Convention. The activity of the employment service covers the whole country.

The application of the legislation and the regulations in force is entrusted to the Ministry of Social Affairs and to special sections in the labour departments responsible for the registration of vacancies and applications and for referring applicants to suitable vacancies. Supervision is carried out by the Directorate-General of Labour and Social Security.

During the period under review the number of workers registered at the five employment agencies was 9,726. About three-quarters of this total were unskilled workers, of whom a small number were placed in employment. The remaining quarter were semi-skilled workers and a large number of them were placed. The report adds that most undertakings engage workers direct and that there is no compulsion on employers to engage workers supplied by the employment agencies if such workers do not satisfy their requirements. There were no decisions by courts of law involving questions of principle relating to the application of the Convention.

Netherlands.

Ministerial Order of 12 January 1953, respecting the organisation of the Employment Service.

The above-mentioned Order, which introduced the following changes in the organisation of the Netherlands Employment Service, came into force on 1 July 1953.

In each of the 11 chief provincial towns a district employment office has been set up to cover the area of the province in question. Each district comprises a number of regions, in each of which there is a regional employment office. In addition, auxiliary offices are attached to several of the regional employment offices. The head of each district office is entrusted both with the direction and inspection of the regional offices and the official vocational training centres within his competence. The district offices are responsible for centralising all work concerning the labour and employment policy, documentation, statistics, administration, book-keeping and staff matters, while the regional offices are responsible for placing activities, strictly speaking. The heads of the district offices take part in the fortnightly meetings which are organised under the chairmanship of the Director-General of the National Employment Office, together with the heads of division of the Office, in order to discuss the measures taken or to be taken to carry out the employment policy. As the result of the changes made in the organisation of the Employment Service, any advisory committee which considers that it is redundant will be authorised to be disbanded.

Although the changes referred to above have no bearing on the application of the Convention, the report states that they have been introduced in the interests of economy and in the desire to increase the efficiency of the Employment Service.

New Zealand.

The number of placings effected by the National Employment Service in the 12 months ending 31 March 1953 was 24,693 (18,053 men and 6,640 women). The number of registered applicants not placed in employment on 31 March 1953 was 49 (37 men and 12 women).

Norway.

Royal Decree of 27 February 1953, respecting travelling and removal expenses to be paid out of public funds used for the promotion of large-scale works.
Regulations of 12 March 1953, respecting travelling and removal allowances to be paid under the unemployment insurance scheme.
Provisional Regulations for regional planning issued by Royal Decree of 22 May 1953.

In order to facilitate the promotion of large-scale works, Regulations have been drawn up regarding the payment out of public funds of travelling and removal allowances—either seasonally or generally—to workers in certain industries or areas. The Labour Directorate may at any time stipulate any alterations which it may consider necessary in the scope of these Regulations.

Employment statistics now include all wage earners—with the exception of seamen in overseas trade (about 32,000) and the permanent staff of the Norwegian State Railways (about 19,000). These figures are not included in the tables of the

monthly publication *The Labour Market*, but are dealt with in the textual commentaries. In addition, about 65,000 seamen with fishing as their main occupation will continue to be excluded from statistics, as most of these persons cannot be regarded as wage earners in the usual sense of the word.

It is hoped to introduce a new occupational group which will be in accordance with the United Nations International Standard Industrial Classification of All Economic Activities.

As a further step in the work of developing the natural resources and ensuring a high development of individual parts of the country, regional planning was further developed in 1952-53 and has now been started in 16 out of 20 counties. It is expected that the work of economic charting which is now in progress will be completed in most counties during the first half of 1954.

The special service for partially disabled persons has been further extended. By a Resolution of the Storting of 9 May 1953, 11 new posts for government labour consultants (district rehabilitation officers) have been created. General regulations regarding the employment service, etc., for disabled persons, as well as instructions for labour consultants, are in course of preparation. The Government's rehabilitation centre at Oslo has extended its activities, and it is planned to establish similar centres in Bergen and Trondheim. The Ministry of Local Government and Labour has published guiding principles for the further training and employment of disabled persons.

The officials of the Labour Department and the county employment offices have undertaken systematic journeys of inspection. The Labour Directorate has held its annual congress for all the heads of the county employment offices. It has also held a number of instructional meetings for the heads of local placing offices as well as its annual training course for junior exchange officials. Arrangements have been made for a meeting of occupational psychologists of the employment service as well as for a course for vocational guidance officers. The labour consultants employed in the service have also been convened to a meeting at the Labour Directorate. Enquiries are being made as regards the possibilities of concluding agreements concerning the placing of labour, through the employment services, for several government services. These agreements will be on lines similar to the agreement reached with the construction services of the armed forces.

During the period 1 July 1952 to 30 June 1953, one new placing office serving more than one municipality was opened, bringing the number of such offices up to 27. There are now 693 local placing offices, 56 of which are employment offices. In 593 local districts an employment service is attached to the insurance offices and in 44 districts special employment exchange officials have been appointed. In addition, there are seamen's employment offices in 16 towns.

During the same period the public employment service registered 268,462 persons seeking employment and 246,520 vacancies; 192,174 persons were placed in employment.

The Government appends to its report a copy of the report to the Storting, No. 48 (1953) containing the guiding principles for the further training and employment of disabled persons.

Sweden.

Royal Notification of 5 June 1953, to amend the Royal Instruction of 17 June 1948 concerning the Employment Market Board.

The amendments referred to above have not altered the scope and general policy of the Swedish employment service or its institutions, but are of an entirely administrative character.

In the period covered by the report the movement of casual labour to agriculture has occurred in the manner indicated in preceding reports. The previous big demand for labour in forestry has fallen off and it has not been necessary to continue, to the same extent as before, the temporary measures taken with a view to transferring workers to this type of employment.

Since January 1953 the Employment Market Board has published statistical information on the activities of the National Employment Service. These statistics cover the activity of the service in each province and also as regards each occupation. Furthermore, figures are published showing the employment situation in the various branches of Swedish economy and the extension of unemployment among organised workers. The work of the voluntary unemployment insurance funds is reviewed every month. Employment market statistics are issued once a month.

Since the beginning of 1953 the Employment Market Board has issued its own monthly publication entitled *Arbetsmarknaden* (Employment Market). This publication, which contains articles on current problems in the field covered by the Employment Market Board, as well as information relating to the work of the Board and of the National Employment Service, is distributed inside the service, as well as to various official bodies in Sweden and abroad, newspapers, and educational institutions, and is available to any person who wishes to have it. The Government appends to its report the January-August 1953 issues of this publication.

Turkey.

The Government refers to the information submitted in writing to the Conference Committee

in 1953 in reply to the observations made by the Committee of Experts.

*United Kingdom.**Great Britain.*

Certain small employment exchanges in smaller market towns and some country districts were regraded as suboffices. These suboffices continue to provide a full-time service.

The report mentions that provision exists under Section 4 of the Distribution of Industry Act, 1950, to facilitate the geographical mobility of workers. Experienced workers may be assisted in transferring as "key" workers from a parent factory to new undertakings being established by their employers in areas of comparatively high unemployment; these workers are given their fares, lodging allowances and payment of removal costs.

No official schemes for the recruitment of colonial or foreign workers have operated during the year. During 1952 arrangements were made to transfer 2,162 Irish workers to the United Kingdom. In accordance with the practice of assisting British employers in certain essential industries in meeting the demand for unskilled workers, 708 Italian workers were brought to the United Kingdom between 1 July 1952 and 30 June 1953. The number of individual employment permits delivered to workers from abroad during 1952 was 33,000.

The employment service is at present constituted by the following offices: 11 regional offices; 972 employment exchanges; 100 suboffices; 85 branch employment offices; 33 local agencies; 1,185 youth employment offices; 1 technical and scientific register; 3 appointments offices; 11 nursing appointments offices (regional); and 138 nursing appointments offices (local). The number of persons placed by these offices during the year was 3,185,168.

Northern Ireland.

There are 28 employment exchanges linked with 56 paying offices. During the year these exchanges effected 30,159 placings.

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
Dominican Republic	22. 9.1953
France ²	21. 9.1953
Guatemala	13. 2.1952
India ²	27. 2.1950
Ireland ²	14. 1.1952
Italy ¹	22.10.1952
New Zealand ²	10.11.1950
Pakistan ²	14. 2.1951
Philippines	29.12.1953

Countries	Date of registration of ratification
Switzerland ²	6. 5.1950
Syria	1.12.1949
Union of South Africa ²	2. 3.1950
Uruguay ¹	18. 3.1954

¹ Has ratified Convention No. 4 but not Convention No. 41.

² This ratification involves the immediate denunciation of Convention No. 41.

Austria.

The Government refers to the information submitted in writing to the Conference Committee in 1953.

India.

With reference to the observations made by the Committee of Experts in 1953, the Government refers to the information supplied in writing to the Conference Committee and states that a Bill to amend the Factories Act was introduced in the Council of States on 3 September 1953; it is hoped that this Bill will shortly be passed by Parliament.

With reference to Sections 40 (2) and 46 of the Indian Mines Act, under which the Central Government may vary the hours of employment of women and young persons, the report refers to the information submitted to the Conference Committee on this point, to the effect that the rest period of 11 consecutive hours prescribed by the Convention is ensured by Section 30 (2) of the Mines Act, which lays down that the maximum limit of 12 hours for the spread-over of the working period cannot generally be exceeded. The proviso to the provisions of Section 30 (2) of the Mines Act empowers the Chief Inspector of Mines to increase the period of the spread-over to 14 hours in any day, and is meant to be used only in the case of exceptional circumstances covered by Articles 4, 6 and 7 of Convention No. 89 and Article 4 of Convention No. 90.

The average number of women employed in factories covered by the Factories Act, 1948, was 283,884 in 1951. The average number of women employed in mines covered by the Mines Act, 1952, was 112,078 in 1952.

New Zealand.

On 31 March 1953 the number of women employed in factories registered under the Factories Act 1946, was 36,506. An estimate made by the National Employment Service shows that in April 1953 there were 42,200 women employed in manufacturing, 76 in mining and quarrying and 934 in building and construction. In the last two groups women were employed solely in clerical and administrative duties.

Pakistan (First Report).

Factories (Consolidation) Act (India), 1934 (L.S. 1934—Ind. 2).

Mines Act (India) 1923 (L.S. 1923—Ind. 3), as amended by the Mines (Amendment) Act, 1951.

The Government states that, for certain administrative reasons, the Factories Act, 1934, has not so far been amended to enforce in factories those provisions of the Convention which are not at present contained in the Act. However, a draft amending Bill—a copy of which is appended to the Government's report—is under consideration.

Article 1, paragraph 1. As provided for under Article 11 of the Convention, in Pakistan the term "industrial undertaking" includes only those factories which are covered by the Factories Act, 1934, and those mines to which the Mines Act, 1923, applies.

No particular decision has been taken as regards paragraph 2 of this Article (definition of the line of division which separates industry from agriculture, commerce and other industrial occupations) as exhaustive definitions are given in Section 2 (j) of the Factories Act, 1934, and Section 3 (f) of the Mines Act, 1923.

Article 2. Section 45, paragraph 1 (b) of the Factories Act, lays down that no woman shall be allowed to work in a factory during the night (between 7 p.m. and 6 a.m.). In order to enforce the provisions of this Article a new Section 23 C has been added to the Mines Act, 1923, which provides that "no female shall be allowed to work in a mine, either below or above ground, between the hours of 7 p.m. and 6 a.m.".

The report states that Section 46 of the Mines Act confers upon the Central Government general powers to grant exemptions from the provisions of the Act; this means that the Central Government has the necessary powers to fix different intervals within the limit prescribed in this Article. However, no provision has been made in the Act to make it compulsory for the Government to consult workers' and employers' organisations. Nevertheless, these organisations will be consulted if it is intended to provide different intervals. The report also states that Section 8 of the Factories Act gives the Central Government, or the competent provincial government general powers to grant exceptions from the provisions of this Act in case of public emergency. Thus, the competent government has statutory powers to fix different intervals within the limit prescribed in this Article. The provision in the Convention concerning consultation with workers' and employers' associations prior to the fixing of different intervals will be borne in mind if and when the occasion arises.

During the period under review no different intervals were prescribed under the above-mentioned Acts.

Article 3. This Article is applied by Section 45 of the Factories Act and by the new Section 23 C of the Mines Act, the provisions of which are referred to under Article 2 above.

Article 4. As conditions in mines in Pakistan do not warrant the employment of women during the night, the provisions of this Article have not been given effect by law. See also above under Article 2 for information regarding power to grant exceptions under the Factories and Mines Acts.

Section 45 (2) of the Factories Act lays down that the competent government may make rules providing for exemptions from restrictions on the employment of women during the hours specified in Section 45 (1) in fish-curing or fish-canning factories, where the employment of women beyond the prescribed hours is necessary to prevent damage to or deterioration in any raw material. Section 45 (3) of the Factories Act provides that the above-mentioned rules shall remain in force for not more than three years.

Article 5. During the period under review the prohibition of the night work of women in industrial undertakings covered by the Mines Act and the Factories Act was not suspended.

Article 6. The report states that the Mines Act does not provide for the reduction of the night period for the purposes of the employment of women. A Bill to amend the Factories Act is under consideration.

Article 7. The Mines Act does not provide for the exception permitted under this Article. It is also not intended to make a provision corresponding to Article 7 in the Factories Act.

Article 8. Section 24 of the Mines Act has been amended so that the exception provided for in this Article shall not apply to persons who may by rules be defined to be persons holding responsible positions of a managerial or technical character or employed in health and welfare services or employed in any confidential capacity. At present there is no intention to amend the Factories Act in order to provide for the exemptions granted under Article 8 of the Convention.

The administration of the Factories Act is a provincial subject. The provincial governments have designated officials of their labour departments as inspectors under this Act, to supervise the enforcement of the provisions of the Act in the undertakings which are under the administrative control of the respective provincial governments. Provincial district magistrates also act as inspectors in their respective districts for the purpose of enforcing the Act. In the federal area the Chief Commissioner of Karachi exercises the powers of a provincial government. The Chief Inspector and the Junior Inspector of Mines, appointed by the Central Government under the Mines Act, are responsible for the enforcement of this Act.

The number of women workers employed in undertakings covered by the Factories Act, 1934, during the period covered by the report is not yet available. However, according to available figures for 1950, there were 12,184 women employed in factories (10,324 in seasonal factories and 1,860 in perennial factories). During the period under review there were only 20 women employed in mines covered by the Mines Act, 1923.

No decisions by courts of law have come to the notice of the Government during the period under review; no contraventions were reported and no observations were received from workers' or employers' organisations.

Switzerland.

During the period under review there was no marked change in the scope of application of the Factories Act; the number of factories covered was 11,318 (as compared with 11,264 in the previous year). An extract from the reports of the cantons on the application of the Act relating to the employment of young persons and women in arts and crafts in 1950-51 is appended to the report. The federal authorities were informed of 16 convictions for infringements of the legal provisions prohibiting the night work of women; the fines imposed varied between 10 and 150 francs.

Syria (First Report).

Legislative Decree No. 115 of 8 June 1949, to ratify Convention No. 89.
Constitution of Syria.
Labour Code, 1946 (L.S. 1946—Syria 1).
Order No. 484 of the Minister of National Economy of 3 July 1948 (giving a list of trades in respect of which unions may be formed).

The report states that the provisions of the Convention have acquired force of national law in virtue of Article 64, paragraphs 2 and 3, of the Syrian Constitution which provide as follows: the treaties and conventions adopted by the Chamber of Deputies and promulgated by the

President of the Republic are considered, as from the date of their entry into force, as amending all internal legislation in force which is not in conformity with their provisions. The treaties and conventions adopted by the Chamber of Deputies, and which are in force, have supremacy over internal legislation; they may only be modified, annulled or repealed after notification according to established procedure or in accordance with international usage.

Article 1. The report states that Administrative Order No. 484, which was made in accordance with Section 15 of the Labour Code, contains a classification of occupations and trades into three categories: industrial, commercial and the liberal professions. This classification, although adopted in the first instance with a view to the formation of trade unions, is often used as the legal basis for drawing a distinction between various occupational categories.

Article 2. No legislation has been adopted as regards this Article.

Article 3. Section 100 of the Labour Code prohibits the night work of women without any distinction as to age or nature of the duties performed. Family workshops where only members of the same family are employed under the authority of the father, mother, grandfather, brother, uncle, husband or lawful guardian, are exempt from this provision.

Article 4, clauses (a) and (b). These exceptions are not provided for in the present legislation.

Article 5, paragraphs 1 and 2. The Government has not as yet availed itself of the provisions of this Article.

Article 6. The report states that as industrial undertakings which are influenced by the seasons are rare in the country, and as the prohibition of the night work of women is practically complete and is applied in all the regions irrespective of the nature of the industrial undertaking, it has not been deemed necessary to make use of the exceptions provided for in this Article.

Article 7. The Government does not consider it necessary to take measures as regards the provisions of this Article, as the climate of the country is temperate and does not render work by day particularly difficult.

Article 8. No measures have as yet been taken in connection with this Article.

The application of the Convention and of the Labour Code is entrusted to the Directorate of Labour and Social Affairs which controls, *inter alia*, the strict application of the provisions of all legislation and regulations concerning labour and wage earners, as well as the Convention which has force of national law. This control is carried out by an inspection service, which visits factories and workshops employing wage earners in order to ascertain if the legislative provisions relating to labour are being properly applied. When infringements of the legislation by the employers are noted, the inspectors draw up reports which are transmitted to the competent tribunals, for their decisions with regard to penalties, by the Director of Labour and Social Affairs when the establishment is in the capital,

and by the highest official of the Ministry of National Economy when the establishment is in a department (*Mouhafazat*).
The statistics at the disposal of the Government do not allow of any precise details being given either of the number of women workers covered by

the legislation or the nature and number of the infringements of the provisions of the Convention.
The Government appends to its report a copy of a form of report utilised by the labour inspectors and supervisors for the purpose of notifying breaches of the provisions of the labour legislation.

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
Israel	23. 12. 1953
Italy ¹	22. 10. 1952
Pakistan ¹	14. 2. 1951
Philippines	29. 12. 1953
Uruguay ¹	18. 3. 1954

¹ Has ratified Convention No. 6.

India.

The Bill amending the Factories Act, to which the Government referred in its first report, was introduced in the Council of States on 3 September 1953.
As regards the observations made in 1953 by the Committee of Experts, concerning the rest periods and dates of birth of adolescents, the Government refers to the information which it submitted in writing to the Conference Committee in 1953.
As regards the employment at night of children as apprentices or for vocational training in railways and ports, reference is made to the letter dated 1 June 1953, by which the Government of India informed the International Labour Office that it proposed to permit the above-mentioned employment only in respect of activities and occupations which are required to be carried on continuously. The necessary Rules to this effect will be framed by the Government at an early date.

Pakistan (First Report).

Factories (Consolidation) Act (India) 1934 (L.S. 1934—Ind. 2), as amended up to 16 January 1950.
Mines Act (India) 1923 (L.S. 1923—Ind. 3), as amended by the Mines (Amendment) Act, 1951.
Employment of Children Act (India), 1938 (L.S. 1938—Ind. 5), as amended by the Employment of Children (Amendment) Act, 1951.

Because of certain administrative difficulties the Factories Act, 1934, has not yet been amended to enforce some of the provisions of the Convention. However, a draft Bill—a copy of which is appended to the Government's report—is under consideration.
Article 1. As provided for under Article 9 of the Convention, in Pakistan the term "industrial undertakings" includes only those factories which are covered by the Factories Act, 1934, mines to

which the Mines Act, 1923, applies, and railways and ports covered by the Employment of Children Act, 1938.
No particular decision was taken as regards paragraph 2 of this Article (definition of the line of division which separates industry from agriculture, commerce and other non-industrial undertakings) as exhaustive definitions in this respect are given in Section 2 (*j*) of the Factories Act, Section 3 (*f*) of the Mines Act and Section 3 (1) of the Employment of Children Act, as amended in 1951.
No exceptions were granted under paragraph 3 of Article 1 during the period under review.

Article 2, paragraph 1. This is applied by Section 26 B of the Mines Act, as amended in 1951, and Section 3 (2) of the Employment of Children Act, as amended in 1951.
Paragraph 2 (subject to the modifications set forth in Article 9, paragraph 4, of the Convention). According to the report, this paragraph is applied under Section 3 (1) of the Employment of Children Act, as amended in 1951, and Section 26 of the Mines Act.
Paragraph 3 (subject to the modifications set forth in Article 9, paragraph 5, of the Convention). According to the report this paragraph is applied under Section 26 B of the Mines Act, as amended in 1951, and Section 3 (2) of the Employment of Children Act, as amended in 1951. During the period under review different intervals were not prescribed.

Article 3. The provisions of this Article apply to young persons in Pakistan subject to the modifications set forth in Article 9, paragraphs 6 and 7, of the Convention. According to the report the provisions of paragraph 1 of Article 3 are applied by Section 26 B of the Mines Act, as amended in 1951, and Section 3 (2) of the Employment of Children Act of 1951, as amended in 1951.
Paragraphs 2 and 3. These provisions are applied by Section 26 B and Section 30 (*cccc*) of the Mines Act, as amended in 1951, and by the first proviso of Section 3 (2) of the Employment of Children Act, as amended in 1951.

The exception provided for in paragraph 2 of Article 3 was not made use of during the period under review.
Rules are at present being framed under the Mines Act and the Employment of Children Act to regulate the employment of young persons during the night for purposes of apprenticeship or vocational training. The text of the various legislative provisions referred to under Articles 2 and 3 is quoted in the Government's report.

Article 4. The provisions of this Article apply to Pakistan subject to the modifications set forth in Article 9, paragraphs 6 and 7, of the Convention.

During the period under review no use was made of the exception provided for under paragraph 1 of this Article.

The report adds that a proviso in Section 3 (2) of the Employment of Children Act lays down that the competent authority may, where it is of opinion that an emergency has arisen and the public interest so requires, declare that the provisions of Section 3 (2) shall not be in operation for such period as may be specified by a notification in the *Official Gazette*. Section 46 of the Mines Act, 1923, confers upon the Central Government general powers to grant exemption from the provisions of this Act. Similarly, Section 8 of the Factories Act, 1934, gives powers to the government concerned to grant exemption from the provisions of this Act in case of any public emergency.

Article 5. The prohibition of night work was not suspended by the Government during the period under review.

Article 6. (subject to the modifications set forth in Article 9, paragraph 8, of the Convention). These provisions are applied by Chapter II (appointment of inspectors, their powers, etc.) and Chapter VI (fines) of the Factories Act; Chapters II and III (authorities responsible for compliance) and Chapter VIII (penalties) of the Mines Act; and by Section 3D (maintenance of register), Section 3 E (display of notice containing abstracts of the law), and Section 4 (penalties) of the Employment of Children Act, as amended in 1951. The text of these legislative provisions is given in detail in the report.

The provinces are responsible for the administration of the Factories Act. The provincial governments have designated officers of their labour departments as inspectors under the Factories Act to supervise the enforcement of the provisions of the Act. Provincial district magistrates also act as inspectors under the Act in their respective districts for purposes of its enforcement. In the federal area the Chief Commissioner of Karachi exercises the powers of a provincial government.

The Chief Inspector and the Junior Inspector of Mines, appointed by the Central Government under the Mines Act, are responsible for the enforcement of this Act in mines.

The Central Labour Commissioner, the Deputy Central Labour Commissioner, the Assistant Labour Commissioners and the Labour Commissioner (Federal Capital) have been designated as inspectors under the Employment of Children Act, and are responsible for the enforcement of the provisions of the Act.

Information regarding the number of workers covered by the Factories Act and by the Employment of Children Act is not yet available for the period under review. However, in 1950 there were 546 children employed in factories covered by the Factories Act (278 in seasonal factories and 268 in perennial factories). No child was employed in a mine covered by the Mines Act.

During the period under review no decisions by courts of law were brought to the notice of the Government; no infringements were reported and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the employers' and workers' organisations listed in an appendix to the Government's report.

THIRTY-SECOND SESSION (GENEVA, 1949)

94. Convention concerning labour clauses in public contracts

This Convention came into force on 20 September 1952

Countries	Date of registration of ratification
Austria	10.11.1951
Belgium	13.10.1952
Cuba	29. 4.1952
Finland	22.12.1951
France	20. 9.1951
Guatemala	13. 2.1952
Israel	30. 3.1953
Italy	22.10.1952
Netherlands	20. 5.1952
Philippines	29.12.1953
United Kingdom	30. 6.1950
Uruguay	18. 3.1954

Austria (First Report).

Cabinet Order of 3 April 1909, relating to contracts for the delivery of goods and materials, and the execution of works on behalf of the State.
Bankruptcy Order (Section 51).
Settlements Order (Section 23).
Instructions issued by the Federal Ministry of Social Affairs on 19 March 1951.

Article 1. The Convention is applicable to all contracts of the type indicated in Article 1, paragraph 1 (c), concluded by the public authorities in Austria, subject to the conditions specified in the Convention.

Article 2. Wages, hours of work and other conditions of employment in all the trades and industries covered by Article 1, paragraph 1 (c) (i) and (ii) are regulated by collective agreements and works rules. Consequently, all persons working in these trades and industries derive equal benefits from this system; it is not necessary to include the protective clauses required by the Convention in contracts concluded by the public authorities. Such contractual guarantees will have to be embodied in public contracts only if any existing collective agreements are subsequently denounced without being replaced by new arrangements. In such a case, the Cabinet Order of 3 April 1909 would be suitably amended.

The position is similar with respect to the placing of orders for the performance or supply of services. In July 1953 the Austrian Expert Committee on Standards drew up a set of national standards (A.2050) and these regulate the subject in a manner suited to present conditions. These national standards lay down general directives and are prepared by the Committee with the assistance of all the parties concerned. It is

proposed to substitute these general directives for the Cabinet Order of 3 April 1909, although the methods for the substitution have not yet been determined.

Article 3. The regulations governing the health, safety and welfare of workers employed in industrial undertakings are applicable to all workers, and consequently the protection they provide is enjoyed by persons employed under contracts awarded by public authorities.

Article 4. A guarantee is given that all the workers covered by the Convention will be informed of prevailing wage rates and conditions of employment, first, by Section 7, paragraph 4, of the Collective Agreements Act, which requires the text of all collective agreements to be published in the *Amtsblatt zur Wiener Zeitung* and to be reported in the official gazette of the province, and, secondly, by Section 23 of the above Act, which stipulates that works rules must be posted up in each undertaking in a conspicuous place accessible to all employees.

Article 5. Employees are entitled to appeal to the labour courts if the wage rates, hours of work and other conditions of employment fixed in collective agreements are not respected. The conviction of an employer on such grounds would be a sufficient reason for the authorities to exclude him from any assignment of contracts in the future. There is no occasion to withhold contractual payments or to take any other measures to safeguard the workers' wages, as the competent executive authorities in Austria have so far always been able to give workers the necessary protection by means of administrative arrangements. In a recent case where there was a danger of the workers concerned losing their wages as a result of the bankruptcy of a large building undertaking, the Federal Government assumed the responsibility for paying wages. If, in the future, it should prove that recourse to administrative arrangements is no longer adequate, effect might be given to the requirements laid down in the Convention by including in every contract a clause whereby a contractor who is in arrears with wage payments to his staff can empower the public authority awarding the contract—possibly in the form of an order to pay (as defined in the General Civil Code)—to settle the workers' wage claims from the moneys owing to him in respect of the services he has rendered. An appropriate pro-

vision might be included in a Bill at present being drafted, which would constitute new regulations regarding contracts awarded by public authorities for the supply of goods or services. These regulations would be designed to replace the above-mentioned Cabinet Order of 3 April 1909.

Adequate protection for workers' wage claims is provided by Section 51 of the Bankruptcy Order, whereby wage claims for the year preceding the beginning of bankruptcy proceedings are deemed to be privileged claims—with priority over other claims—up to a maximum of 4,800 schillings. Provision for a similar arrangement is made in Section 23 of the Settlements Order.

The health, safety and welfare conditions of industrial employees are ensured in mines by the Labour Inspectorate for Mines, in transport undertakings by the Labour Inspectorate for Communications, and in all the other sectors by the general Labour Inspection Service. The latter is attached to the Federal Ministry of Social Affairs; the Labour Inspectorate for Mines is subordinate to the Federal Ministry of Commerce and Reconstruction, and the Labour Inspectorate for Communications to the Federal Ministry of Communications and Nationalised Undertakings.

The report adds that, on 16 January 1951, the Council of Ministers decided that contracts for the supply of goods or services to a public authority should be awarded only to undertakings which strictly comply with the legislation—in particular with the regulations governing hours of work—and which, moreover, avoid recourse to overtime as far as possible. In order to enforce this decision, the Federal Ministry for Social Affairs, in agreement with the competent Federal Ministries, issued instructions on 19 March 1951 concerning the procedure to be followed in carrying out contracts for the supply of goods or services to public authorities. This procedure is as follows: federal services which award a contract for the supply of goods or services must ensure, before they allot the contract, that the contractor satisfies the conditions set by the Council of Ministers. If the service concerned is unable to verify whether the contractor satisfies the requirements of the above-mentioned decision by the Council of Ministers, enquiries should be made by the competent labour inspectorate before the contract is awarded.

Particular attention should be paid to the observance of the social legislation governing industrial safety, working hours and holidays. However, in order to implement this legislation, it is also necessary to apply the wage provisions fixed in collective agreements; it follows that a contract will not always be awarded to the contractor who offers the lowest terms, above all if the prices quoted are low because the contractor has not complied with his obligations to his workers. No enquiries by the labour inspectorate are called for in cases where the value of the supplies or the work involved does not exceed 10,000 schillings. This exception does not apply to contracts subdivided with a view to remaining within the prescribed limits, nor does it apply to undertakings which have constant business relations with the authorities awarding the contracts (e.g., suppliers of office materials, food products for hospitals, etc.). Every effort must be made to avoid overtime in carrying out contracts for the supply of goods or services to public

authorities. When contracts are signed, the particular attention of the contractors must be drawn to this requirement and they must give an undertaking to comply with it.

When these instructions were issued, the Federal Ministry of Social Affairs requested the Federal Chancellery and all other Ministries to take the necessary measures to ensure that services awarding contracts for the supply of goods or services comply with the instructions issued. The Council of Ministers has also recommended the provincial commissioners to issue appropriate directives to all provincial government departments and to the Vienna Municipal Council, and also—through the medium of provincial services—to the communes and communal associations. In order to ensure compliance with these instructions, directives have also been issued to all labour inspection services.

No observations were received from the employers' or workers' organisations concerned regarding the application of the Convention.

Finland.

- Contracts of Work Act of 1 June 1922 (L.S. 1922—Fin. 1).
- Collective Agreements Act of 7 June 1946 (L.S. 1946—Fin. 2).
- Labour Regulations Act of 1 June 1922 (L.S. 1922—Fin. 2).
- Act of 7 June 1946, respecting the Labour Court (L.S. 1946—Fin. 3A).
- Hours of Work Act of 2 August 1946 (L.S. 1946—Fin. 4A).
- Act of 31 July 1929 concerning the employment of children and young persons (L.S. 1929—Fin. 2).
- Holidays with Pay Act of 27 April 1946 (L.S. 1946—Fin. 5).
- Safety Act of 28 March 1930 (L.S. 1930—Fin. 2) and decisions of the Council of Ministry taken in virtue of this Act, including directives for various sectors of work, such as housing construction.
- Accident Insurance Act of 20 August 1948 (L.S. 1948—Fin. 4A).
- Labour Inspection Act of 4 March 1927 (L.S. 1927—Fin. 1).

Article 1. The legislative texts listed above and also the collective agreements apply irrespective of whether a contract is awarded by the central authorities or by another authority.

Article 2. The collective agreements in force in the building industry, and also in the various building materials industries, fix the wages and other working conditions of the workers concerned, including those conditions which are not governed by existing laws or ordinances. The scope of the collective agreements is so large that all the employers with whom the public authorities sign contracts are, in practice, bound by such agreements. Thus, even without special clauses in the contract, the workers concerned enjoy wages, hours of work and other working conditions not less favourable than those established for work of the same character in the trade or industry concerned. However, in order to ensure the complete application of the provisions of the Convention, measures will be taken to insert the appropriate labour clause in public contracts.

Where the interpretation or application of collective agreements entails litigation, the matter is submitted to the Labour Court for decision. Differences on questions not covered by collective agreements are regulated by arbitration or, in certain cases, by the ordinary courts.

Article 3. In view of the existing state of law and practice, no special provisions on health, safety and welfare are considered necessary.

Article 4. The relevant legislation contains provisions for the posting up at workplaces of laws and regulations concerning workers' protection.

Section 12 of the Collective Agreements Act provides that the employer shall post up a copy of the agreement in the workplace so that it is easily seen.

The Hours of Work Act requires the employer to establish a working schedule showing hours of work, overtime and Sunday work, as well as the wages paid for overtime and Sunday work.

Wage rates are specified in collective agreements, which also contain provisions concerning the manner in which claims on wages paid in error should be presented.

Article 7. No regions are exempted.

Article 8. There were no temporary suspensions.

The Labour Inspectorate is entrusted with the supervision of the application of the legislation. The supervision of the application of collective agreements is carried out by representatives designated by the workers and by the trade organisations concerned.

In the building industry, considered to be the most important industry in Finland in which the Convention is applied, 121 contracts covering about 2,750 workers were awarded during the period from 1 July 1952 to 30 June 1953. Twenty-seven contracts, covering 725 workers, were awarded by the State Railways.

France (First Report).

Decrees of 10 April 1937, concerning contracts awarded by departments, communes and public charitable establishments.

The above Decrees provide that the specifications for contracts awarded by the bodies in question shall apply the legislation and regulations concerning the protection of workers.

The various specifications and general conditions imposed on contractors for works carried out for Ministries or for communes, hospitals and other public or communal establishments contain the following provisions :

(a) Hours of work : the contractor is required to apply the provisions of the legislation and the regulations concerning work sites. He must also comply—as regards the engagement and dismissal of workers, the conditions and daily hours of work and overtime pay—with the legislation, regulations or collective agreements in force. He must arrange for the posting up of notices in work sites indicating the administration or service for which the works are being carried out, the name and address of the representative of this administration or service, and the name and address of the labour inspector responsible for the supervision of the undertaking, to whom the workers may appeal. If the contractor is authorised to sublet a part of his contract, the obligations incumbent upon him in virtue of these provisions must be imposed by him on the subcontractor.

(b) Wages : the wages paid to workers may not be lower for each occupation and, in each occupation, for each category, than the amount fixed in

virtue of the Decree of 10 April 1937. Nevertheless, the contractor may exceptionally apply a lower wage to workers whose output, because of reduced physical capacity, is less than that of workers in the same category. The proportion of such workers may not exceed 20 per cent. of the workers in the same category unless special provision to this effect is made in the contract ; the maximum reduction possible is normally fixed at 30 per cent.

The contractor must be prepared to produce for the administration and the labour inspection service the list of names of workers employed by him, together with any information requested relating to their wage sheets. Agents of the administration and of the labour inspection service may be present when the workers are paid in order to ascertain that there is conformity between the wages paid and the normal rates entered on the wage sheets. If the administration notes a difference it compensates the injured workers directly by means of deductions from the sums due to the contractor. The rates shown on the wage sheets must be in accordance with those established on the national level for the occupation in question by the Minister of Labour.

Prior to any payment, the administration may require the contractor to show that he has applied the legislation concerning social security to the workers employed in carrying out the contract.

(c) Irrespective of the above-mentioned conditions, the contractor must ensure for his workers, in addition to the conditions of work expressly laid down by the general clauses and conditions or by particular specifications, the other conditions of work which may be determined by local regulations or by collective agreements or, in default thereof, by the current customs for each occupation and each category of workers in the locality or district where the work is carried out.

The works manager or his representative may, if this is considered to be in the public interest, recommend the contractor to request and to make use of exceptions to the laws and regulations in force.

(d) The contractor is entirely responsible for all expenditure relating to the medical service of the undertaking, the treatment, assistance, compensation and family allowances due to workers and employees injured in an accident on the work site, and for assistance and compensation payable to the widows and families of his workers and employees. In this respect, the contractor must comply with all the obligations resulting both from Ministerial Decrees and Orders in force at the time when the contract was awarded and from the laws applicable to public and private work sites in general, even if these laws come into force after the contract was awarded.

These provisions, which are in practice reproduced in all specifications for contracts, ensure for workers, subject to the supervision of the labour inspection service, conditions of work which, as laid down in the Convention are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on.

No court decisions were reported with regard to the provisions of the Convention and no observations were made by the workers' or employers' organisations with regard to its application.

*United Kingdom (First Report).**Great Britain.*

Fair Wages Resolution, passed by the House of Commons on 14 October 1946.

Article 1, paragraph 1. The terms of the Fair Wages Resolution are included in all contracts placed by government departments.

Paragraph 2. Local authorities are recommended by the Government to adopt the policy followed with government contracts, and the standing orders of most local authorities provide for the inclusion in contracts of a fair wages clause. It is also the general practice of the corporations of nationalised industries to insert in contracts a clause based on the Fair Wages Resolution.

Paragraph 3. Clause 6 of the Resolution makes the contractor responsible for the observance of its terms by subcontractors. The contractor may be obliged to notify the contracting department of the names and addresses of subcontractors.

Paragraphs 4 and 5. No advantage has been taken of the exemptions provided for in these paragraphs.

Article 2, paragraph 1. Clause 1 of the Fair Wages Resolution obliges the contractor to pay rates of wages and observe hours and conditions of labour not less favourable than those established for the trade or industry in the district by machinery or negotiation or arbitration.

Paragraph 2. Where wages or conditions have not been determined as provided above, the minimum standard to be observed is that of employers whose general circumstances in the trade or industry in which the contractor is engaged are similar.

Paragraph 3. Before the Fair Wages Resolution was introduced there was full consultation between the Government, the British Employers' Confederation and the Trades Union Congress. There are no variations from this standard clause for all government contracts.

Paragraph 4. The contract conditions are brought to the notice of all firms tendering for government contracts.

Article 3. Workers on government contracts enjoy the general protection of the Factories Acts and other industrial legislation dealing with health, safety and welfare. No special provision is considered necessary.

Article 4, clause (a). Clause 5 of the Resolution requires the contractor to display a copy of the Resolution at the place of work during the continuance of the contract (a copy of the standard notice is appended to the report). The Resolution shows that responsibility for compliance rests with the contractor.

Clause (b). Formal record-keeping or inspection is not considered necessary as the arrangements described below are in practice sufficient to secure general compliance.

Article 5, paragraph 1. Under Clause 2 of the Resolution a contractor is not eligible to tender for government contracts unless he has given an

assurance that he has complied with the general conditions required by the Resolution for at least the three previous months. If subsequently, as a result of a complaint, he is found by the Industrial Court to have contravened the Resolution, further contracts may be withheld until there is full compliance. These sanctions are in practice found to be adequate.

Paragraph 2. Workers who consider they have not received the wages due to them under the terms of the Fair Wages Resolution may use the machinery for complaints described below. They also have the same facilities for recovering wages due to them as are available to workers in general.

Article 7. No areas have been excluded from the application of the Convention.

Article 8. No suspension has been effected during the period covered by the report.

While each government department deals with its own contracts, general responsibility for the administration of the Fair Wages Resolution is entrusted to the Ministry of Labour and National Service. There is no provision for formal inspection and the initiative for enforcement rests with industry itself. Under Clause 3 of the Resolution an alleged breach may be reported to the Minister of Labour and National Service directly or to the contracting department. If the matter is not otherwise disposed of the Minister must refer it for decision to an independent tribunal, in practice the Industrial Court. It is for the contracting department to decide what action, if any, it should take in the light of the court's decision.

No cases have been reported to the courts. During the period covered by the report, five complaints alleging non-compliance with the terms of the Resolution were reported to the Ministry. In two cases agreement was reached and the complaints were withdrawn; three cases have not yet been disposed of and discussions continue. Particulars of the number of contracts and workers covered are not available. No observations were received from the employers' or workers' organisations concerned.

Northern Ireland.

Resolution adopted by the Northern Ireland House of Commons on 11 February 1947.

The report reproduces some of the information contained in the report relating to Great Britain and adds the following: a contractor wishing to be eligible to tender for government contracts must undertake, *inter alia*, that he will apply the Resolution strictly and discharge the obligations placed by it on government contractors.

Government departments are responsible for supervising the application of the Resolution to their own contracts, but the Ministry of Labour and National Insurance may refer certain points to an independent tribunal for decision.

No cases of failure to observe or to apply the provisions of the Resolution were brought to the notice of the government departments during the period covered by the report.

95. Convention concerning the protection of wages

This Convention came into force on 24 September 1952

Countries	Date of registration of ratification
Austria	10.11.1951
Cuba	29. 4.1952
France	15.10.1952
Guatemala	13. 2.1952
Italy	22.10.1952
Netherlands	20. 5.1952
Norway	29. 6.1950
Philippines	29.12.1953
United Kingdom	24. 9.1951
Uruguay	18. 3.1954

Austria (First Report).

General Civil Code.

Mines Act of 1854, as amended in 1922.

Industrial Code of 1883.

Act No. 156 of 1902, concerning the determination of conditions of employment of workers employed in construction undertakings under the control of the State railways and in subsidiary undertakings. Act of 11 May 1921, respecting employees (L.S. 1921—Aus. 1).

Estate Employees Act of 26 September 1923 (L.S. 1923—Aus. 2).

Federal Act of 1937, concerning the protection of deposits.

Act of 26 February 1947, respecting collective agreements (L.S. 1947—Aus. 1).

Act No. 97 of 28 March 1947, respecting works councils (L.S. 1947—Aus. 2).

Acts of 5 November 1947 (L.S. 1947—Aus. 6) and 24 November 1948 (L.S. 1948—Aus. 4), to amend the Wages Attachment Order of 30 October 1940 (L.S. 1940—Ger. 2).

Agricultural Labour Act of 2 June 1948 (L.S. 1948—Aus. 2).

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

Federal Act of 4 July 1951, respecting the making of minimum wage awards (L.S. 1951—Aus. 1).

Federal Act of 16 July 1952, respecting modifications to industrial legislation adopted in 1952.

Bankruptcy Order.

Settlements Order.

Article 1. The right of all employees to receive wages for work done or services rendered is laid down in Book 26 (Sections 1152 and 1154) of the General Civil Code (ABGB). In view of economic development it has become necessary to draw up special regulations applying to certain groups of employees and including, *inter alia*, provisions relating to the protection of wages. The Act respecting employees (Section 6 (1)), the Estate Employees Act (Section 5) and others make specific reference to the right to wages, in terms corresponding to the meaning given to "wages" in the Convention.

Article 2. No advantage has been taken of the provisions of Article 2.

Article 3. Provisions to the effect that wages payable in money may only be paid in legal tender and prohibiting payment in the form of promissory notes, vouchers or coupons or any other form alleged to be legal tender, are included in the Industrial Code (Sections 78 (1) and 78 (c)),

the Mines Act (Section 206 (a) (1)) and Act No. 156 of 1902 (Section 8 (1)). Payment of wages by bank cheque, postal cheque or money order is only allowed in particular cases and at the special request of the worker.

Article 4. Regulations governing the payment of part of the wages in kind are to be found in the Industrial Code (Sections 78 (2) to (6)), Act No. 156 of 1902 (Sections 18 (2) to (5), 22 and 55), the Act respecting employees (Section 6 (2)), the Estate Employees Act (Sections 12 (2) and (3) and 14), the Agricultural Labour Act (Sections 17 to 19 and 21) and the Act respecting the employment of children and young persons (Section 8).

The employer is prohibited from providing workers with spirituous liquor on credit. By agreement with the worker, the employer may make housing, fuel, land, medicaments, medical assistance, tools and material for the work to be done available to the workers and debit their wages accordingly, or provide the workers with provisions or regular board and debit their wages accordingly, provided that the prices charged for such facilities do not exceed their cost.

The labour inspectors are responsible for the enforcement of these regulations, in close co-operation with the legal representatives of the employers and the workers.

Article 5. This Article is covered by Section 1428 of the General Civil Code, which provides that the amount of the debt must be paid to the creditor or the person duly appointed by him to receive payment or the person named by a court of law as the person to whom the debt is due.

Article 6. The freedom of the worker to dispose of his wages is guaranteed by the laws and regulations which state that, in principle, wages must be paid in cash. Restrictions are placed upon payment in the form of goods, board and lodging and tools and materials needed for the performance of work.

Article 7. Regulations corresponding to this Article are to be found in the Industrial Code (Section 78 (4)) and Act No. 156 of 1902 (Section 18 (5)).

Article 8. Deductions from wages are mainly covered by the fiscal and social insurance laws and regulations. Legal deductions include deductions for social insurance and taxes, contributions to work councils, deductions in respect of advances of wages or salaries and special cases mentioned in the relevant legislation, e.g., Section 78 (2) of the Industrial Code states that, by agreement, deductions may be made from wages paid in respect of housing, fuel, land, etc., made available by the employer.

Section 19 of Act No. 156 of 1902 also contains details as to the deductions permissible. Sections 22 and 25 of this Act provide for enforcement,

including a requirement to draw up wage sheets giving particulars on deductions, etc.

Deductions from wages other than those regulated by law must, under Section 22 (b) of Act No. 76 respecting collective agreements, be set forth in the rules of employment of the undertaking concerned.

Article 9. The enforcement of this provision is guaranteed by Act No. 229 of 1937 concerning deposits, loans and investments by workers in the undertaking, known as the Protection of Deposits Act.

Article 10. The attachment of wages in Austria is regulated by the Decree of 30 October 1940 to issue uniform regulations protecting earnings against attachment, and by amendments to the amounts stipulated in the Decree.

Article 11. The relative priority of wage claims due in the event of bankruptcy is determined in Section 51 of the Bankruptcy Order and Section 23 (3) of the Settlements Order.

Privileged claims of the first rank include claims by employees of the debtor in respect of service rendered during the year prior to the opening of proceedings or the death of the debtor, or of premature termination of the employment relationship, provided that the amount claimed shall not exceed one year's wages. Priority shall only be given to the first 9,600 schillings claimed by each individual claimant. This restriction shall not apply to claims for the reimbursement of money advances.

Article 12. The right of employees to receive their wages at regular intervals is laid down in the General Civil Code, Section 1154 (2); if wages are calculated by the month or a shorter period they shall be payable at the end of such period; if calculated over longer periods, they shall be payable at the end of each calendar month; wages calculated by the hour, by the piece or by individual services shall be payable at the end of each calendar week in respect of all work actually completed. The Mines Act and certain other legislation provide that wages must be paid twice a month. Intervals for wage payment are now usually fixed by collective agreements or rules of employment which provide that workers shall be paid weekly and salaried employees monthly.

The final settlement of wages is regulated by the General Civil Code, Section 1154 (3): wages earned shall be due when the employment relationship comes to an end. The matter is also dealt with in some other legislation such as the Act respecting employees (Section 10 (4)), Act No. 156 of 1902 (Section 24) and the Act concerning agricultural employment (Section 14 (2)).

Article 13. Under Section 22 (e) of the Act respecting collective agreements, the times of making out the accounts and of payment of remuneration are to be fixed in the rules of employment; the latter usually specify the date of payment as well.

The Industrial Code (Section 78 (6)) and the Mines Act (Section 206 (b)) prohibits payment of wages in taverns and, in the case of the last-named Act, in all public establishments.

Article 14. Except in the smallest undertakings, the workers are usually informed of the amounts of their gross wages, taxes, social insurance contributions and other deductions, by the informa-

tion printed on their pay envelopes or pay strips. Under fiscal legislation the employer is required to keep wage sheets or wage cards indicating in detail the elements composing the wage and the amounts deducted. Suitable publicity for such information is ensured by Section 23 of the Act respecting collective agreements, which provides that the rules of employment and the terms of payment fixed in the collective agreements in force shall be posted up in the undertaking in a conspicuous place easily accessible to all workers.

In addition, under Section 7 of the same Act, the conciliation authorities must make known the conclusion of every collective agreement by inserting a notice in the page of the *Wiener Zeitung* reserved for official notices. The same obligation is placed on the conciliation authorities by Section 4, paragraph 4, of the Federal Act of 4 July 1951 concerning the fixing of minimum wage rates, whenever a decision to fix such rates is reached.

Article 15, clauses (a) and (b). Ever since the entry into force of the relevant part of the Industrial Code of 1883, most of the wage protection clauses required by the Convention have been embodied in the general labour regulations issued within the framework of Austrian social legislation. Over the years, a number of the wage protection clauses of the Order concerning industry have been included in various labour laws. Such legislation, however, has only been passed where the need has been felt for special provisions to protect wages. However, further regulations on the subject have proved unnecessary since, under Section 3, paragraph 1 (e) of the Labour Inspection Act, the duties of the labour inspectors include the supervision of wage protection legislation and the official instructions made in respect of wage payment, collective agreements and works regulations.

This provision has been effectively supplemented by Section 14, paragraph 1 (9) of the Act respecting works councils whereby, in order to protect the interests of the employees, a works council is entitled to consult and verify the payrolls kept by the undertaking as well as the documents used to calculate the wages of the staff, and also to supervise the actual payment of the wages and salaries.

Up to the present, therefore, there has been no necessity to draw up any further legislation to implement the Convention, and consequently it has not been necessary to bring the relevant laws, instructions and works rules to the notice of those concerned.

Clause (c). Provision has been made for penalties to be imposed in the case of employers who fail to respect the provisions governing the payment of wages; Section 132 of the Industrial Code, for example, states that any employer who fails to comply with such provisions is liable to a fine or to imprisonment. The courts apply the relevant clauses of the Bankruptcy Order, the Settlements Order and the Wage Attachment Decree, and the institution of special penalties is consequently unnecessary.

Clause (d). All the authorities concerned are responsible for supervising the practical application of the Convention. They are consequently required to record all cases in which the wage protection requirements of the Convention might

be questioned, so that appropriate legislative measures can be taken in due time.

The application of the Convention is supervised by a labour inspection service, which operates in accordance with the Federal Act of 3 July 1947 concerning labour inspection.

The entire territory of the Federal Republic is divided into labour inspection areas and a general labour inspectorate has been established in each area, so that every province has at least one general labour inspectorate.

The labour inspectorates are directly responsible to the Federal Ministry of Social Administration, and the over-all direction and co-ordination of the labour inspection services are entrusted to a central service attached to the Federal Ministry of Social Affairs.

Under Section 3, paragraph 1 (c) of the Communications Inspection Act, the communications inspectors have been made responsible for ensuring that the wage protection clauses of the Convention are respected by railways and road transport undertakings under the control of the Federal Ministry of Communications and Nationalised Undertakings, by the postal and telegraph administration and by State-controlled railway construction undertakings.

Under Section 81 of the Agricultural Labour Act the enforcement of wage protection regulations in agricultural and forestry undertakings has been entrusted to a special agriculture and forestry inspectorate, which is responsible to the Federal Ministry of Agriculture and Forestry.

The application of the wage protection clauses of the Mines Act is supervised by the Labour Inspectorate for Mines which, under Section 248 of the Act, is empowered to impose fines of up to 1,000 schillings on employers who are guilty of contraventions.

No general reports on the application of the Convention over the past year are yet available from the supervisory services of the various inspectorates, as the reports of the different services on the provisions of the Convention have not yet been completed.

In all, 1,228 offences under the wage protection laws and regulations occurred in 1952. Of this number, 653 were in clothing establishments and 232 in textile undertakings.

The Government appends to its report the original text of the Federal Act of 1937 concerning the protection of deposits, and of the Federal Act of 16 July 1952 respecting modifications to industrial legislation adopted in 1952.

Norway (First Report).

Workers' Protection Act of 19 June 1936 (L.S. 1936—Nor. 1), as last amended by Act No. 21 of 28 July 1949 (L.S. 1949—Nor. 7).

Temporary Act No. 4 of 3 December 1948, concerning conditions of work of agricultural workers (L.S. 1948—Nor. 6), as amended by the Act of 23 November 1951.

Act of 16 May 1860, relating to health conditions, as last amended by the Act of 3 June 1934.

General Civil Penal Act of 22 May 1902.

Act of 31 May 1912, respecting priority for certain claims.

Enforcement Act of 13 August 1915.

Act of 15 February 1918, respecting industrial homework, as last amended by the Act of 20 May 1939 (L.S. 1939—Nor. 3).

Seamen's Act of 16 February 1923 (L.S. 1923—Nor. 1), as subsequently amended, *inter alia*, by the Act of 16 June 1939 (L.S. 1939—Nor. 2B).

Act of 5 April 1927, respecting the importation and sale of alcoholic drinks.

Act No. 4 of 11 July 1947, respecting the registration of the engagement and discharge of seamen (L.S. 1947—Nor. 3).

Pay Regulations for the Public Service, 1948.

Regulation of Prices Act of 26 June 1953.

Article 2. Effect is given to this Article under the above-mentioned legislation and collective agreements. The Norwegian Government intends to exempt from the application of the present Convention persons employed in domestic work and persons employed in the Islands of Spitzbergen.

Article 3. In virtue of Section 32, paragraph 1, of the Workers' Protection Act of 1936, wages shall be paid in cash in the currency of the country unless otherwise agreed. Section 9, paragraph 1, of the Act concerning conditions of work for agricultural workers and Section 19, paragraph 2, of the Seamen's Act, contain similar provisions. In conformity with this legislation, payment by cheque drawn on a bank or by postal cheque is not permitted unless agreed upon in advance.

Article 4, paragraph 1. In various occupations, it is customary to regard board and lodging as constituting part of the wage. The Act of 1927 respecting alcoholic drinks prohibits the payment of wages in the form of spirits; a similar prohibition exists with regard to noxious drugs.

Paragraph 2 (a). Section 8 of the Act concerning agricultural workers and the regulations promulgated in application of the Act on health conditions fix minimum standards of hygiene for rooms in which workers are lodged. There are also certain legislative provisions concerning food for wage earners; thus the Seamen's Act lays down that the shipmaster must see that his crew receives good and suitable food.

Paragraph 2 (b). Effect is given to this provision under Section 18 of the Regulation of Prices Act of 26 June 1953.

Article 5. The application of this Article is ensured by general legal principles applied in Norway.

Article 6. Subject to deductions which may be imposed under the Act (see Article 8 below), employers are not authorised to restrict the freedom of the worker to dispose of his wages.

Article 7. According to the report there is every reason to believe that there are no works stores which workers are obliged to use. Effect is given to the provisions of paragraph 2 of this Article under the Regulation of Prices Act.

Article 8, paragraph 1. Section 32, paragraph 2, of the Workers' Protection Act and Section 9, paragraph 3, of the Act respecting conditions of work of agricultural workers, fix the conditions and limits in which deductions from wages may be authorised. The Seamen's Act (Section 21) lays down that the master of the vessel has the right to withhold up to one-third of a seaman's salary until the day when the seaman leaves his employment. The amount withheld must never be more than half a month's wages.

Paragraph 2. Effect is given to this provision of the Convention in virtue of Sections 34 and 39 of the Workers' Protection Act and of Section 73 of the Seamen's Act. There are no corresponding provisions in the Act relating to agricultural

workers but these workers have the right to request information from the local representative of the labour inspection service.

Article 9. Direct or indirect deductions from wages with a view to obtaining or retaining employment are, so to speak, unknown in practice. Section 16 of the Act of 15 February 1918 concerning industrial homework lays down that the salary must be paid *in toto* to workers without any deduction on the part of an intermediary. Section 26 of the Act of 27 June 1947 respecting the organisation of the employment services prohibits the existence of fee-charging employment agencies.

Article 10. The methods and the limits in which wages may be subject to deductions are determined by Sections 72, 73 and 75, paragraphs 3 and 4, of the Enforcement Act of 13 August 1915.

Article 11. The Act of 31 May 1912 respecting priority for certain claims provides in Section 1 (I-f) that wages constitute a privileged claim; the Act also determines the order of priority of this claim in relation to other privileged claims.

Article 12. Under Section 32 of the Workers' Protection Act, if the wage is paid by the hour, day or week, payment must take place at least once a week. In the case of task-work settlement may be deferred until the work is finished; each week, however, an advance in proportion to the amount of work completed must be paid. Other intervals for payment may be arranged by contract. For wage earners paid by the month or by the year, payment must take place at least twice a month unless otherwise agreed.

The Act respecting conditions of work for agricultural workers (Section 9, paragraph 2) and the Act concerning industrial homework (Section 4, paragraph 2) contain similar provisions. According to the Seamen's Act the payment of wages can only be exacted when the vessel is in port and only once a week at the maximum.

Article 13, paragraph 1. Under Section 32 of the Workers' Protection Act payment shall be effected at the place of work or nearby, during hours of work or as soon as possible after these hours. Moreover, the report states that seamen's wages are paid to them regularly on board the vessel.

Article 14. Wage rates are fixed by collective agreements or determined in individual contracts. The Act of 15 February 1918 on industrial homework is the only Act which provides that wages must be fixed officially. In virtue of this Act, a minimum remuneration must be fixed for work performed at home in certain occupations. The Homework Council publishes modifications to minimum wage rates in the *Norsk Lysingsblad* (publication of official notices); these are notified subsequently by the officials of the labour inspection service.

In addition, the works regulations drawn up for the application of Section 34 of the Workers' Protection Act must contain provisions relating to the payment of wages. A copy of these regulations is distributed to each wage earner concerned (Section 39).

Under Section 32, paragraph 3, of the Workers' Protection Act, the wage earner may demand a written statement of the amount and the method

of calculating his wage, as well as possible deductions. Corresponding provisions are given in Section 9, paragraph 4, of the Act relating to agricultural workers and in Section 4 of the Act relating to industrial homework. Finally, under the terms of Section 3 of the Act of 11 July 1947 concerning the registration of the engagement and discharge of seamen the registration authorities shall ensure that the seaman receives the wage to which he is entitled.

Article 15, clause (a). Under Section 39 of the Workers' Protection Act the measures and provisions issued in application thereof shall be posted up in undertakings. In addition, a copy of the internal regulations shall be distributed to each worker concerned. Section 78 of the Seamen's Act contains similar provisions.

Clause (b). Under Section 41 of the Workers' Protection Act the supervision of the application of the Act is entrusted to the State labour inspection services and to local labour committees. These same inspection services are responsible for ensuring the application of the Act concerning agricultural workers.

Clause (c). The Workers' Protection Act (Section 31) and the Act relating to agricultural workers (Section 28) provide penalties for infringements. Finally, Section 412 of the General Civil Penal Act imposes penalties on any employer who refuses to pay at the proper time the wages and other emoluments due to wage earners.

Article 17. The Convention applies to the whole Kingdom except Spitzbergen. This territory is exempt principally because of the fact that Article 3 does not apply there. The payment of wages is effected in Spitzbergen in the form of special tickets used as a means of payment and reimbursed by the undertakings concerned. In the event of these tickets not being used, the said undertakings buy them back before the workers leave Spitzbergen.

The application of the Workers' Protection Act of 1936, the Act of 1948 on agricultural workers, the Act of 1918 on industrial homework and the Act of 1947 on the registration of the engagement and discharge of seamen is entrusted to the Ministry of Local Government and Labour, while this task is entrusted to the Ministry of Social Administration in so far as the Act of 1927 on the importation and sale of alcoholic drinks and the Act relating to health conditions are concerned. The Ministry of Industry and Shipping ensures the application of the Seamen's Act, and the Ministry of Justice the Enforcement Act of 1915, the Act respecting priority for certain claims and the General Civil Penal Act.

The Government is not aware of any decisions by courts of law concerning questions of principle relating to the application of the Convention. No observations were made by employers' or workers' organisations with regard to the application of the appropriate national legislation.

United Kingdom (First Report).

Truck Acts, 1831, 1887, 1896 and 1940.

Truck Acts (Northern Ireland), 1831 to 1940.

Hosiery Manufacture (Wages) Act, 1874.

Factories Act, 1937 (L.S. 1937—G.B. 2) and Factories Act (Northern Ireland), 1938.

Agricultural Wages (Regulation) Act (Northern Ireland), 1939.

Agricultural Wages Act, 1948.
 Agricultural Wages (Scotland) Act, 1949.
 Catering Wages Act, 1943.
 Wages Councils Acts, 1945 to 1948.
 Wages Councils Act (Northern Ireland), 1945.
 Payment of Wages in Public Houses Prohibition Act, 1883.
 Metalliferous Mines Act, 1872.
 Coal Mines Act, 1911.
 Quarries Act (Northern Ireland), 1927.
 Spirituous Liquors (Ireland) Act, 1814.

Article 2. The principal legislation dealing with the protection of wages is the Truck Acts, which apply to all persons defined as workmen by the Employers' and Workmen's Act, 1875, that is, all persons engaged in manual labour under a contract with an employer, but excluding domestic workers. In addition, the provisions of the Truck Act, 1896, relating to deductions and payment in respect of fines are applied specifically to shop assistants. The Minister of Labour and National Service in Great Britain and the Ministry of Labour and National Insurance in Northern Ireland are empowered to exempt from the provisions of the 1896 Act specified trades either generally or in specified areas, if he is satisfied that such legislative provisions are unnecessary for the protection of workmen.

In accordance with the provisions of paragraph 2 of this Article, domestic and non-manual workers have been excluded, after consultation with the appropriate employers' and workers' organisations, from the application of Articles 3 to 11 and Article 13 (2) of the Convention, in view of the fact that these categories of workers are not covered by the existing legislation dealing with the matters in question. The categories of workers excluded are those who do not fall within the definition of "workman" in Section 10 of the Employers' and Workmen's Act, 1875.

The Catering Wages Act, 1943, the Wages Councils Acts, 1945 to 1948, and the Wages Councils Act (Northern Ireland), 1945, provide that workers whose remuneration is subject to statutory minima prescribed in wages regulation orders made on the proposals of Catering Wages Boards or Wages Councils shall be paid in cash, and this requirement applies whether or not they are manual workers.

Article 3. Under the Truck Acts, 1831 to 1940, the employer must pay his workmen their full wages in current coin of the realm or in bank-notes. Current coin was extended to include Treasury notes by the Currency and Bank Notes Act, 1914, S. 1, replaced by the Currency and Bank Notes Act, 1928, which is still in force. The Catering Wages Act, 1943, the Wages Councils Acts, 1945 to 1948, and the Wages Councils Act (Northern Ireland), 1945, require the employer to pay to the worker the full amount of his wages in cash except for certain authorised deductions.

Article 4. In view of the above provisions, the payment of wages in kind is, in general, illegal so far as workers covered by the Truck Acts are concerned. Special provision has been made for agricultural workers under Section 4 of the Truck Act, 1887, which permits an employer to contract with a servant in husbandry to give him food, drink, a cottage, or other allowances or privileges, in addition to money wages. However, it is explicitly forbidden to supply intoxicating drink.

Under Section 7 of the Agricultural Wages Act,

1948, the Agricultural Wages Board, which fixes statutory minimum wages for agricultural workers in England and Wales, has power to define the benefits and advantages which may be reckoned as wages, to determine their value and to limit or prohibit the payment of wages by this means. The Agricultural Wages (Scotland) Act, 1949, and the Agriculture Wages (Regulation) Act (Northern Ireland), 1939, contain similar provisions.

The Catering Wages Act, 1943, the Wages Councils Acts, 1945 to 1948, and the Wages Councils Act (Northern Ireland), 1945, empower the Catering Wages Boards and Wages Councils to submit proposals to the Minister of Labour and National Service or, in Northern Ireland, the Ministry of Labour and National Insurance, which may contain provisions for the reckoning of prescribed benefits or advantages as payment by the employer in lieu of payment in cash and for defining the value of any such benefits or advantages. The Wages Councils and Catering Wages Boards are not empowered to make wages proposals which infringe the Truck Acts. Effect is given to the wages proposals by wages regulation Orders made by the Minister of Labour and National Service or, in Northern Ireland, the Ministry of Labour and National Insurance. While not specifically required by statute to exercise their powers in accordance with paragraph 2 of Article 4, the various Wages Boards and Councils—which include independent members and representatives of employers and workers—do so in practice. In the case of Wages Councils and Catering Wages Boards, the Minister has power to refer proposals back for further consideration by the body making them.

Article 5. In general, the Truck Acts require wages to be paid direct to the workman concerned. However, they do not prevent the workman authorising his employer to pay his wages or any part of them to another person. Payments made under such an authorisation are legal, but the authority is revocable and may be withdrawn by the workman whenever he pleases.

Article 6. Agreements as to the manner in which a workman shall spend his wages are illegal under the Truck Act of 1831. It is also illegal for an employer to dismiss a workman for spending, or not spending, his wages in some particular way—e.g., for not dealing at a particular shop (Truck Act, 1887, Section 6).

Article 7, paragraph 1. See under Article 6.

Paragraph 2. Owing to geographical conditions this paragraph has virtually no application in the United Kingdom.

Article 8. Deductions from wages are permissible under Sections 23 and 24 of the Truck Act, 1831, in certain special circumstances (e.g., for medicals or medical attendance or for fuel). These deductions are subject to certain safeguards specified in the report.

In addition, Section 8 of the Truck Amendment Act, 1887, provides that no deductions shall be made from a workman's wages for sharpening or repairing tools except by agreement not forming part of the condition of hire.

Certain deductions are also authorised under other statutes (e.g., Income Tax Act and Acts relating to national insurance). Deductions or

payments in respect of fines, damaged goods or materials are dealt with in the Truck Act, 1896. No such deductions are permitted unless the contract is in writing signed by the workman, or the terms of the contract are contained in a notice exhibited where it can be seen and copied by the workman. Whenever a deduction is made, particulars of the amount and the reason must be given to the workman in writing. The amount of the deduction must be fair and reasonable. Where it is in respect of damaged goods it must not exceed the actual or estimated damage or loss occasioned, and where materials, etc., are supplied the deduction must not exceed the actual or estimated cost.

Other legislation relating to the provisions of this Article is as follows: the Hosiery Manufacture (Wages) Act, 1874, which prohibits deductions for the rent of the frames used by workmen and certain other charges; the Factories Act, 1937 (Section 120), and the Factories Act (Northern Ireland), 1938 (Section 126), which make it illegal for the occupier of a factory to make any deduction or to receive any payment in respect of anything done or provided by the occupier in pursuance of the Acts, except in so far as it is expressly provided to the contrary under the Acts; the Catering Wages Act, 1943 (Section 10), the Wages Councils Act, 1945 (Section 13), and the Wages Councils Act (Northern Ireland), 1945 (Section 13), which provide that the minimum wages prescribed for workers in certain industries by statutory orders made under the Acts must be paid free of deductions other than those specifically mentioned (e.g., for income tax and national insurance); the Quarries Act (Northern Ireland), 1927 (Section 7 (2)), which makes it illegal for the owner, occupier or agent of a quarry to make any deduction or to receive any payment in respect of anything to be done or provided in pursuance of the Act.

Article 9. The general prohibition of deductions from wages under the Truck Acts other than those authorised by statute is considered a sufficient safeguard against this type of deduction so far as workers covered by those Acts are concerned.

Article 10, paragraph 1. The attachment of wages in England, Wales and Northern Ireland was abolished by the Wages Attachment Abolition Act, 1870. In Scotland attachment is still possible within the limits prescribed by national laws, namely, the Wages Arrestment Limitation (Scotland) Act, 1870, as amended by the Small Debt (Scotland) Act, 1924.

Paragraph 2. Under the Scottish legislation referred to above, only the amount by which wages exceed a sum specified in the legislation is subject to attachment.

Article 11. In Great Britain wages constitute a privileged debt up to an amount not exceeding £200 or the amount due in respect of services rendered during the previous four months: (a) in the case of the winding-up of companies, by Section 319 of the Companies Act, 1948; (b) in the case of the bankruptcy of persons, in England and Wales, by Section 33 of the Bankruptcy Act, 1914, as amended by Sections 91 and 115 of the Companies Act, 1947; (c) in the case of the bankruptcy of persons in Scotland, by Section 118 of the Bankruptcy (Scotland) Act, 1913, as similarly amended.

In Northern Ireland wages constitute a privi-

leged debt (a) as regards clerks or servants up to an amount not exceeding £50 or the amount due for services rendered during the previous four months; (b) as regards workmen and labourers up to an amount not exceeding £25 or the amount due for services rendered during the previous two months: on the winding-up of companies by Section 234 of the Companies Act (Northern Ireland), 1932, and in the case of bankruptcy of persons by Section 1 of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933.

Wages constituting a privilege debt rank for payment equally with other privilege debts in the following cases: (a) companies in Great Britain (Section 319 (5) of the Companies Act, 1948); (b) bankruptcies of persons in England and Wales (Section 33 (2) of the Bankruptcy Act, 1914); (c) bankruptcies of persons in Scotland (Section 118 (2) of the Bankruptcy (Scotland) Act, 1913); (d) companies in Northern Ireland (Section 234 (4) of the Companies Act (Northern Ireland), 1932); (e) bankruptcy of persons (Section 1 (3) of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933).

Article 12. These matters are in general dealt with by collective or individual agreement between employers and workpeople and not by legislation. The report states that practice in the United Kingdom conforms with the provisions of this Article. In general, manual workers and lower-paid non-manual workers are paid weekly and other classes of worker monthly.

Article 13, paragraph 1. The position is as indicated for Article 12.

Paragraph 2. The payment of wages to workmen in public houses, except for persons working there, is prohibited by the Payment of Wages in Public Houses Prohibition Act, 1883, and the Spirituous Liquors (Ireland) Act, 1814. There are also special provisions in the Metalliferous Mines Act, 1872 (Section 9), the Coalmines Act, 1911 (Section 96 (1)), and the Quarries Act (Northern Ireland), 1927, applying to miners, coalminers and quarrymen respectively. It has not been found necessary, in order to prevent abuse, to extend this prohibition to the other classes of premises mentioned in the Article.

Article 14. In general, notification of wages and conditions of employment, whether before or after entering employment, is a matter for settlement between the employer and his workpeople or their representatives. In practice, effective arrangements exist for this purpose and no general legal provision is considered necessary. However, under the following Acts, the employer is required by statute to inform his employees about wage rates: Wages Councils Act, 1945 (Section 15 (2)) and the Wages Councils Act (Northern Ireland), 1945 (Section 15 (2)); Catering Wages Act, 1943 (Section 11 (2)); Factories Act, 1937 (Section 112) and the Factories Act (Northern Ireland), 1938 (Section 118), which require particulars of work and wages to be given to certain piece-workers in textile factories.

Article 15. The report states that the law and practice in the United Kingdom satisfy the requirements of this Article. The Truck Acts and other current statutes are on sale to the public, and explanatory memoranda are issued

by the Government where necessary. The Wages Councils Act, 1943 (Section 15 (1)), the Wages Councils Act (Northern Ireland), 1945 (Section 15 (1)), and the Catering Wages Act, 1943 (Section 11 (1)), all require the employer of workers covered by a wages regulation order to keep such records as are necessary to show whether or not the provisions of the Act are being observed; the records have to be retained by the employer for three years under the Wages Councils Act and for two years (or such longer period as may be prescribed) under the Catering Wages Act.

Article 17. No areas are to be exempted from the application of the Convention under this Article.

The general administration of the Truck Acts is the responsibility of the Ministry of Labour and National Service in Great Britain and the Ministry of Labour and National Insurance in Northern Ireland. It is open to an aggrieved workman to institute legal proceedings against his employer for any alleged contravention of the Acts. In addition, factory inspectors have a duty to enforce the provisions of the Acts in respect of factories, workshops, laundries and places where work is given out by the occupier of the factory or workshop or by a contractor or subcontractor. Inspectors of mines have a similar duty in respect of mines.

The Factories Act, 1937, the Catering Wages Act, 1943, and the Wages Councils Acts, 1945 to 1948, are all administered by the Ministry of Labour and National Service. The first of

these is enforced by H.M. Factory Inspectors and the second and third by the Wages Inspectorate of the Ministry. In Northern Ireland the Factories Act (Northern Ireland), 1938, and the Wages Councils Act, 1945, are administered by the Ministry of Labour and National Insurance and enforced by inspectors appointed under the Acts.

The Agricultural Wages Act, 1948, the Agricultural Wages (Scotland) Act, 1949 and the Agricultural Wages (Regulation) Act (Northern Ireland), 1939, are administered by the Ministry of Agriculture and Fisheries, the Department of Agriculture for Scotland and the Ministry of Agriculture, Northern Ireland, respectively; the provisions regarding statutory minimum wages are enforced by Agricultural Wages Inspectors appointed by those Departments.

The Metalliferous Mines Act, 1872, and the Coal Mines Act, 1911, are administered by the Ministry of Fuel and Power in Great Britain, and the Ministry of Commerce in Northern Ireland, and enforced by the Inspectors of Mines and Quarries.

In the case of *Duncan v. Motherwell Bridge and Engineering Company*, the Court of Session, Inner House, held that a contract was void by reason of deductions contrary to the Truck Act, 1831.

So far as industry generally is concerned, a high standard of compliance is secured by extensive organisation among employers and workers, reinforced by the legal provisions mentioned above.

The texts of the legislation applying the convention are appended to the Government's report.

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 3}	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.

Finland (First Report).

- Act of 23 July 1936 respecting employment (L.S. 1936 —Fin. 2).
- Ordinance of 23 July 1936, to give effect to the Employment Act of 23 July 1936.
- Act of 22 December 1951 concerning the provisional organisation of certain matters regarding employment.

Fee-charging employment agencies conducted with a view to profit were prohibited by the Employment Act of 1917. This principle was confirmed by the Employment Act of 27 March 1926, subsequently replaced by the Employment Act of 23 July 1936.

In Finland, the state authorities and communes maintain a free public placing service. However, the Ministry of Social Affairs may authorise private agencies to carry out placing operations in special fields. In granting permits, the Ministry fixes the scale for fees and expenses which may be charged for effecting placings. In practice, fees and expenses have been fixed at a rate which is so low that the actual cost involved is not covered.

Finland accepts the provisions of Part II of the Convention. Fee-charging employment agencies conducted with a view to profit (dealt with in Articles 3, 4 and 5 of the Convention) are prohibited by Finnish legislation. The report refers to Sections 1, 20, 26 and 27 of the Employ-

ment Act of 23 July 1936 and Sections 2 and 3 of the Act of 22 December 1951 concerning the provisional organisation of certain matters related to employment. Sections 16, 17, 20, 24 and 26 of the Employment Act and Sections 3, 6 and 9 of the Ordinance to give effect to this Act, relate to the activities and supervision of fee-charging employment agencies dealt with in Articles 6, 7 and 8 of the Convention.

The Ministry of Communications and Public Works is responsible for the management and supervision of the national employment service which, in turn, ensures compliance with the regulations regarding placing activities. This is effected, *inter alia*, by the control of advertisements. When there is reason to believe that the latter relate to unauthorised placing activities, the question is referred to the police authorities for investigation.

There were no decisions by courts of law relating to the application of the Convention.

Contraventions have been very few and have been easily suppressed. Certain difficulties have arisen in determining the nature of placing activities in certain cases, e.g., when advice on employment opportunities abroad is given by private bureaux which cater for persons wishing to obtain passports for taking up employment abroad. Some difficulties have also arisen in the case of agencies responsible for arranging programmes for entertainments and concerts. Where such agencies are responsible for paying the artistes employed they are not considered as having conducted illegal placing operations; on the other hand, if the remuneration is directly paid by the organiser of a programme or concert, then the agency is deemed to have acted as an intermediary and to have carried on an illegal placing operation. In practice, agreements between organisers and agencies to the effect that remuneration is always paid by the latter have made it difficult to classify this activity as one of the illegal forms of fee-charging employment operations. Another example is the case of agencies which, on request, supply workers for cleaning and laundry work. Where such agencies act as employers operating with a permanent staff, their activities are not considered to be illegal. However, since these activities are based on the carrying out of jobs of a temporary nature, there is at least a possibility that they may supply for this work persons who are not their permanent employees, and in this case they carry out illegal placing operations.

No observations have been made by employers' or workers' organisations on the practical fulfilment of the conditions prescribed in the Convention.

The text of the Act of 22 December 1951 is appended to the report.

Norway.

The report gives the following information in response to the observations made by the Committee of Experts in 1953:

No exemption has been made in pursuance of Article 15.

Cases of infringement are usually dealt with by the local agencies, and only the more doubtful cases are submitted to the labour directorate. Of the 36 cases involving private employment agencies, handled by the labour directorate between 27 June 1947 and 30 June 1953, 26 were conducted on a fee-charging basis. All these cases were dealt with by warnings. Cases of infringement appear usually to be due to ignorance of the provisions in force; the responsible persons immediately ceased their activities once the illegal nature of their activities had been pointed out to them. Recently there has been a marked decrease in the number of new cases of infringements. This is believed to be due to the fact that the prohibition of private employment agencies has gradually become more widely known.

Sweden.

The report of the Swedish Government gives the following replies to the points raised in the observations made by the Committee of Experts in 1953:

The meaning attaching to the term "fee-charging employment agencies" corresponds to the definition given in Article 1 of the Convention.

The supervision of employment agencies conducted with a view to profit is exercised by the supervising authority through inspections. Employers' and workers' organisations are permanently represented on this authority. Further, before granting the extension of a licence, the supervisory authority, by means of notices in the daily newspapers, gives the organisations of employers and workers for the branch or branches of industry in which the employment agency operations are to be carried on, an opportunity of making observations.

The Act of 18 April 1935 provides that, in the case of operations for the placing of persons in employment abroad or for the placing in employment in Sweden of aliens resident abroad, the permit shall be granted solely in the cases and subject to the conditions to be prescribed by the Government in pursuance of an agreement with the country concerned. No such agreement has yet been concluded. The operations of fee-charging employment agencies dealing with musicians, theatre artistes, etc., whether or not such agencies are conducted with a view to profit, are excepted from the application of this provision.

All parts of the country are covered by the Convention.

On 1 January 1953, 22 fee-charging employment agencies (as against 33 in 1952) continued their activities after renewal of their licences.

97. Convention concerning migration for employment (revised 1949)

This Convention came into force on 22 January 1952

Countries	Date of registration of ratification
Belgium	27. 7.1953
Cuba	29. 4.1952
France ¹	29. 3.1954
Guatemala	13. 2.1952
Israel.	30. 3.1953
Italy	22.10.1952
Netherlands	20. 5.1952
New Zealand ²	10.11.1950
United Kingdom ³	22. 1.1951
Uruguay	18. 3.1954

¹ Has accepted the provisions of Annexes I and III.
² Has excluded the provisions of Annex I.
³ Has excluded the provisions of Annexes I and III.

New Zealand (First Report).

Immigration Restriction Act, 1908.
Immigration Restriction Amendment Act, 1951.
Crimes Act, 1908.
Immigration Restriction Regulations, 1930, and Amendments.
Customs Tariff under authority of the Customs Act, 1913.
Agreement between the Government of New Zealand and the Government of the Netherlands concerning migration.

Effect is being given to the Articles of the Convention to a large extent by practice, and the legislation quoted concerns particular aspects only of immigration policy.

Article 1. Information is available on request.

Article 2. Full information is provided for intending migrants by means of booklets describing general living and working conditions in New Zealand and also employment conditions in the main industries for which immigrants are selected. These publications, together with additional information and advice, are freely available at the New Zealand Migration Offices in London and The Hague and at the offices of High Commissioners or Trade Commissioners. The free facilities of the National Employment Service are available to all immigrants.

Article 3. Misleading propaganda, which amounts to fraudulent misrepresentation, is actionable at law. Where necessary, the Government would take action itself to combat such propaganda.

Article 4. Special ships have been chartered for the free transport of assisted British migrants, and berths are also held by the Government on commercial vessels for allocation to selected migrants paying their own fares. The agreement with the Netherlands Government provides for a contribution by both Governments to the cost of the passages of migrants selected under the assisted immigration scheme. On the special government vessels an escort officer and a matron assist migrants, and officials of the Department of Labour and Employment meet vessels and arrange for the transport of government-sponsored

migrants to the place where they are to be accommodated.

Article 5. Assisted immigrants are required to undergo a medical examination (including X-ray) before acceptance. Migrant vessels under charter to the Government carry doctors in the same ratio to passengers as commercial passenger vessels.

Article 6. The impersonal phraseology used in the relevant legislation, e.g., "every worker", "every office assistant", "every person who is... for the time being ordinarily resident in New Zealand", etc., ensures that in all the matters covered by this Article immigrants enjoy equality of treatment with nationals.

Article 7. Co-operation with the employment services of other countries is effected in appropriate cases, e.g., prospective migrants in the United Kingdom may obtain information on living and working conditions in New Zealand at the offices of the Ministry of Labour and National Service in Great Britain. The placing services of the National Employment Service are free to any worker, whether he is unemployed or not.

Article 8. Immigrants are accepted for permanent settlement and there is no provision in any agreement for the return of the migrant and the members of his family if illness or injury occurs after entry. All immigrants are entitled to free medical and social security benefits on the same basis as nationals.

Article 9. Remittances of a reasonable proportion of the migrant's earnings are allowed. The amounts that may be remitted to non-sterling areas, are, however, restricted for migrants and nationals alike.

Article 10. In accordance with traditional policy, immigration was developed first with the United Kingdom after the Second World War. The basic arrangements were confirmed by an exchange of notes. In October 1950 a formal Migration Agreement was concluded with the Netherlands whereby up to 2,000 immigrants would be admitted annually. The Agreement took account of the provisions of the Model Agreement annexed to the Migration for Employment Recommendation (Revised), 1949 (No. 86) and regulates such matters of common concern as the relative proportions of the cost of the migrants' transport and other administration expenses to be paid by the two Governments and the facilitation of the departure and reception of the migrants.

Article 11. The definition in this Article of the term "migrant for employment" is accepted.

ANNEX II

Articles 1 and 2. The definitions contained in these Articles are accepted.

Article 3. All migrants accepted under government immigration schemes are recruited and placed in employment by the Department of

Labour and Employment. The nomination or sponsorship of immigrants by individual employers is supervised by the Department of Labour and Employment and is subject to the same selection processes as apply to immigrants recruited by the Department. In all cases recruitment is carried out with the authorisation and co-operation of the competent authority of the area of recruitment. Migrants are recruited for occupations in which there are large numbers of vacancies. Acceptance of a migrant for admission under any of the government-sponsored schemes is made solely by the New Zealand Government.

Article 4. All the services of the National Employment Service in connection with the recruitment, introduction and placing of migrants are rendered free.

Article 5. This Article is not applicable.

Article 6. Migrants are not recruited within the government-sponsored schemes under a system of individual contracts but rather for occupations which are covered by minimum rates of wages and other conditions of employment embodied in laws, awards or industrial agreements and enforced, as appropriate, by the Department of Labour and Employment. Such rates and conditions are stated in published booklets or other information made available to immigrants. Migrants under government-sponsored schemes are told at the time of recruitment the occupation for which they are being selected, and on disembarkation are given a written statement of the specific employment in which they are being placed, together with information on travel arrangements and accommodation.

Article 7. The agreement with the Netherlands specifies that immigrants will be admitted for permanent residence, that the New Zealand Government will facilitate their adaptation and assimilation in every way possible and will give the most favourable consideration to applications for naturalisation. Interpretation services are provided and the assistance of the Department of Labour and Employment is available to immigrants in the settling-in period. The same services are provided for immigrants from countries with which there is no formal agreement. Local immigration welfare committees have also been established to assist immigrants. Immigration hostels are provided in four main centres.

Article 8. The local offices of the Department of Labour and Employment and the immigration welfare committees referred to above assist immigrants in all matters covered in this Article.

Article 9. Care is taken to ensure that the migrant is placed in suitable employment and failure to provide such employment is unlikely. In such an event the charges mentioned in the Article would not fall upon the migrant.

Article 10. Migrants may apply for transfer to alternative employment and would be transferred if their employment was found to be unsuitable. Maintenance in any intervening period would be provided by emergency unemployment benefit.

Article 11. A migrant who is a refugee or a displaced person has the same guarantee of continuity of employment as any other migrant and

is similarly eligible for emergency unemployment benefit.

Article 12. A formal agreement has been made with the Netherlands Government. In the case of immigration from the United Kingdom matters of common concern have been regulated by an agreement of a less formal character.

Article 13. Clandestine or illegal immigration is subject to the penalties detailed in Section 25 of the Immigration Restriction Act, 1908.

ANNEX III

Articles 1 and 2. The customs tariff in force provides that the personal effects and clothing in use by persons arriving in the country shall be exempt from duty. Similarly, implements and tools of trade and household or other effects which have been in use by passengers for not less than 12 months prior to embarkation shall be admitted free (household effects not imported within five years, however, require special authority).

The administration of the immigration laws and programmes is carried out by the Immigration Division of the Department of Labour and Employment.

No court decisions were given involving questions of principle relating to the application of the Convention.

The annual report of the Department of Labour and Employment for the year ended 31 March 1953 indicates that, as a result of the widening of the assisted immigration scheme for migrants from the United Kingdom and the full operation of the assisted scheme for migrants from the Netherlands, a record number of immigrants arrived during the year, viz., 29,005. This number was made up of 22,323 from the United Kingdom and other British countries, 5,195 from the Netherlands, and 1,487 from other foreign countries.

During 1952 a review of the shipping, housing, employment and other factors affecting immigration policy led to a recommended reduction of assisted British migrants from 7,500 to 5,000 and to the limiting of immigration from the Netherlands to skilled agricultural, building and engineering workers, together with a reasonable proportion of unskilled workers. This decision was found to be necessary in view of the small number of skilled workers among the immigrants under the scheme and the reduced opportunities for the employment of unskilled workers.

The Immigration Advisory Council and Local Immigration Welfare Committees have continued to give highly valuable services.

No observations were received from employers' or workers' organisations concerning the application of the Convention.

United Kingdom (First Report).

Aliens Restriction Acts, 1914 and 1919.
Agricultural Wages Act, 1948.
Agricultural Wages (Scotland) Act, 1949.
Agricultural Wages (Regulation) Acts (Northern Ireland), 1939 and 1940.
British Nationality Act, 1948.
Catering Wages Act, 1943.
Children and Young Persons Act, 1933.
Children and Young Persons (Scotland) Act, 1937.
Children and Young Persons Act (Northern Ireland), 1950.

Coal Mines Regulation Act, 1908, as amended by the Coal Mines Acts, 1919, 1931 and 1932.
 Coal Mines Act, 1911.
 Coal Mines (Employment of Boys) Act, 1937.
 Coal Mines Regulation (Suspension) Order, 1953.
 Education Acts, 1944 to 1953.
 Education (Scotland) Acts, 1947 and 1949.
 Education Act (Northern Ireland), 1947.
 Empire Settlement Acts, 1922, 1937 and 1952.
 Employment of Women, Young Persons and Children Act, 1920.
 Employment of Women and Young Persons Act, 1936.
 Employment of Women and Young Persons (Northern Ireland) Act, 1936.
 Employment and Training Act, 1948.
 Employment and Training Act (Northern Ireland), 1950.
 Factories Acts, 1937 and 1948.
 Factories Acts (Northern Ireland), 1938 and 1949.
 Family Allowances Acts, 1945 and 1952.
 Family Allowances Acts (Northern Ireland), 1945 and 1952.
 Hours of Employment (Conventions) Act, 1936.
 Health Services Acts (Northern Ireland), 1948 to 1953.
 Metalliferous Mines General Regulations, 1938, as amended.
 National Assistance Act, 1948.
 National Assistance Act (Northern Ireland), 1948.
 National Health Service Acts, 1946 to 1952.
 National Health Service (Scotland) Acts, 1947 to 1952.
 National Insurance Acts, 1946 to 1952.
 National Insurance Acts (Northern Ireland), 1946 to 1952.
 National Insurance (Industrial Hygiene) Acts, (Northern Ireland), 1946 to 1952.
 Mining Industry Act, 1920.
 Polish Resettlement Act, 1947.
 Quarries Act (Northern Ireland), 1927.
 Quarries General Regulations, 1938, as amended.
 Road Haulage Wage Act, 1938.
 Shops Act, 1950.
 Shops Act (Northern Ireland), 1946.
 Wages Councils Acts, 1945 to 1948.
 Wages Councils Act (Northern Ireland), 1945.
 Young Persons (Employment) Act, 1935.

Article 1. Information relating to Article 1, clauses (a), (b) and (c) has already been transmitted to the I.L.O.

Article 2. The facilities of the Employment Service of the Ministry of Labour and National Service are available free to migrants. Details of this service have been forwarded to the I.L.O.

Article 3. As the United Kingdom is not a country of immigration and the admission of foreign workers is strictly controlled, the question of immigration propaganda does not arise. In the framework of emigration, close co-operation is maintained with Commonwealth countries.

Article 4. Except when emigration takes place under an organised scheme, it is customary for the migrant to make his own arrangements with the advice and assistance of the authorities of the country of immigration. Reception arrangements for immigrants are normally made by welfare officers of the Ministry of Labour and National Service for parties of alien workers arriving under bulk recruitment schemes. In the case of individual admission, employers receiving foreign workers make their own arrangements with the persons in question.

Article 5. Emigrants are entitled to the benefits of the National Health Service up to the time of departure, and immigrants to the same benefits from the time of arrival. Foreign-going British ships carrying 100 persons or more are required to provide a duly qualified medical practitioner on

board. Emigrants must satisfy the medical requirements of the countries of destination and/or of the employers concerned. Foreign immigrants are subject to medical examination. Normally all foreign workers with individual permits coming for longer than three months, their wives and children, are medically examined. Certain physical and mental deficiencies may lead to refusal of admission. Migrant workers who are not aliens are only subjected to the normal port health control for infectious diseases.

Article 6. The laws of the United Kingdom apply alike to all persons resident in the country. So far as subparagraph (a) of paragraph 1 is concerned, some of the subjects covered (wages and conditions of employment, apprenticeship, trade union membership and the enjoyment of the benefits of collective bargaining) are in general neither regulated by law nor subject to government control. The report states that, in fact, general practice in these matters conforms with the terms of the Convention and it describes the practice in detail. As regards subparagraph (b) the social security legislation does not discriminate against immigrants. However, under the Family Allowances Act, 1945, the period of residence required to qualify for an allowance is longer for foreigners and for foreign-born nationals than it is for British-born subjects. So far as subparagraph (c) is concerned, there are no employment taxes, dues or contributions payable in respect of persons employed, with the exception of the weekly national insurance contribution, which is the same for immigrants as for residents. In appropriate cases, income tax is deducted under the "pay as you earn" system. With respect to subparagraph (d) all persons resident in the country have equal rights in regard to legal proceedings.

Article 7. The Ministry of Labour has liaison arrangements with the competent Italian authorities for bulk recruitment schemes for Italian workers. Arrangements have also been made with the Ministry of Labour of the Federal Republic of Germany, by which employers in Great Britain are put in touch with German workers wishing to come to the United Kingdom for private domestic employment, domestic work in hospitals and similar institutions, and for training and employment as nurses. Similar arrangements exist with the Austrian Government in respect of private domestic employment only. There is close co-operation between the Ministry of Labour and the migration authorities of the Commonwealth countries, to which emigration from the United Kingdom mainly takes place. The Ministry of Labour also participates in the arrangements of the Brussels Treaty Organisation relating to this matter.

Article 8. All British subjects and Commonwealth citizens, all British protected persons, and all citizens of the Irish Republic enjoy equal and unrestricted rights of entry and residence. Foreign workers are normally admitted to the United Kingdom only on a temporary basis in the first instance. If they continue working in approved employment for a minimum period they are then eligible to apply to remain without any restriction. After their application has been granted, they would not subsequently be returned to their country of origin on the sole ground

that they were unable to support themselves owing to ill-health. The United Kingdom is not a party to any international agreement which provides for the return of immigrants for employment and members of their families on the grounds mentioned in paragraph 1 of this Article.

Article 9. If the migrant is residing in the United Kingdom temporarily he is allowed to remit home any sum up to the amount of his earnings after the payment of income tax, etc., otherwise he is subject to the same currency restrictions as any other United Kingdom resident.

Article 10. During the period covered by the report the number of foreign workers has not been sufficiently large to necessitate any formal agreement with other countries.

Article 11. Workers who reside in the Irish Republic and who cross the border daily to work in Northern Ireland might be regarded as frontier workers. Bilateral agreements in the social security field cover these workers. Artistes are normally admitted for the specific period of their engagement and are expected to leave when this is fulfilled.

ANNEX II

Immigration. The Government does not normally sponsor arrangements for the group transfer of foreign workers. The few schemes which were sponsored during the immediate post-war years terminated in May 1952. In certain circumstances, the Ministry of Labour is prepared to facilitate the recruitment of suitable foreign labour at the employers' expense ("bulk recruitment schemes").

Emigration. No such arrangements have been in operation during the period covered by this report.

The report gives detailed information on the authorities responsible for the supervision, enforcement and inspection of the relevant legislation.

No decisions of principle were given by the courts.

No contraventions were reported and no observations were received from the organisations of employers or workers concerned.

Information on arrangements for the bulk recruitment of Italian workers and for the Assisted Passage Scheme to Australia is appended to the report.

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
Belgium	10.12.1953
Brazil	18.11.1952
Cuba	29. 4.1952
Dominican Republic	22. 9.1953
Finland	22.12.1951
France	26.10.1951
Guatemala	13. 2.1952
Iceland	15. 7.1952
Japan	20.10.1953
Pakistan	26. 5.1952
Philippines	29.12.1953
Sweden	18. 7.1950
Turkey	23. 1.1952
United Kingdom	30. 6.1950
Uruguay	18. 3.1954

Austria (First Report).

Basic Act of 21 December 1867.

Act of 15 November 1867 concerning associations.

Act of 28 March 1947 concerning works councils (L.S. 1947—Aus. 2).

Act of 26 February 1947 concerning collective agreements (L.S. 1947—Aus. 1).

In view of the importance of the Austrian trade union movement, trade unionists are effectively protected against all forms of discrimination.

Article 1, paragraph 1. Freedom of association is ensured under Section 12 of the Basic Act. The exercise of this right is guaranteed by the Act concerning associations. Appeals against any administrative decision affecting freedom of asso-

ciation can be made, in accordance with Article 144 of the Federal Constitution, to the Constitutional Court.

Paragraph 2 (a) and (b). The protection of workers in the case of subparagraph (a) is ensured by the existence of a powerful trade union organisation, in particular by the Confederation of Austrian Workers which is a unitary organisation comprising the great majority of salaried workers without discrimination as to political beliefs.

In regard to subparagraph (b) Section 25 of the Act concerning works councils moreover assures to salaried workers special protection against dismissal on grounds of affiliation or trade union activities. In the event of dispute the case can be submitted to arbitration.

Article 2. The Confederation of Austrian Workers, composed of 16 federations, affords to workers and employees of all categories the opportunity of affiliating with their trade union. The unions, thanks to their historic development on the one hand, and to the fact that they function on democratic principles on the other, offer the necessary guarantees against any intervention by employers and their organisations in the internal affairs of the unions. As the Confederation of Austrian Workers relies exclusively on the contributions of its members to cover its expenses, the financial independence of the unions is ensured.

The same applies to employers' organisations. Their exclusive task is to represent the interests of Austrian employers. Only employers may be

affiliated to them. The executive bodies are elected by the members. The necessary funds for the accomplishment of their task are furnished by contributions which are fixed by legislation so that the financial independence of the employers' organisations is ensured.

Articles 3 and 4. The Act concerning collective agreements gives effect to these Articles. Their application does not call for other measures as the Confederation of Austrian Workers and the affiliated federations ensure the workers the necessary protection when collective agreements are being discussed.

Article 5. Members of the police and constabulary have the right to affiliate with existing unions or to form new ones. They are not subjected to any discriminatory treatment by reason of affiliation or trade union activity. The Austrian State, in its capacity as employer, has recognised the existing union as representative of members of the police and constabulary forces. It negotiates with the union for the fixation of salaries and emoluments.

As Austria does not possess an army there are no provisions in this respect.

There were no court decisions and no observations from the organisations concerned.

Finland (First Report).

Constitution of Finland of 17 July 1919.

Act of 4 January 1919 concerning the right of association.

Act of 1 June 1922 concerning contracts of work (L.S. 1922—Fin. 1).

Effect has been given to the principles of the Convention by legislation; legal and administrative practice is also in accordance with these principles.

Article 1. Section 34 of the Act of 1922 on contracts of work provides that, in cases where the employer or his representative prevents a wage earner from belonging to or joining a lawful association—and the occupational organisations of workers and employers are considered as such—he shall be liable to a fine. Similarly, a fine may be imposed on a wage earner who violates in a similar manner the right of another worker or an employer to participate in or join such organisations. Any agreement by which one of the contracting parties undertakes not to participate in a certain association is considered as void. Actions with the purpose of subjecting the employment of a worker to the condition that he does not join a trade union or that he cease to belong to a trade union are liable to penalties.

Article 2. Employers' and workers' organisations do not enjoy a special position and the Act of 1919 on the right of association is applicable to them. Section 1 of this Act permits the establishment of associations with a view to achieving a common aim which is not contrary to the law or to morality. The association must be entered in the official register; as it enjoys no benefit or special protection, it may function freely provided that its activities give no cause for its dissolution. In this connection, Section 21 of the Act provides that the legal dissolution of the association shall be pronounced if it carries on

an activity contrary to the law or to morality or to the aims defined in its statutes, or if its object is to continue, in defiance of the law, the activities of a dissolved association.

The report also refers to the comments made by the Government in this respect in its report on the application of the Convention (No. 87) concerning freedom of association and protection of the right to organise, 1948.

Article 3. It has not been considered necessary to set up special machinery to ensure respect for the right to organise.

Article 4. An increasing number of collective agreements in various fields of economic activity have been concluded since the Second World War. In cases of disagreement, the public authorities recommend the organisations to negotiate first between themselves with a view to finding a satisfactory solution; they intervene only in the last resort.

Article 5. Officers and non-commissioned officers have formed associations with a view to defending their interests, but the right to bargain collectively has not been granted to them. On the other hand, the occupational associations of the police are in the same situation as other occupational organisations and enjoy the right to negotiate.

During recent years there has been no case in which contraventions of the principles contained in the Convention have resulted in submission of the matter to a court of law.

No observations on the practical application of the principles of the Convention have been made by employers' or workers' organisations. However, some unorganised employers have, in certain cases, attempted to dismiss or to transfer workers under various pretexts when, in fact, it was obviously because the workers were active members or organisers of a trade union.

France (First Report).

Constitution of the French Republic of 27 October 1946.

Act of 11 February 1950 concerning collective agreements, incorporated in Book I of the Labour Code (L.S. 1950—Fr. 6).

Act of 28 September 1948 concerning special regulations for members of the police.

Act of 19 October 1946 concerning general regulations for public servants.

Effect is given to the principles of the Convention by legislation and jurisprudence.

Article 1. Workers are traditionally protected by the courts against acts of discrimination in the matter of employment. This protection is afforded, in particular, in relation to the dismissal of workers for their trade union activities. The provisions concerning the right to organise and to bargain collectively are applied within the framework of the Act of 11 February 1950, incorporated in Book I of the Labour Code, which lays down that collective labour agreements liable to be extended to all employers and wage earners within their field of application must contain provisions concerning the workers' free exercise of trade union rights and freedom of opinion, and must provide for conditions for the engagement and dismissal of workers which do not prejudice the worker's free choice of a trade union.

Article 2. Section 31 F of Book I of the Labour Code, as established by the Act of 11 February 1950, defines representative trade union organisations which are capable of bargaining collectively, and deals with the independence of the organisation as one of the criteria on which the determination of representative character is based.

Article 3. Respect for the right to organise is assured by the conciliatory intervention of the labour inspection service while carrying out its supervisory activities, and by the courts. The Act of 11 February 1950 did not set up any special body to ensure respect for this right but it did provide the possibility for workers' organisations to appeal to the courts which supervise the application of clauses of collective labour agreements. Section 31 Q of Book I of the Labour Code provides that associations of workers or employers bound by a collective agreement must abstain from doing anything likely to impair the loyal execution of the agreement. Sections 31 R and 31 S of the Code grant to groups capable of suing and being sued and to persons bound by a collective agreement the possibility of taking legal action against any persons who, while bound by an agreement, violate their obligations.

Article 4. The conclusion of collective agreements is encouraged by the public authorities. The Act provides that the Minister of Labour may, at the request of workers' or employers' organisations considered as the most representative, convene meetings of the national joint committees which have as their object the regulation of relations between employers and workers in a particular branch of activity throughout the whole of the territory. In virtue of the Act the Minister is required to convene the regional committees responsible for preparing collective agreements, on the request of a representative organisation or on his own initiative.

Article 5. Under the Act of 28 September 1948 concerning the special regulations for members of the police, it is recognised that they may have trade union rights under the conditions laid down in the Constitution and in Section 6 of the Act of 19 October 1946 concerning the general regulations for public servants.

The courts have always supervised the protection of trade union rights, in particular by ordering damages to be paid by employers who

have improperly dismissed workers who are members of trade unions. In case of collective disputes, the law authorises arbitrators to settle the matter on an equitable basis (as they were allowed to do before the war) and to order the reinstatement of workers dismissed for trade union activities.

No observations were made by employers' or workers' organisations concerning the practical application of the provisions of the Convention.

Sweden.

The Government points out that the proposals put forward in 1948 by a commission entrusted with the study of the question of the right to collective bargaining, in so far as it concerns public employees, gave rise to a certain amount of criticism on the part of the authorities and organisations concerned; it is doubtful, therefore, whether the proposals can form a basis for the proposed legislation on the matter. It is, however, probable that the question will be re-examined.

United Kingdom.

The Government states that, under the terms of a resolution of the House of Commons, government contractors must recognise the freedom of their workpeople to be members of trade unions. A similar clause is also included in most contracts placed by local authorities and nationalised industries. In the event of a breach of this provision being brought to the notice of the Industrial Court, further contracts for public works are withheld from the contractor in question until he complies with the terms of the above resolution. It is rare, however, for workers to submit complaints in this respect, as the principles underlying Article 1 of the Convention are generally accepted by both employers and workers of the United Kingdom.

The Government also states that in February 1953 a trade union made representations alleging that the provisions of Article 2, paragraph 2, of the Convention were being infringed by the circumstances surrounding the creation of a staff association in a banking establishment, and by the machinery for negotiation and settlement of differences which it was proposed to set up. After a careful examination of the case the Minister of Labour concluded that the allegations were unfounded.

THIRTY-FOURTH SESSION (GENEVA, 1951)

99. Convention concerning wage fixing machinery in agriculture

This Convention came into force on 28 August 1953

Countries	Date of registration of ratification
Austria	29.10.1953
Ceylon	5. 4.1954
Cuba	13. 1.1954
France	29. 3.1954
Federal Republic of Germany . .	25. 2.1954
Mexico	23. 8.1952
New Zealand	1. 7.1952
Philippines	29.12.1953
United Kingdom	9. 6.1953
Uruguay	18. 3.1954

New Zealand (Voluntary Report).

In 1952, in its previous voluntary report, the Government mentioned certain types of seasonal agricultural workers to whom minimum wage rates were to be applied. The present report

states that the Court of Arbitration has fixed minimum wage rates for the above types of workers.

An annex to the report gives the minimum weekly and hourly rates for adult men and women in the following categories: workers on dairy farms, other farms and stations, tobacco farms, orchards and market gardens.

The report states that, in 1953, 320 permits, established according to the type of worker, were issued under Section 14 (6) of the Agricultural Workers Act, which authorises certain wage reductions in the case of part-time work, inexperience, physical disability or other reasons. Out of these 320 permits, 157, i.e., 49 per cent., were issued to women working part-time on dairy farms. The report adds that in a total labour force of 146,000 engaged in farming pursuits, 86,000 are wage earners.

THIRTY-FIFTH SESSION (GENEVA, 1952)

101. Convention concerning holidays with pay in agriculture

This Convention is not yet in force

Countries	Date of registration of ratification
Belgium	20. 3.1954
France	29. 3.1954
Israel.	14. 7.1953
New Zealand	24. 7.1953
Sweden.	12. 8.1953
Uruguay	18. 3.1954

New Zealand (Voluntary Report).

Annual Holidays Act of 4 April 1944, to provide for paid holidays for workers (L.S. 1944—N.Z. 3), as amended in 1945, 1947, 1949 and 1950.

Article 1. The Act of 1944 applies to every worker including those in agricultural employment. Section 3 (1) provides that, at the end of each year of employment, workers (including apprentices) are entitled to an annual holiday of two weeks on ordinary pay.

Article 2. The grant of holidays with pay in agriculture is assured by the above-mentioned Act and its various amendments, adopted after discussion with the interested parties.

Article 3. Section 3 (1) of the 1944 Act and also Section 4 (1) of the amended Act of 1947 give effect to this Article of the Convention.

Article 4. The 1944 Act applies to all persons employed for hire or reward and allows no exemptions.

Article 5, clause (a). A minimum period of two weeks' holiday is granted to all classes of workers without distinction of age.

Clause (b). There are no provisions for increasing the period of holiday with length of service, the minimum period of two weeks' holiday granted under the Act being considered adequate.

Clause (c). Under Section 4 of the Act, at the expiry of any period of employment of less than

one year the worker is entitled, in addition to his ordinary wage, to compensation equivalent to one twenty-fifth of the wage due for the period of employment in question.

Clause (d). Under Section 3 (4) of the Act legal holidays are not included in the normal period of annual holidays. Moreover, temporary interruptions of attendance at work due to sickness or accident do not affect eligibility for annual holidays with pay.

Article 6. Under Section 3 (2) of the 1944 Act a worker who has acquired the right to an annual holiday by virtue of the said section is entitled to take this holiday during the six months after he has become entitled to it. By agreement between employers and workers the holiday may be taken in two periods.

Article 7. When payment in kind (board and lodging) is included in the wage the worker shall be paid the cash value of these payments in kind for the period of his holiday.

Article 8. Section 9 of the 1944 Act formally prohibits the deprivation of the right to holidays.

Article 9. Section 3 (3) of the 1944 Act provides that if the employment is terminated before any annual holiday to which the worker is entitled, he shall be paid, in addition to all other amounts due to him, his ordinary pay for the period of that annual holiday.

Article 10. Section 16 of the 1944 Act provides that this Act shall be administered by the Department of Labour by means of the inspectorate set up for the purpose of supervising labour laws, and prescribes penalties in cases of infringement.

Article 11. The report states that as from 1954 the Census and Statistics Department will be in a position to supply the I.L.O. with the statistical information required under this Article.

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 (with the exception of Conventions Nos. 12, 18, 19, 24, 25), Greece (the report for Convention No. 11 has been transmitted to the Greek General Confederation of Labour), Iceland, India, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Sweden, Switzerland, Syria, Turkey, Union of South Africa, United Kingdom, United States, Venezuela, Yugoslavia.

Other information on this point has been supplied by the following Governments :

Iraq. At present there are no truly representative employers' and workers' organisations.

Liberia. Employers' and workers' organisations are in process of formation.

Netherlands. The reports have been communicated to the Labour Foundation, on which the central organisations of employers and workers are represented.

Poland. The reports have been transmitted to the Central Council of Polish Trade Unions and, as regards maritime Conventions, to the Seafarers' Trade Union.

Portugal. The Government states that it has complied with its obligations under Article 23 of the Constitution of the International Labour Organisation.

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 1952 to 30 June 1953.

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.

Cook Islands.

The 1951 census figures have not yet been analysed but, on the basis of the 1945 figures, it was considered that the application of the Convention was not warranted. Out of a total male population of 3,742, over 3,000 were engaged in primary production. Of the rest, some 150 were engaged in secondary and tertiary industries, 100 in commerce and 225 in administrative and professional capacities. In practice, hours of work are generally limited to 40 per week, except in the case of casual stevedoring work (self-employed persons) in respect of which the Administration undertakes to observe, so far as possible, the terms and conditions of work generally in force.

Western Samoa.

Hours of work are not restricted by regulations but are generally in accordance with the provisions of the Convention, a 44-hour week being common. It is expected that the report on labour conditions being submitted would form the basis for the extension of the Convention, either by legislation or collective agreements.

Portugal.

Angola.

During the period 1 July 1952 to 30 June 1953, 311 infringements of the legislation concerning hours of work were detected and the fines involved were paid voluntarily by the offenders.

Mozambique.

A table appended to the report shows that during the period under review authorisations for overtime work were granted to 11 industrial undertakings for 75 workers who worked a total of 11,409 hours of overtime. On the other hand, 29 authorisations to carry out urgent overtime work totalling 203 hours were granted to 18 commercial undertakings.

Portuguese Indies.

Legislative Order No. 1441 of 28 August 1952.

Section 1, paragraph 1, of this Order enumerates the industrial and commercial undertakings to which it applies and specifies that the provisions of the Order cover in general "all places where work of a commercial or industrial character is performed".

Except in cases specifically determined by the Act, hours of work in industrial and commercial establishments shall not exceed eight per day. This provision applies to staff employed in transport services belonging to these undertakings. Hours of work for office employees shall not exceed seven per day. The limit of working hours may not be exceeded except with the previous authorisation of the head of the civil administration, the overtime rate being one-and-a-half times the normal salary. The amount of overtime may not exceed half the normal hours of work, save in exceptional cases.

The head of the civil administration may authorise exceptions to the application of the normal working timetable: (a) in the case of staff employed in work of a purely domestic character; (b) in the case of staff employed on the construction and repair of means of communication, without prejudice to the conditions of work and the fair wages of the staff in question; (c) in the case of persons occupying responsible administrative or supervisory posts and of persons employed in small undertakings and who are related to their employers by blood or marriage.

In cases of *force majeure* arising from serious accidents and when the amount of serious and exceptional damage makes it necessary to exceed normal working hours, the latter may be prolonged beyond the normal hours at which work ends, but this fact must be communicated within 48 hours, by registered letter, to the administrative services of the district.

Undertakings working continuously and those which for special reasons require a working period of more than eight hours must organise shifts composed of different persons, each shift working

not more than the normal hours of work laid down for the industry in question. The civil administration authorities are responsible—after consultation with the competent official authorities—for determining the industries to which this provision is applicable.

All commercial and industrial undertakings are required to draw up a timetable for their staff, in conformity with the above Legislative Order, and to post it up in a conspicuous place. This timetable must mention the name of every employee and state his working hours. The working day shall be interrupted by an interval of at least two hours after four or five consecutive hours of work. However, the Governor-General, in order to take account of conditions of work in

particularly strenuous or dangerous occupations, may make it compulsory to have more frequent or longer intervals, or may authorise modifications of rest periods.

During the period under review the legislation in force relating to the subject matter of the Convention gave rise to no court decision. No observations were made by employers' or workers' organisations.

St. Tomé and Príncipe.

Ordinance No. 1825 of 13 December 1952.

The above Ordinance has modified in some details the legislative measures and regulations in force with regard to work on plantations.

2. Convention concerning unemployment

Faroe Islands.

Unemployment Act, as amended by Act No. 379 of 15 November 1952.

Although Section 41 of the Unemployment Act provides that the authorities may extend the application of the Act to the Faroe Islands, this has not been done and consequently there is no legislation on unemployment insurance in the Islands. Under Section 2 of Act No. 137 of 23 March 1948, concerning the local government of the Islands, the introduction of an unemployment insurance system is defined as a local matter which comes under the local government of the Faroe Islands both as regards legislation and administration.

France.

Cameroons.

There was a small amount of unemployment at the beginning of the year 1953 in the urban centre of Douala, especially among unskilled workers. These workers were immediately transferred to agricultural work.

Placing is carried out through the Inspectorate of Labour and Social Legislation in collaboration with employers' organisations. A manpower office with the task of organising the labour market is about to be set up.

French Equatorial Africa.

Decree of 27 November 1952, concerning the organisation of manual labour in the ports of French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Sections 174 to 178 of the Act of 15 December 1952 deal with the organisation of employment agencies which, in conformity with Article 2 of the Convention, are under the control of a central authority or comprise workers' and employers' representatives.

The operations of the employment agencies in French Equatorial Africa will be centralised under a federal employment office which will be in liaison with the Employment Office of the Ministry

for Overseas France in Paris, in collaboration with the National Immigration Office.

Employment offices will be set up in French Equatorial Africa after consultation with the workers' and employers' organisations.

On the other hand, the Decree of 27 November 1952 (Sections 5 and 8) established in all ports a "Central Port Manpower Office".

French Establishments in India.

Section 174 of the Act of 15 December 1952 (see under *French Equatorial Africa*) provides for the setting up (not yet realised) of an employment agency; Section 178 of the Act authorises the trade unions to act as employment agencies.

Accurate information on the number of workers unemployed cannot be supplied until after the establishment of an employment agency in the territory.

French West Africa.

General Order No. 5300/AS of 19 October 1949, establishing a Federal Employment Agency in French West Africa.

Chapter V of Book VII of the Act of 15 December 1952 (see under *French Equatorial Africa*).

The Act contains provisions designed to stimulate the employment and re-employment of workers and thus to prevent or reduce unemployment.

Section 174 of the Act establishes: (1) a central manpower office attached to the General Inspectorate of Labour and Social Legislation of Overseas France, functioning in the metropolis, for overseas placing; (2) manpower offices functioning in the overseas territory and regions. These offices are at present being set up.

Section 175 of the Act empowers the heads of territories to determine, after consultation with the Labour Advisory Board, the capacity of certain undertakings to engage manpower for economic, demographic and social requirements.

Under the terms of Section 172 every newly-engaged worker must within 48 hours obtain a statement from the employer addressed to the manpower office.

Similarly, every worker leaving an undertaking must obtain a statement mentioning the date of his departure.

These statements must give the name and address of the employer, the type of undertaking, all necessary information on the civil status and identity of the worker, his occupation, his previous employment and, if applicable, his original place of residence, the date of his arrival in the territory, the date of entry into employment and the name of his previous employer.

The above information, which must be supplied upon the engagement or termination of employment of a worker, constitutes the worker's file. This file is kept by the manpower office at the place of employment.

The worker or, with his consent, the staff representative, may have access to the file.

Any person who contravenes this regulation is subject to a fine of from 100 to 500 francs for the first offence, 400 to 4,000 for the second offence and 4,000 to 10,000 francs for repeated offences, with imprisonment of from six to ten days.

Legislative texts, which are at present under examination, will contain the above-mentioned provisions. It is therefore not possible this year to report on the application of these new provisions.

Guadeloupe.

During the period under review 329 applications for employment and 370 vacancies were registered; 17 placings were effected.

Madagascar.

A certain disequilibrium between vacancies and applications was apparent in the labour market in 1953. In the industrial and commercial sectors and in the public sectors there were a number of dismissals due to a regression of economic activity and a reduction in budgetary credits.

In 1952 the employment agency of Tananarive was advised of 306 vacancies as against 1,438 applications; 175 workers were placed.

Section 174 of the Act of 15 December 1952 (see under *French Equatorial Africa*) provides for the setting up of a manpower office attached to the General Inspectorate of Labour and Social Legislation of the Ministry for Overseas France, as well as regional manpower offices.

These offices, which are entrusted with the employment service for workers, have manifold duties. In particular, they are required to establish a worker's file which must contain the declarations made by the employer to the manpower office when the worker is engaged by and leaves an undertaking (Section 172). The above provisions are to be the subject of local Orders.

In regions where a manpower office is to be established it will be prohibited, except for the trade unions, to open or to operate a private employment office or agency. Penalties will be inflicted for infringements of this regulation (Section 178).

Martinique.

During the period under review 2,201 applications for employment and 358 vacancies were registered; 267 placings were effected.

New Caledonia and Dependencies.

Pending the establishment of the bodies envisaged by the Act of 15 December 1952 (see under

French Equatorial Africa), particularly the manpower office contemplated by Sections 174, 175 and 176, the functioning of placing services is regulated as before, under Sections 144 to 165 of the Decree of 22 December 1938.

The municipal placing office of the town of Noumea effected 43 placings during the period under review. The Administrative Information Bureau was notified of about 100 vacancies.

Réunion.

During the first half of 1953, 658 applications for employment were registered and 280 placings were effected.

Togoland.

From 1 July 1952 to 30 June 1953, 206 applications for employment were made to the placing office.

Only the few applications made by specialised workers were met.

Tunisia.

Article 1. Assistance booths were opened in different *caïdats*, particularly in the suburbs of Tunis. A sum of 57,190,000 francs was allocated for this work during the budgetary year 1952-53 (April 1952 to March 1953).

Article 2 paragraph 1. There is only one free employment agency with sub-offices at the headquarters of the regional labour inspectorates at Sousse and Sfax.

Paragraph 2. The operations of the free public and private placing offices are co-ordinated by the manpower service; this service arranges exchanges of information concerning vacancies and applications for employment, not only with the offices but also with the National Clearing Bulletin published in Paris.

Paragraph 3. There is no co-ordination on an international scale. The activities of the free public placing office in Tunis may be summarised as follows: from 1 July 1952 to 30 June 1953, 2,969 applications for employment as against 973 vacancies were registered, and 889 placings were effected. In addition, 822 attempts were made at placing workers; 192 were successful.

Article 3. This Article is not applicable as no unemployment insurance scheme exists in Tunisia.

Italy.

Trust Territory of Somaliland.

Ordinances Nos. 43 of 18 July 1950, 21 of 23 November 1951 and 23 of 26 November 1951.

Article 1. As unemployment does not constitute a problem of any great importance in the territory, it has not been considered necessary to compile periodical statistics on the question. On the other hand, because of the special kind of life led by the Somali population, which is partly nomadic and is engaged in rearing livestock, only a few town areas are affected by unemployment which usually becomes acute during dry periods. Nearly all the non-nomadic population is engaged in agricultural work. The Administration combats unemployment by means of public works programmes.

Article 2. The employment offices attached to Residencies under Ordinance No. 23 of 26 November 1951 are chiefly engaged in the placing of

workers, which is free of charge. In these offices, which are staffed by government officials, there are no advisory committees comprising representatives of workers and employers. At present, nine employment agencies are functioning in the territory. No statistics are available on the number of applications and vacancies.

There are no private employment agencies.

Article 3. There is no social insurance scheme for aboriginal workers. Italian workers established in Somaliland benefit by the provisions in force in Italy; these provisions were extended to the territory by Ordinance No. 43 of 18 July 1950.

The supervision of the application of the above provisions is entrusted to the Directorate of Economic Development—the Bureau of Industry, Internal Commerce, Labour and Communications—and, in particular, to the Central Labour Inspectorate which is subordinate to the Bureau mentioned above and was instituted by Ordinance No. 21 of 23 November 1951. Under this Ordinance six regional inspectorates have also been established in the territory and carry out the same duties within the competence of the regional commissariats.

The organisation and functioning of the labour inspectorates are described in detail in the Ordinance in question.

So far the courts of law of Somaliland do not appear to have given any important decisions on questions of principle relating to the application of the Convention.

As the problem of unemployment is relatively unimportant the Administration has limited its measures to ensuring the placing of workers through the employment offices and to encouraging employment by the institution of public works; it has intervened with some success in preventing the dismissal of certain categories of workers employed in industrial establishments. No observations on the application of this Convention have been made up to the present by workers' or employers' organisations.

United Kingdom.

Barbados.

During the period under review 592 men selected from the live register of the Bureau of Employment and Emigration were sent to the United States; 2,655 persons registered for the first time as unemployed.

British Guiana.

During the period under review 4,256 adults and 704 juveniles registered for employment; 4,553 vacancies were notified and 3,525 were filled. Informed estimates indicate that at 30 June 1953 the number of unemployed persons did not exceed 15,000.

Cyprus.

Government employment exchanges operate in all but one of the six district towns. During the period under review the exchanges dealt with 40,903 applications for employment; the number of vacancies notified was 31,527, of which 30,330 were filled. The establishment of labour pools at the three principal ports necessitated the making of special arrangements for the engagement

of port labour. Reliable means of ascertaining the numbers of unemployed are still lacking; it is believed that there is little long-period unemployment, but there are varying degrees of casual and part-time employment among every class of wage earner, usually the unskilled workers. Seasonal employment is also a feature of the agricultural economy of Cyprus.

Gambia.

Registration under the provisions of Ordinance No. 10 of 1951 was started on 1 May 1952. During the period under review 3,870 persons registered for employment and 537 were placed.

Gibraltar.

During the period under review 5,436 applications for employment were received, 9,660 vacancies were notified, and 9,075 persons were placed. The average rates of registered unemployment were 0.54 per cent. for men and 1.4 per cent. for women.

Leeward Islands.

No persons were registered during the period under review. A committee appointed in Antigua in May 1950 to study the problem of unemployment has submitted its report. Action has been taken on some of its recommendations as follows: an Industrial Development Board has been established; a Small Farmer Cultivation and Haulage Service Board has been set up; steps are being taken to improve the tomato and pineapple industries; testing of the clay deposits in the island is being undertaken by the Government geologist; handicrafts are being taught in the schools and a handicraft centre has been established; a young woman has been given a course in housecraft training in Jamaica; and a Fishery Officer has been appointed.

Attention is being given to the other recommendations of the committee. There are no free public or private employment agencies in the territory; nor is there any system of unemployment insurance in operation. The recommendations of the committee referred to in previous reports are now being examined in the light of actuarial advice received from the Colonial Office. On 30 June 1953, 547 workers were engaged on agricultural work in the United States. In addition, 299 workers were engaged for agricultural employment in St. Croix, in the U.S. Virgin Islands, of whom 112 were still employed on 30 June 1953.

Jamaica.

During the period under review the Kingston Employment Bureau registered 5,561 unemployed persons, received notice of 5,276 vacancies and placed 4,148 workers in employment. This Bureau does not operate outside the corporate area of Kingston and St. Andrew and the number of unemployed persons in the Island is not known with any accuracy.

Kenya.

During the year 1952, 32,837 vacancies were registered, and 35,173 applications for work were addressed to the public placing offices; 23,779 vacant posts were filled as a result of these applications.

As the number of workers in employment has risen in the territory to a total of 480,000, it is evident that the majority of workers looking for employment find such employment by their own means.

The placing offices serve the principal employment centres. The apparent excess of the number of applications in comparison with that of vacancies is largely due to the fact that workers apply for jobs for which they are not really fitted and which they accept or find as a result of another kind of job. In fact, there is never any unemployment in Kenya, for the demand for unskilled manual labour constantly exceeds the number of applications and all facilities are given to workers to allow them to take up such employment.

At present European workers can now be placed through the medium of placing offices at Mombasa, Nakuru and Kisumu.

Malaya.

A draft Employment Service Ordinance is under consideration prior to introduction into the Federal Legislative Council. Despite the fall in the price of rubber, no real evidence of increased unemployment has emerged. A free public employment exchange was opened in Kuala Lumpur in April 1953, and arrangements are under way for the opening of similar exchanges in six other centres. The appointment of advisory committees is dependent upon enactment of the legislation referred to above. There is no system of unemployment insurance in Malaya. The organisation and establishment of an employment exchange system, which has been under discussion for some years, is proceeding under the guidance of two officers of the United Kingdom Ministry of Labour and National Service. Employers' and workers' organisations welcomed the opening of the first exchange at Kuala Lumpur.

Malta.

During the period under review 11,197 applications for employment were received, 1,969 vacancies were notified and 1,457 persons were placed in employment.

Mauritius.

The numbers of unemployed persons (civilians and ex-servicemen) registered at the free public employment offices were as follows : 828 in September 1952, 872 in December 1952, 1,238 in March 1953, and 1,231 in June 1953 ; 5,066 vacancies were notified and 5,000 persons placed in employment.

Nigeria.

Registered Industrial Workers (Lagos Township, Employment in Scheduled Occupations) (Revocation) Order, 1952.
Compulsory Registration (Lagos Township) (Revocation) Order, 1952.
Industrial Workers (Employment Exchanges) Rules, 1952.

The reconsideration of the functions of the juvenile and adult employment exchanges in Lagos referred to in the report for last year was concluded during the period under review. Under existing legislation registration has become entirely unrestricted and any industrial worker, as defined by Section 224 of the Labour Code

Ordinance, may attend at an employment exchange for registration. This has inevitably led to a very large increase in the number of applications for registration ; 52,138 adults in Lagos applied for registration or re-registration in the year under review, compared with 4,473 in the previous year. Statistical data are supplied on the work carried out by each employment exchange in the period under review.

Northern Rhodesia.

During the period under review 6,704 African workers were registered at the employment offices ; 3,608 of these were placed. Moreover, 9,802 available jobs were notified by the employers.

Employers showed more collaboration than in the previous year and requested the help of the Central Employment Bureau when they wished to engage staff.

A procedure was adopted to bring to the attention of the employers of the territory the particulars of applicants for jobs but, although this innovation aroused a certain amount of interest, it met with little success, principally because most of the candidates live outside the territory and overseas.

Persons coming from overseas who arrived in the territory to look for employment have frequently succeeded in finding satisfactory employment through the medium of the Central Employment Bureau.

Only two recruitment offices are at present in operation and their activity is determined by the licence granted to them by the Government under the Ordinance on the Employment of Native Labour.

St. Helena.

During the period under review the average number of unemployed persons was 133 per week.

St. Lucia.

During the period under review 450 applications were received for employment ; 135 vacancies were notified and filled by persons recommended by the Labour Department.

Sierra Leone.

Ordinance No. 39 of 1952, to amend the Registration of Employees Ordinance, 1947.

The above Ordinance has been designed to enable the Governor in Council to apply its provisions to any specified class of employees in the Protectorate so that such employees shall be issued with registration certificates. The report states that when artisans holding trade test certificates issued by the joint industrial councils accepted employment in the mining industry they became subject to the conditions, including any proficiency tests, laid down by the mining workers' wages board. The new Ordinance makes it clear that Orders made under its provisions would not apply to workers for whom (as in the mining industry) a wages board had been established under the Wages Board Ordinance, or to their employment. It may also be desirable later on to apply the Ordinance to other classes of workers in the Protectorate such as apprentices, skilled occupational workers or workers in specific industrial undertakings.

During the period under review 63,370 applications for employment were received ; 11,794 vacancies were filled out of a total of 15,228 notified. In addition, 51,263 casual vacancies were filled through the Port Labour (Harbour) Pool. An appendix containing quarterly unemployment statistics was forwarded with the report.

Singapore.

As there is no compulsory registration of unemployed persons no statistics in this regard can be provided ; however, returns from employers of industrial workers showed a decrease of 1.9 per cent. for the six months ending March 1953. During the period under review there were 19,243 applications for employment ; 14,333 vacancies were notified and 8,997 persons were placed. During the period 1 July 1952 to 30 June 1953 the seamen's registration bureau registered 1,072 men, bringing the total to 20,878, of whom 4,014 were not in touch with the bureau and were regarded as untraceable. The number of seamen employed through the bureau during the period was 8,904.

Tanganyika.

During the year 1952, 21 placing offices were operating in conformity with the provisions of Article 2 of the Convention. During this period 7,325 African workers found employment or received instruction preparatory to being employed. This figure includes 2,560 professional workers, 439 ex-schoolchildren and 4,326 unskilled workers. Only one European was placed but several European and Asian workers were given assistance with a view to finding work.

On 31 December 1952, 3,638 Africans were registered as unemployed in the books of the placing office, but a certain number of them, having found work, had omitted to inform the authorities as they should have done. Plans have been prepared to improve the organisation of the placing offices, and the general organisation of these services is also under consideration.

Trinidad and Tobago.

During the period under review there were 7,417 new registrations for employment ; 2,441 vacancies were notified and 1,258 persons placed in employment.

Uganda.

During the period under review 6,971 applications for employment, 5,302 vacancies, and 4,329 placings were registered.

Under present conditions, when the demand for manpower exceeds applications for work and where the main manpower force has lost its stability, the role which the placing offices can fulfil is not very great. Nevertheless, the offices in Kampala, Jinja, Masaka, Fort-Portal and Mbale have continued to meet a real though limited need. Applications for employment transmitted to employers by all the placing offices amounted to 3,982, as against 2,794 the previous year.

Zanzibar.

During the period ending 30 June 1953, 511 applications for employment were received by the placing office, 285 vacancies were registered and 250 persons were placed.

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

France.

Algeria.

No contraventions of the provisions of the Convention were reported during the period under review.

The benefits paid in accordance with Article 3, clause (c), amounted to 70,861,643 francs. This figure includes payments to workers employed in mines, harbours and transport undertakings.

Cameroons.

The Convention is fully applied in virtue of Sections 115, 116, 117 and 119 of the Act of 15 December 1952 (see under *French Equatorial Africa* and *French West Africa*).

No distinction is made between industry, commerce and agriculture ; the provisions of the legislation for the protection of labour apply to these three branches of activity.

No infringements were reported in the territory during the period under review.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 115 of the above-mentioned Act provides that the nature of work which is prohibited for pregnant women shall be determined by Orders issued by the head of a group of territories or of a territory not included in a group or under trusteeship, after consultation with the Advisory Labour Committee.

Sections 116 and 117 of the above Act contain provisions which are more favourable than those laid down in the Convention, as they provide that women should have a minimum of 14 weeks rest for childbirth.

Section 116 of the Act provides that all pregnant women whose condition has been diagnosed by a doctor or who are obviously pregnant may leave their work without notice and without paying compensation for breaking their contract. "On confinement, women are entitled to suspend their work during 14 consecutive weeks, six of which

shall be after confinement. This interruption of work may not be considered as breaking the contract of employment and may be extended by three weeks in the case of a diagnosed illness resulting from pregnancy or confinement. During this period the employer may not dismiss the woman. Throughout the period of absence she is entitled, at the employer's expense and until a social security scheme has been set up, to free medical care and to half the wages she was receiving when she stopped work. The woman maintains her right to benefits in kind. Any agreement which is contrary to these provisions is null and void."

French Establishments in India.

Sections 116 and 117 of the Act of 15 December 1952 (see under *French Equatorial Africa*) contain provisions relating to this matter.

See also under *French West Africa*.

During the period under review, of the 2,229 women employed in the textile factories of Pondicherry, 322 were paid maternity benefits.

French Guiana.

The Convention is applied in the territory.

French Settlements in Oceania.

Sections 115 to 119 of the Act of 15 December 1952 regulate the matter in conformity with the provisions of the Convention (see under *French Equatorial Africa*).

French Somaliland.

The report refers to Section 116 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

French West Africa.

Sections 115, 116, 117 and 119 of the Act of 15 December 1952 (see under *French Equatorial Africa*) contain a certain number of provisions concerning the employment of women before and after childbirth which correspond to the standards of the Convention. In this respect, the Act amends previous local regulations in a manner which is more favourable to the beneficiaries.

The provisions of the above-named Act apply to all undertakings, in conformity with Article 1 of the Convention; no discrimination is made between the different branches of activity.

In accordance with Section 119 of the Act, the inspector of labour and social legislation may request the examination of women by an approved medical practitioner, in order to verify whether or not the work which they carry out is beyond their strength. This medical examination is compulsory when it is requested by the women in question. When the medical practitioner certifies that the employment is beyond the strength of the woman, she must be given less tiring work by her employer. If this is not possible the employment contract must be broken.

Section 117 of the Act provides that over a period of 15 months from the date of the birth the mother is entitled to a maximum rest period of one hour per day, in order to nurse her child.

During the whole of the nursing period the mother may leave her work without notice and without being required to pay compensation for the breaking of her contract.

Persons guilty of infringements of Sections 116 and 119 of the Act are liable to a fine varying between 1,000 and 4,000 francs; in the case of a repeated offence the fine is raised from 4,000 to 10,000 francs and to imprisonment from six to ten days (Section 226 of the Act).

The supervision of the application of the legislation is entrusted to the inspectors of labour and social legislation.

The above-mentioned provisions have just come into force; legislation in application of these provisions is still to be enacted in a number of cases, and it is therefore not possible to give an opinion regarding the manner in which the legislation is applied.

Guadeloupe.

The Convention is applied in the territory.

Madagascar.

The report refers to Sections 116 and 117 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

Martinique.

The Convention is applied in the territory.

New Caledonia and Dependencies.

The regulations analysed in the reports previously supplied have been strengthened by Sections 116 and 117 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

Réunion.

The Convention is applied in the territory.

St. Pierre and Miquelon.

The employment of women before and after childbirth is regulated by Section 116 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

Togoland.

The report refers to Sections 116 and 117 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

Tunisia.

The following regulations are applied in Tunisia in commerce, industry and the liberal professions: Decree of 11 June 1942 reproduced in Sections 16 and 17 of the Decree of 6 April 1950.

The cessation of work by a woman during a period of 12 consecutive weeks preceding and following confinement may not be used by the employer—under penalty of damages—as a reason for breaking the contract of employment. Upon presentation of a medical certificate this period may be extended to 15 weeks in the case of sickness resulting from pregnancy or confinement. The woman is entitled to legal assistance.

Pregnant women may leave their work without any advance notice.

Employers are prohibited from employing women within four weeks after childbirth.

Mothers who nurse their children are entitled to a rest period of one hour per day during working hours, which may be divided into two periods of 30 minutes, one in the morning and the other in the afternoon.

These provisions apply to all women regardless of their nationality, age and civil status and whether their children, are legitimate or not.

4. Convention concerning employment of women during the night

France.

Algeria.

Inspectors will be instructed to carry out a greater number of visits during the night in industrial and commercial undertakings.

The legislation is strictly applied. Exceptions were granted in workshops for the treatment of early fruit and vegetables (considered by the labour inspection service as commercial establishments) in cases where this was necessary in order to ensure that the goods were loaded on the vessels in question in good time. The total number of persons protected by the legislation during the period under review was 31,727; of this number 17,003 were in Algiers, 10,725 in Oran and 3,999 in Constantine.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The above Act was promulgated in the Cameroons on 31 December 1952. At present Section 114 deals specifically with the provisions of the Convention.

No difficulties have been encountered in the application of the Convention as its provisions are applied as the normal practice in all undertakings.

French Equatorial Africa.

Section 114 of the Act of 15 December 1952 (see under *Cameroons*) lays down that the employment of women and children at night in industry shall continue to be governed by the provisions of the Washington Conventions, extended to the territories under the Ministry for Overseas France by the Decree of 28 December 1937.

As no women are employed at present in the industrial undertakings of the territory, the 1919 and 1934 Conventions are not relevant. Nevertheless, a draft Order stipulating that women should in no case be employed in industrial undertakings between 10 p.m. and 5 a.m. will shortly be submitted to the Governor-General for signature, after due consideration by the Federal Labour Advisory Board and the Technical Committee on Hygiene and Safety.

French Establishments in India.

The Convention is applied by Section 114 of the Act of 15 December 1952 (see under *Cameroons*).

Italy.

Trust Territory of Somaliland.

The subject matter of the Convention has not yet been regulated in the Territory since only a very small number of women are employed in industrial and commercial undertakings. However, provisions concerning the protection of women are being examined; they will regulate, *inter alia*, the work of women before and after childbirth, due account being taken of the principles of the Convention.

The local administration has not found it necessary to issue any special regulations in application of the Convention.

The legislation relating to the night work of women protects 2,229 women employed in the three textile mills in Pondicherry.

French Guiana.

The Convention was declared applicable to the territory under the Decree of 28 December 1937. No infringements were reported.

French Settlements in Oceania.

The Act of 15 December 1952 (see under *Cameroons*) was promulgated in the territory by Order No. 106/AA of 24 January 1953.

The employment of women at night is quite exceptional. According to Sections 113 and 114 of the above-mentioned Act, the head of the territory, after consultation with the Advisory Labour Committee, may fix the hours during which work is considered as night work. In addition, women are entitled to a period of rest of at least 11 consecutive hours. Orders for the application of the legislation are being examined.

French Somaliland.

The Act of 15 December 1952 (see under *Cameroons*) was promulgated in the territory by an Order of 23 December 1952.

During the period under review not more than 300 women were employed in the territory, mainly in seasonal work.

French West Africa.

The report states that Orders governing the application of the Act of 15 December 1952 (see under *Cameroons*) have been adopted in all the territories of the Federation. In all these Orders the term "night" has been defined as the period between the hours of 10 p.m. and 5 a.m.

Section 226 of the Act provides for penalties in the form of fines and imprisonment in the event of contraventions.

Guadeloupe.

The Convention was declared applicable to the territory under the Decree of 1 July 1933.

No infringements were reported.

Madagascar.

Section 113 of the Act of 15 December 1952 (see under *Cameroons*) lays down that the hours

during which work is to be considered as night work are fixed in each territory by an Order issued by the head of the territory, after consultation with the Advisory Labour Committee. The hours at which night work begins and ends may vary according to the seasons. No Order has been issued as yet in application of this provision.

Section 15 of the Decree of 7 April 1938 provides for an exception to be made to the prohibition of the night work of women for the processing of materials subject to rapid deterioration. This exception has not been included among the provisions of the Act of 15 December 1952 but it is likely that it will be incorporated in the Order to be issued in application of Section 113 of the Act.

Under Section 145 of the Act of 15 December 1952 the application of the laws and regulations relating to the night work of women is entrusted to the Inspectors of Labour and Social Legislation for Overseas France.

Martinique.

The Convention was declared applicable to the territory under the Decree of 1 July 1933.

No infringements were reported.

Morocco.

On 30 June 1953 there were 18 men and women inspectors and 21 labour controllers. In only a very small number of cases have employers unlawfully required women to work at night; a few contraventions were reported.

New Caledonia and Dependencies.

The Convention is applied in the territory under Sections 113 and 114 of the Act of 15 December 1952 (see under *Cameroons*).

Réunion.

The Convention was declared applicable to the territory under the Decree of 1 July 1933.

No infringements were reported.

St. Pierre and Miquelon.

In practice there is no night work of women in the territory, other than in exceptional circum-

stances and in case of *force majeure* in industries connected with the processing of fish, in order to prevent rapid deterioration. Sections 113 and following of the Act of 15 December 1952 (see under *Cameroons*) contain provisions governing the night work of women.

Togoland.

The Act of 15 December 1952 (see under *Cameroons*) was promulgated in Togoland on 24 December 1952.

Tunisia.

Women may not be employed in Tunisia for work of any kind in commerce or industry between the hours of 10 p.m. and 5 a.m. They are also entitled to a nightly rest of 12 consecutive hours at least (Section 12 of the Decree of 6 April 1950).

Exceptions may be made to this rule by Order of the Minister of Labour and after consultation with a committee which includes representatives of the workers' trade unions. However, no such legislation has so far been adopted.

Requests for exceptions are at present under consideration; they relate to the food-canning industry.

Italy.

Trust Territory of Somaliland.

The industrial establishments of the territory, which are not very numerous, employ very few women. The question of the night work of women in these establishments will, however, be regulated by appropriate provisions which are under consideration.

Portugal.

Portuguese Indies.

Legislative Decree No. 1441 of 28 August 1952.

Sections 7 and 8 of this Decree state that women may not, under normal circumstances, work in industrial establishments before 6 a.m. or after 8 p.m., except in special cases and with prior authorisation of the head of the civil administration.

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

Denmark.

Faroe Islands.

The Convention is applicable.

France.

Algeria.

Labour Code, Book II, Sections 1-5, 72-74, 86, 88-90, 106, 158-164, 168-171.
Act and Decree of 21 March 1941.

This legislation fixes the minimum age of admission to industrial employment at 13 years. However, children holding a certificate of primary studies may be employed from the age of 12 years.

Article 2 is applied under Section 2 of Book II of the Labour Code.

Article 3 is applied under Section 5 of Book II of the Labour Code.

Article 4 is applied under Section 90 of Book II of the Labour Code.

The Labour Inspectorate is entrusted with supervision, except as regards harbours and transport.

During the period under review the number of children covered by these legislative provisions was 32,113 and the number of infringements reported was 61.

The application of the Act has not given rise to any difficulties. The infringements reported relate in most cases to the absence of supervision and ignorance of the legislation in force on the part of the municipal authorities, which still issue work books to children under 13 years of age.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 118 of the above-mentioned Act provides that "children under 14 years of age may not be employed in any undertaking, even as apprentices..."

This prohibition applies to all undertakings whatever they may be.

An order which is being prepared will soon oblige each employer to keep a register of the staff employed giving the name and the age of the workers, thus enabling the Inspectorate of Labour and Social Legislation to control this provision of the Act more efficiently.

No penalties were imposed by the courts for contraventions of the regulations.

French Equatorial Africa.

See under Convention No. 77.

French Establishments in India.

Article 56 of the Act of 15 December 1952 (see under *Cameroons*) provides that no person who is not at least 21 years of age may employ a young person as an apprentice; Section 118 of the same Act states that children may not be employed in any undertaking, even as apprentices, before the age of 14, unless an exception has been granted by the head of the territory through a decree and in accordance with the advice of the Advisory Committee of Labour, taking account of local circumstances and the tasks which may be required.

French Guiana.

See under *Guadeloupe*.

French Settlements in Oceania.

The Act of 15 December 1952 (see under *Cameroons*) now regulates the question.

French Somaliland.

The legislative texts which are applicable are identical to those mentioned in the report for 1951, to which should be added Chapter III (Sections 115 to 119) of the Act of 15 December 1952 (see under *Cameroons*).

The minimum age for admission to employment, provided under Section 118 of the Act of 15 December 1952, is 14 years. However, the provisions of the Decree of 22 May 1936 (Section 8), which are more restrictive, are still in force.

French West Africa.

Under Section 118 of the Act of 15 December 1952 (see under *Cameroons*), children under 14 years of age may not be employed in any undertaking, even as apprentices, unless an exception is granted by the head of the territory through

a decree, after consultation with the Advisory Labour Committee, taking account of local circumstances and the tasks which may be required.

The employment of children in certain tasks and in certain undertakings is also prohibited.

The legislative instrument empowers the head of the territory to issue an Order fixing the nature of the prohibited tasks, the categories of undertakings prohibited to young persons, and, in each of these cases, the age limit of the prohibition. This Order has not yet been promulgated.

Subject to the possible exception authorised by the head of the territory, the prohibition of the employment of children under 14 years of age is liable to the penalties laid down in Section 225 of the Labour Code which provides for a fine varying between 400 and 4,000 francs, which, in the case of a second offence, may be raised from 4,000 to 10,000 francs, with imprisonment of from six to ten days.

Guadeloupe.

The Convention is applied in the territory.

The Labour Inspection Service allows a certain amount of latitude as regards the prohibition of the employment of children, in cases where children are employed because they cannot attend school owing to the lack of school buildings.

Madagascar.

The report quotes Sections 118 and 119 of the Act of 15 December 1952 (see under *Cameroons*).

Martinique.

See under *Guadeloupe*.

New Caledonia and Dependencies.

The provisions of the regulations analysed in the reports of the preceding years have been included in Sections 118 and 119 of the Act of 15 December 1952 (see under *Cameroons*).

Réunion.

See under *Guadeloupe*.

St. Pierre and Miquelon.

The minimum age for employment in industry is determined by Article 118 of the Act of 15 December 1952 (see under *Cameroons*).

Certain exceptions are sometimes admitted; they are limited to the employment of boys between 12 and 14 years of age on tasks suited to their strength, such as the preparation of fish, unloading of ships (light goods) during the school holidays and when adult labour is scarce.

Togoland.

The report states that the Convention is at present purposeless in Togoland and quotes Section 118 of the Act of 15 December 1952 (see under *Cameroons*).

The report emphasises that, in the drafting of the local Order for the application of the Act, the provisions of the Convention fixing the minimum age for the admission of children to industrial employment will be respected.

Tunisia.

There are no legislative provisions in Tunisia to fix in a general way the minimum age of employment of children in industry.

However, the conditions of employment of children under 16 years of age in mines and quarries are regulated (Decree of 15 June 1910) and closely supervised by the Directorate of Public Works.

In addition, in all commercial and industrial undertakings, as well as in the liberal professions, the labour inspectors may always ask for the dismissal of children under 12 years of age and, on the advice of a physician, of young persons up to 16 years of age (Section 11 of the Decree of 6 April 1950).

On the other hand, no child under the age of 12 years may, except with the specific permission of the Chief of Police, be employed as an actor or an extra in public entertainments (theatres, cafés, circuses, fairs).

This minimum age is raised to 16 years in the case of acrobatic exhibitions (Section 11 of the Decree of 15 June 1910).

United Kingdom.

Barbados.

During the period under review one case was discovered of a child under the prescribed age (14 years) being employed in an industrial undertaking. Appropriate action was taken.

Cyprus.

A Bill for the revision of the Employment of Children and Young Persons Law was gazetted on 6 August 1953. During 1952 the number of prosecutions initiated against employers was 139 and the number of convictions obtained 117. Seventeen cases of the employment of children under 12 years of age were detected and dealt with by labour inspectors. Most boys under 14 years who are allowed by licence to enter industry as apprentices are employed on a variety of jobs repetitive in character, and very few are trained for skilled jobs.

Fiji.

An increasing number of young persons are being employed in industry. No contraventions of the law were discovered, since many employers consulted the Labour Department or the Registrar of Births before employing young persons, undoubtedly as the result of the 18 prosecutions in 1950.

Hong Kong.

An additional male Chinese labour inspector has been appointed, and the existence of a mine sub-unit, consisting of a superintendent and assistant superintendent of mines and an assistant labour inspector, is reported. In the period under review there were two prosecutions for employing children in an industrial undertaking.

Kenya.

A committee appointed by the Government to report, among other matters, on the employment of juveniles submitted its report during 1952.

Leeward Islands.

Under the legislation in force, children under the age of 14 years must attend school. During the period under review 111 persons were prosecuted for failure to comply with the law, 79 of

the cases relating to children engaged in supervising animals in connection with the transportation of sugarcane.

Malaya.

Federal Machinery Ordinance, 1953.

Under the legislation previously in force, it was an offence to employ on machinery any person under 16 years of age. This provision was removed from the above Ordinance, it being considered more appropriate to include it in the section of the Regulations dealing with women and young persons. These Regulations, which it was thought would be ready for publication simultaneously with the Ordinance, will not be ready until the end of the year; hence, there is no clause in the Ordinance or existing Rules covering the subject. The draft of a new Employment Code, which seeks to apply the provisions of the Convention, is under consideration by a Select Committee of the Legislative Council. During the period under review there were eight prosecutions—all successful—for offences under the Children and Young Persons Ordinance, and fines totalling \$420 were imposed. There were three prosecutions—two successful—under the Machinery Enactment for employment of children in buildings containing machinery, and fines totalling \$250 were imposed. An appeal was lodged against the acquittal of the defendant in the third case, and though the judge disagreed with the magistrate's grounds for acquittal, he upheld it on a legal technicality.

Malta.

New schemes were issued under the Industrial Training Act concerning mechanical engineering and allied trades, hotel waiters, and neon sign makers; previous schemes were amended.

Nigeria.

A lowering of the age of entry into employment in the printing and tailoring industries was authorised in Lagos and the colony in the light of special circumstances, in order to take account of a firmly established custom in these industries, which give employment to a large number of children who leave school at an early age because of lack of adequate educational opportunities. Moreover, the nature of work performed is not injurious to the health of the juveniles, neither is it dangerous or immoral.

St. Lucia.

A note from the Colonial Office states that, with regard to the minimum age for admission to industrial employment, full effect is given to the terms of the Convention by the legislation in force. It adds that the Employment of Children Restriction Ordinance, No. 28 of 1939 (previously referred to by the Committee of Experts) will, when it comes into operation, restrict and regulate the employment of children in any type of work.

Sarawak.

Labour Ordinance, No. 24 of 1951.

The above legislation, which came into force on 1 July 1952, repeals and replaces the previous

legislation. It provides that, having regard to the nature of the work involved in any occupation which forms part of an industrial undertaking, the Governor in Council is empowered to order the exclusion of employment in such occupation from the provisions of the Ordinance; it further provides that any undertaking of which a part only is an industrial undertaking need not for that reason alone be deemed to be an industrial undertaking. "Young person" is defined as one who has ceased to be a child but is under the age of 18 years. The definition of "ship" does not include a ship of war.

Tanganyika.

During 1952, 50 prosecutions were instituted and 37 convictions obtained in respect of offences committed in contravention of the Employment of Women and Young Persons Ordinance (Chapter 82 of the Laws) and subsidiary legislation.

Trinidad and Tobago.

It is expected that an appointment will shortly be made to fill the additional post of labour inspector referred to in the previous report.

Zanzibar.

Legislation applying the provisions of the Convention, with minor modifications, was enacted in April 1952 in the form of the Employment of Children, Young Persons and Adolescents (Restriction) Decree No. 8 of 1952. The earlier legislation contained in Chapter 132 of the Revised Laws of Zanzibar, 1934, with its amendment in Decree No. 27 of 1948, was repealed. The new legislation came into operation in January 1953. The Employment of Children (Restriction) Regulations, 1953, made under Section 25 of the Decree, were published in January 1953.

Article 1. This is applied by Section 2 of Decree No. 8 of 1952.

Article 2. This is applied by Section 6 of the above Decree. The age limit is fixed at 15 as against 14 in the Convention. Local conditions justify this variation in age.

Article 3. Section 3, paragraph 3, of the above Decree applies this Article.

Article 4. This is applied by Section 11 of the above Decree.

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

Denmark.

Faroe Islands.

The Convention is applicable.

France.

Algeria.

The report states that the legislation provides, for the baking industry, that the term "night" shall be the interval between 10 p.m. and 4 a.m. (Article 3, paragraph 3, of the Convention).

During the period under review the total number of young persons covered by the legislation governing the employment of young persons in industry and commerce was 32,113, of whom 14,276 were in Algiers, 13,348 in Oran and 4,489 in Constantine.

Proceedings were instituted in one case in Algiers where 12 contraventions were reported.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952, Fr. 5).

Section 114 of the above Act deals specifically with the provisions of the Convention.

No exceptions have been authorised to the provisions of this Section which prescribes a minimum rest period of 11 consecutive hours for women and young workers.

In Chapter 1 of Part VII of the Act of 1952, Inspectors of Labour and Social Legislation have the right of entry at night into any premises where it is known that collective work is performed.

No difficulties were encountered in the application of the Convention.

French Equatorial Africa.

See under Convention No. 77.

French Establishments in India.

Section 114 of the Act of 15 December 1952 (see under *Cameroons*) lays down that the rest period for children shall not be less than 11 consecutive hours and that the night work of children in industry shall continue to be governed by the provisions of the Washington Conventions, extended to the territories under the Ministry for Overseas France by the Decree of 28 December 1937.

In view of the complete harmony which exists between the provisions of the above-mentioned Act and Article 2 of the Convention, the local authorities have not considered it necessary to draw up special regulations governing the night work of young persons.

The number of young workers at present protected by the labour legislation is 85 in the three textile factories of Pondicherry.

French Settlements in Oceania.

The Government states that the Convention is of no practical importance in the territory as young persons under 18 years of age are not employed.

French Guiana.

See under Convention No. 4.

French Somaliland.

The Act of 15 December 1952 (see under *Cameroons*) was promulgated in the territory by an Order of 23 December 1952.

French West Africa.

Section 114 of the Act of 15 December 1952 (see under *Cameroons*) establishes in specific terms in the sphere of legislation for the Overseas Territories the obligations resulting from the ratification of the Convention.

Section 113 of the Act lays down that the hours during which work is to be considered as night work are fixed in each territory by Order of the head of the territory.

Orders applying the Act of 15 December 1952 have been adopted in all the territories of the Federation. All these Orders define the term "night" as the period between 10 p.m. and 5 a.m.

Guadeloupe.

See under Convention No. 4.

Madagascar.

No Order has been issued in application of Section 113 of the Act of 15 December 1952 (see under *Cameroons*) to define the hours during which work is to be considered as night work.

Martinique.

See under Convention No. 4.

New Caledonia and Dependencies.

The Convention is applied in the territory under Section 114 of the Act of 15 December 1952 (see under *Cameroons*).

The inspection services have encountered no difficulties and there have been no infringements in connection with the application of the Convention. No children were employed during the night.

Réunion.

See under Convention No. 4.

St. Pierre and Miquelon.

The report states that there is no night work of young persons in the territory.

Togoland.

See under Convention No. 4.

Tunisia.

Children and young persons under 18 years of age may not be employed on any work in commerce or industry between 10 p.m. and 5 a.m. They are also entitled to a period of night rest of at least 12 consecutive hours (Section 12 of the Decree of 6 April 1950).

Exceptions to this rule have up to now been permitted only for very special reasons and under the supervision of the Labour Inspectorate.

Except with the specific permission of the Chief of Police, no child under 12 years of age may be employed as an actor or extra in public entertainments (theatres, cafés, circuses, fairs). This age is raised to 16 years in the case of acrobatic exhibitions (Section 11 of the Decree of 15 June 1910).

*Italy.**Trust Territory of Somaliland.*

Order No. 12 of 28 June 1953, to lay down uniform regulations governing the employment of children in public or private industrial, commercial and agricultural undertakings, whether or not operated for profit.

Article 1. As the Administration has extended provisions for the protection of young workers to all branches of production, it has not been considered necessary to define the line of division which separates industry from commerce and agriculture.

Article 2. Under the above-mentioned Order young persons under 18 years of age may not be employed at night. This prohibition, however, does not apply to children who have completed their sixteenth year and who are employed in industrial undertakings where work is necessarily of a continuous nature, such as sugar mills, foundries and electric power plants. As regards other industries, the Administration is empowered, after consultation with the central Labour Inspectorate, to determine the industries in which this exception may be applied.

Article 3. The above Order prescribes that young persons under 18 years of age shall be entitled to at least 11 hours of nightly rest, to be taken between 6 p.m. and 5 a.m.

In cases where work is interrupted in the middle of the day, the rest period may be less than 11 hours, provided that a compensatory rest period is granted during the day. Between 1 July 1952 and 30 June 1953 the nightly rest period does not appear to have been reduced in any industry.

There are no coal or lignite mines in the territory; furthermore, there is no prohibition of night work in bakeries.

Article 4. Under the above Order the prohibition regarding night work does not apply to children who have reached 14 years of age in cases where the normal working of the undertaking has been affected by reasons of *force majeure*. In such cases, the employer must immediately notify the regional labour inspectorate, stating the circumstances constituting the *force majeure*, the number of children employed, the timetables adopted and the number of hours of night work authorised. He must also advise the inspectorate of the date on which the night work ceases. The inspectorate is empowered to limit or suspend night work; an appeal may be made to the central Labour Inspectorate concerning any decisions to this effect.

Article 7. The regional labour inspectorate may also authorise night work for children between 14 and 18 years of age in exceptionally serious circumstances, when the public interest so requires, or when work is carried out in connection with the processing of raw materials or substances liable to deteriorate rapidly, in order to prevent total loss. Such cases have never arisen in practice. It was considered advisable to lower the age limit to 14 years (instead of 16 as laid down in the Convention) because of the unusually early age of maturity of the Somali population, due entirely to climatic factors.

The application of the above-mentioned provision is entrusted to the central Labour Inspectorate (see under Convention No. 2).

Somali courts of law do not appear to have given any decision involving questions of principle relating to the application of the Convention.

The Order regulating the employment of children came into force on 15 August 1953. It is therefore not possible to provide statistical data or reports concerning its application during the period under review.

No observations regarding the practical application of the provisions of the Convention were made by any workers' organisations or any

employer (there are no employers' organisations in the territory).

Portugal.

Portuguese Indies.

Legislative Order No. 1441 of 28 August 1952.

Section 8 of this Order provides that young persons under 17 years of age may not be employed in industry before 6 a.m. or after 8 p.m.

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

Australia.

Nauru and Norfolk Island.

The Convention is considered inapplicable since no local shipping services exist.

New Guinea and Papua.

The Native Labour Ordinance, 1950-1952, applies only to Native children; the law advisers of the Commonwealth Government have advised that the Convention could not be given full legal effect unless all children under 14 years of age were protected. Legislative provision could best be made under a consolidated Navigation Ordinance for Papua and New Guinea.

Denmark.

Faroe Islands.

The Convention is applicable.

Italy.

Trust Territory of Somaliland.

Ordinance No. 12 of 28 June 1953 lays down uniform provisions governing the employment of children in public or private industrial, commercial and agricultural undertakings, whether or not operated for profit.

Sections 3 and 5 of the Ordinance, which deal with the employment of children on board vessels, are worded as follows:

"Section 3. Children under 14 years of age shall not be assigned to work on vessels other than training ships authorised by the Administration or vessels on which relatives of such children, willing to assume responsibility for them, are employed."

"Section 5. In order to ensure the application of Sections 3 and 4, the master of the vessel shall enter in an appropriate register the names of all persons under 18 years of age employed on board, together with their age and the type of work performed."

It was not considered necessary to make provision in the Ordinance for the exception stipulated in Article 1 of the Convention concerning ships of war as there are no such ships within the jurisdiction of the territory.

As there is in the territory a vocational school for navigation and fishing, due account was taken of the need for allowing its pupils to take part in training cruises on vessels owned by the Administration or authorised by it.

The application of the above-mentioned provisions is entrusted to the central Labour Inspectorate (see under Convention No. 2).

Somali courts of law do not appear to have given any decisions involving questions of principle relating to the application of the Convention.

The Ordinance regulating the employment of children came into force on 15 August 1953. It is therefore not possible to provide statistical data or reports concerning its application during the period under review.

No observations regarding the practical application of the provisions of the Convention were made by any workers' organisations or by any employer (there are no employers' organisations in the territory).

United Kingdom.

Aden.

Under Cap. 87 of the Aden Merchant Shipping Ordinance the District Commissioner, the Labour and Welfare Officer and the Assistant Labour and Welfare Officer are the duly authorised officers.

Leeward Islands.

Under the legislation in force children under the age of 14 years must attend school.

Malaya.

A draft of a new Employment Code, which is designed, to apply the main provisions of the Convention, is under consideration by a Select Committee of the Legislative Council.

North Borneo.

On 30 June 1953 there were 98 vessels registered, all but eight of them being under 100 tons.

Nyasaland.

The Shipping Ordinance of 1951 has not yet been brought into force. The Order in Council (enabling registrars of shipping to be appointed) has been made but the Ordinance cannot be brought into force until certain other administrative action has been applied locally.

Sarawak.

Labour Ordinance No. 24 of 1951.

The above legislation, which came into force on 1 July 1952, repeals and replaces the previous

legislation. The definition of "ship" does not include a ship of war.

Tanganyika.

A definition of "ship" has been included in a new Employment Bill now in its final draft form before presentation to the Legislature.

Trinidad and Tobago.

See under Convention No. 5.

Zanzibar.

For legislation, see under Convention No. 5.

Article 1. This is applied by Section 2 of Decree No. 8 of 1952.

Article 2. This is applied by Section 12, paragraph 1 (a), of the above Decree.

Article 3. This is applied by Section 12, paragraph 1 (c), of the above Decree.

Article 4. This is applied by Section 15 of the above Decree.

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

Australia.

New Guinea and Papua.

Seamen (Unemployment Indemnity) Ordinance, 1951.

The separate Ordinances for the territories of Papua and of New Guinea as set out in previous reports were repealed by the above-mentioned Ordinance, which consolidates the earlier legislation.

Denmark.

Faroe Islands.

The Convention is applicable.

France.

French Guiana.

See under *Guadeloupe*.

French Settlements in Oceania.

The Convention is not applied in the territory.

Guadeloupe.

The provisions in force for metropolitan France are fully applicable in the territory.

Martinique.

See under *Guadeloupe*.

Morocco.

No relevant provisions exist in Moroccan legislation.

Réunion.

See under *Guadeloupe*.

Tunisia.

The regulations applying to seamen in Tunisia are not in full conformity with the provisions of the Convention.

However, in view of the development of Tunisian merchant shipping, which up to now has been of relatively small importance, the relevant legislation is now under consideration with a view to its revision. The draft which has been prepared will, if adopted, bring the conditions of work and employment aboard Tunisian merchant and fishing vessels, as well as pleasure craft, into substantial conformity with the metropolitan regulations.

Italy.

Trust Territory of Somaliland.

There are no regulations covering this question. During the period under review there were no cases to which the provisions of the Convention could have been applied.

United Kingdom.

Barbados.

There are no statistics for the period under review as the Convention is not applied to ships of under 250 tons gross registered tonnage.

Hong Kong.

During the period under review there were two cases of foundering of Hong Kong and United Kingdom registered ships; indemnities were granted under Article 2 of the Convention.

North Borneo.

See under Convention No. 7.

Sarawak.

The legislation which had previously implemented this Convention was repealed with the coming into force of the Labour Ordinance No. 24 of 1951. The Merchant Shipping Bill, now in preparation, will include provisions to meet the requirements of the Convention.

9. Convention for establishing facilities for finding employment for seamen

Australia.

Nauru, New Guinea, Norfolk Island and Papua.

No local shipping services exist.

Denmark.

Faroe Islands.

The Convention is applicable.

France.

Cameroons.

In accordance with the instructions given by the Ministry for Overseas France concerning unemployment among indigenous seamen, a text is at present being prepared with a view to stabilising the number of indigenous seamen, whether employed in coastal or long-distance vessels.

It is hoped that these provisions will be applicable in the early months of 1954.

French Equatorial Africa.

In the opinion of the Council of State "the Act of 13 December 1926 to issue a Seamen's Code applies regardless of the position of the ship and the seamen employed on board; it therefore applies in colonies and foreign countries in the same way as it does in metropolitan France".

This text contains provisions as strict as those to be found in the Conventions dealing with the placing, engagement and repatriation of seamen, as well as the obligations of the shipowner.

The seamen's insurance scheme is regulated by the Decrees of 17 January 1935 and 7 May 1952 which are applicable overseas.

The delivery of certificates of capacity to officers in the merchant navy and to able seamen is subject to the regulations of the French merchant navy.

French Guiana.

See under *Guadeloupe*.

French Settlements in Oceania.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926—Fr. 13).

Articles 1 to 4. The placing of seamen is made chiefly by direct engagements, occasionally through the trade unions.

Guadeloupe.

The setting up of seamen's employment offices depends on the functioning of a departmental manpower office. In the absence of placing offices the hiring of seamen takes place in accordance with the metropolitan legislation through direct engagement or through the information offices of the officers' and seafarers' trade unions.

Madagascar.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 174 of the above-mentioned Act provides for the setting up of regional manpower offices placed under the authority and permanent supervision of the inspector of labour and social legislation, and entrusted in particular with the registration of vacancies and requests for employment.

As soon as these bodies have been set up, all other services will cease to deal with questions concerning the placing of workers.

Martinique.

See under *Guadeloupe*.

Morocco.

Moroccan legislation does not contain any relevant provisions.

Réunion.

See under *Guadeloupe*.

Tunisia.

See under Convention No. 8.

Italy.

Trust Territory of Somaliland.

The question has not been regulated because of the small size of the Somali merchant navy which consists of a few vessels of low tonnage and of *sambouks* (wooden vessels). There are no private agencies dealing with the placing of seamen, nor are there any shipowners' or seamen's associations. The protection of seamen is ensured by the common law provisions and by the provisions of the Merchant Navy Code of Tripoli and Cyrenaica; this Code, which is still in force, was approved by Royal Decree No. 902 of 22 May 1913 and extended to Somaliland in virtue of Royal Decree No. 1019 of 1 June 1936.

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

France.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 118 of the above-mentioned Act is applicable.

See also under Convention No. 5.

French Equatorial Africa.

See under Convention No. 77.

French Establishments in India.

See under Convention No. 5.

French Guiana.

The Convention is applied in the territory.

French Settlements in Oceania.

The Convention does not apply in the territory.

French Somaliland.

Decree of 22 May 1936.

Act No. 52-1322 of 15 December 1952 (see under *Cameroons*).

In accordance with the above-mentioned texts, the minimum age for the admission of children to employment in agriculture is 13 years. It should be noted, however, that there is only one undertaking in French Somaliland which could be considered as an agricultural undertaking, that the few plots of cultivable land in the territory are worked by farming families, generally of foreign origin and leased for a short period, and that the only important undertaking which could be considered as an agricultural undertaking is

the Djibouti Salt Works, which is more industrial than agricultural in character.

The supervision of the laws and regulations concerning the age for admission of children to employment in agriculture is entrusted to the labour inspector, who has reported no contraventions during the period under review.

French West Africa.

The Act of 15 December 1952 (see under *Cameroons*) applies in all undertakings and, consequently, in all branches of activity whether agricultural, industrial or commercial (see under Convention No. 5).

Apart from these legislative measures, reference is made to the report supplied for the previous period.

Guadeloupe.

The Convention is applied in the territory.

Madagascar.

The Act of 15 December 1952 (see under *Cameroons*), is applicable to workers in all industrial, agricultural and commercial undertakings.

There are no special regulations concerning the minimum age for the admission of children to employment in agriculture.

See also under Convention No. 5.

Martinique.

The Convention is applied in the territory.

Réunion.

The Convention is applied in the territory.

St. Pierre and Miquelon.

Since agriculture is not extensive in the territory, no child under 14 years of age is employed in this branch.

Togoland.

See under Convention No. 5.

Tunisia.

There are no provisions in the labour legislation laying down a minimum age for employment in

agricultural work or limiting such employment on the basis of compulsory school attendance.

The regulation of child labour in agriculture is at present under consideration.

Italy.

Trust Territory of Somaliland.

Ordinance No. 12 of 28 June 1953.

Article 1. The Ordinance provides that no child under 14 years of age may be employed in agricultural work except in the case of children doing light agricultural work for a member of their family or of pupils attending non-profit-making agricultural training courses.

In order to take into account the very early age of maturity of the indigenous population, the age limit has nevertheless been lowered to 12 years in the case of light agricultural work, such as seasonal sorting and harvesting, provided the parents or guardians of the child in question are not expressly opposed to this.

Since there is no compulsory schooling in Somaliland and since such measures could not be applied because a large proportion of the population lives a nomadic life, it has not been considered necessary to fix hours of work for children under 14 years of age in the case of work carried out outside school hours. Nevertheless, the Administration has the right, in accordance with Section 1 of the above-mentioned Ordinance, to fix by decree the hours of work of children under 14 years of age in such a way as to enable them to attend school.

The supervision of the application of the above-mentioned provisions is entrusted to the central Labour Inspectorate.

The Somali courts of law do not appear to have given any decision concerning questions of principle relating to the application of the Convention.

The Ordinance regulating the work of children came into force on 20 August 1953. It was not therefore possible to supply statistical information and reports concerning the application of the Ordinance during the period under review.

11. Convention concerning the rights of association and combination of agricultural workers

Denmark.

Faroe Islands and Greenland.

The Convention is applicable.

France.

Cameroons.

See under *French Equatorial Africa*.

See also under Convention No. 87, *Cameroons*.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The trade union rights which were granted to workers in the Overseas Territories by the Act

of 1884 and the Decree of 7 August 1944 were again confirmed by the Act of 15 December 1952 and explicitly granted to agricultural workers by Article 3, which provides that industrial trade unions are set up exclusively for the study and the defence of economic, industrial, commercial and agricultural interests. There are not yet any trade unions of agricultural workers in French Equatorial Africa.

French Establishments in India.

See under *French Equatorial Africa*.

French Guiana.

The Convention is applied in the territory.

French Settlements in Oceania.

See under *French Equatorial Africa*.

French Somaliland.

See under *French Equatorial Africa*.

French West Africa.

See under *French Equatorial Africa*.

Guadeloupe.

The Convention is applied in the territory.

Madagascar.

See under *French Equatorial Africa*.

Martinique.

The Convention is applied in the territory.

New Caledonia and Dependencies.

See under *French Equatorial Africa*.

Réunion.

The Convention is applied in the territory.

St. Pierre and Miquelon.

See under *French Equatorial Africa*.

Togoland.

See under *French Equatorial Africa*.

*Italy.**Trust Territory of Somaliland.*

The right of association is fully recognised to agricultural workers, and to all workers without distinction, by Article 8 of the Declaration of the Constitutional Rights appended to the Trusteeship Agreement and by Article 39 of the Constitution of the Italian Republic. In Somaliland there are no regulations limiting this right, with the exception that the constitution and rules of the associations must be communicated to the Trusteeship Administration.

*United Kingdom.**Cyprus.*

At the end of 1952 there were four registered trade unions of agricultural workers with a total paid-up membership of 1,756.

Dominica.

Trade Unions and Trade Disputes Ordinance, No. 12 of 1952.

The above legislation, which repeals the legislation previously in force, applies the provisions of the Convention.

Article 1. Under Section 17 of the Ordinance the term "workmen" includes all persons employed in commerce or industry. There are no provisions restricting the rights of association of persons engaged in agriculture, and workers are

encouraged to join recognised trade unions. Section 6 provides for the appointment of a Registrar who "upon being satisfied that the trade union has complied with the rules respecting registry in force under the Ordinance shall... register the trade union..." (Section 9 (2)). Under Sections 10 (3) and 11 (1) the Registrar is empowered, under certain conditions, to refuse registration to or cancel registration of a trade union. There is provision in either case for appeal by the trade union to the Supreme Court. Under Section 13 the Registrar is responsible for the inspection of audit certificates, accounts, statements of membership, etc., which must be submitted to him by the treasurer of every union each year.

Hong Kong.

There is only one union of agricultural workers, the Hong Kong Graziers' Union, which is engaged in dairy farming and has a membership of 117.

Kenya.

A new Trade Union Ordinance (No. 23 of 1952) and regulations thereunder were enacted in 1952. These texts in no way derogate from the rights of association and combination among agricultural workers.

A small number of Africans in the Nairobi area who were not themselves engaged in agriculture made an application at the end of the period under review to register an "East African Agricultural Workers Union".

Leeward Islands.

On 30 June 1953 the only workers' organisation registered under the laws of the Presidency of Antigua had a paid-up membership of 11,028, the majority being agricultural workers.

Mauritius.

Out of a potential trade union membership of approximately 60,000, about 8,000 labourers are paying members.

Northern Rhodesia.

The provisions of the Convention are embodied in the Trade Unions and Trade Disputes Ordinance (Chapter 25 of the Laws of Northern Rhodesia).

The definition of "trade union" does not exclude agriculture.

The application and administration of the trade union legislation is under the direction of the Commissioner for Labour and Mines, with the assistance of labour advisers.

No trade union of agricultural workers has yet been formed.

Sarawak.

The Registrar of Trade Unions is empowered to enforce existing legislation. No decisions were given by courts of law. No representations have been received regarding application of the Convention.

12. Convention concerning workmen's compensation in agriculture

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

The report states that there is no accident compensation scheme in the territories applying specifically to agriculture, and refers to the report on the application of Convention No. 17.

*Denmark.**Faroe Islands.*

In connection with the possibility of applying the Convention to these islands, the report states that the Workmen's Compensation Act of 20 May 1933, as amended by Act No. 171 of 13 April 1938 and Act No. 32 of 8 February 1939, has been extended to the Faroe Islands by a Royal Faroe Islands Ordinance of 29 August 1939 respecting insurance against the consequences of accidents, subject to such amendments as are necessitated by the special circumstances obtaining in the islands. These amendments will not affect the application of the Convention to the Faroe Islands.

*France.**Cameroons.*

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

This Act, which makes it obligatory to report occupational accidents to the Inspectorate of Labour and Social Legislation in the first place, does not make any distinction between workers in respect of accident compensation; agricultural workers are entitled to the same benefits as wage earners in other branches of production.

In 1952 there were four accidents in agriculture; three of the victims were incapacitated for more than ten days, and one was killed. These four accidents represent 1.5 per cent. of the total number of accidents occurring in the territory.

French Equatorial Africa.

See under Convention No. 17.

French Establishments in India.

Compensation for industrial accidents in general is covered by Section 137 of the Act of 15 December 1952 (see under *Cameroons*) and by the Local Order of 26 September 1941.

French Guiana.

See under Convention No. 17, *Guadeloupe*.

Guadeloupe.

See under Convention No. 17.

Martinique.

See under Convention No. 17, *Guadeloupe*.

New Caledonia and Dependencies.

During the year 1952 five accidents were reported.

Réunion.

See under Convention No. 17, *Guadeloupe*.

St. Pierre and Miquelon.

The few agricultural wage earners in the territory are members of the occupational accident insurance scheme instituted by an Order of 31 October 1949.

Tunisia.

Under the Decree of the Bey of 31 January 1924 extending to Tunisia the French Act of 15 December 1922, the legislation respecting accidents in industry and commerce (see under Convention No. 17) also applies to agriculture subject to the following special provisions.

Farmers who usually work alone or with the help of members of their family are not covered by the Act, even if they employ occasionally one or several paid or unpaid helpers. However, farmers who are not covered but who take out insurance for the members of their family or for their occasional helpers may avail themselves of the benefit of the workmen's compensation legislation in respect of any accidents which may occur to the workers employed by them. Farmers, whether covered or not, may also, under the same conditions, avail themselves of the benefits of the Act.

If the victim of an accident is not a wage earner, or if he receives a variable wage or a wage in kind, the compensation provided for in case of permanent invalidity or death is calculated in accordance with an average wage fixed annually by the Administration after consultation with the authorities and organisations concerned.

*Italy.**Trust Territory of Somaliland.*

The Trusteeship Administration has not deemed it opportune to extend to agricultural workers the compulsory insurance scheme against occupational accidents (which applies to industrial workers) in view of the low standard of work of the Somali agricultural workers, and more particularly in view of the special nature of their activities, which are limited to light work (sowing, weeding, harvesting) in which there is little risk of accident. During the first three years of the Trusteeship Administration, no accident caused by the performance of such work was reported. On the other hand, compulsory insurance covers the categories of workers engaged in operating agricultural machinery, such as tractors, machines for cutting sugarcane, levellers and excavators.

The agricultural worker is, however, protected by local customs which provide for the payment of the full wage during a period of incapacity,

and, in the case of permanent invalidity, for a lump-sum payment fixed by the civil magistrate after consultation with the *cadi*.

New Zealand.

Cook Islands.

In drafting the relevant regulations it has not yet been possible to formulate a scheme acceptable to the insurance companies of New Zealand. Meanwhile, in practice, the Administration pays compensation to its employees on the basis of two-thirds of their earnings.

United Kingdom.

British Guiana.

Workmen's Compensation (Consolidation) Ordinance, No. 63 of 1952.

Up to 30 June 1953 the above legislation had not yet come into force because the Regulations necessary for its implementation have not yet been completed. The definition of "workman" given in Section 2 of the Ordinance includes all persons employed in agriculture. Under Section 3 (1) (a) of the Ordinance, an employer is not liable to pay compensation for an injury which does not incapacitate a worker for more than three consecutive days; under Section 8 (1) (iv), compensation is not payable in respect of the first three days if the incapacity lasts less than twelve days. Unless mutually settled, claims for compensation must be brought in a court of law and determined by a magistrate. Labour inspectors, in addition to enforcing the legislation in respect of compulsory workmen's compensation insurance, also inspect and advise workers on accident prevention measures and assist them in submitting claims for compensation. During the period under review 11,455 accidents to agricultural workers involving incapacity for three days and over were reported.

British Honduras.

During the period under review 226 accidents were reported in private undertakings; three of these were fatal and two resulted in permanent partial incapacity. Total compensation paid amounted to \$9,546. There were 67 accidents to government manual workers, three resulting in permanent partial incapacity; the total compensation paid amounted to \$1,087.

Hong Kong.

It has not been considered necessary to extend the scope of workmen's compensation to cover workers in agriculture because, as previously reported, the land is worked almost entirely on a family basis.

Kenya.

During the year 1952, 218,378 Africans were employed in agriculture.

The numbers of European and Asian workers were 1,276 and 407, respectively. During the same period the total compensation paid in respect of 95 cases of accidents which occurred in agriculture, including sisal factories, was £2,180.

Leeward Islands.

During the period under review 6,000 agricultural workers were covered in Antigua and 6,086 in St. Kitts-Nevis-Anguilla; 205 accidents were reported in St. Kitts, none being fatal. The total amount of compensation paid was \$2,795.

Malaya.

Workmen's Compensation Ordinance, No. 85 of 1952.

Under the above legislation, which came into force in April 1953, agricultural workers continue to be treated on exactly the same footing in regard to workmen's compensation as any other wage earners. During the period under review 1,367 accidents to plantation workers were reported, of which 90 were fatal. The total compensation paid amounted to \$419,468. Labour Department returns indicate that 308,257 workmen were employed on plantations on 30 June 1953.

Malta.

See under Convention No. 17.

Mauritius.

The Convention is applied by Ordinance No. 78 of 1952.

North Borneo.

Statistics for the calendar year 1952 indicate that 11,830 workers were covered; 50 accidents were reported, of which five were fatal. The total compensation paid amounted to \$4,353.

Nyasaland.

In January 1953 the provisions of the Workmen's Compensation Ordinance (Chapter 132 of the Laws) were applied to every form of employment in the Protectorate with the exception of domestic workers employed otherwise than in the service of a hotel, boarding house, club or similar establishment.

A copy of Government Notice No. 8 of 1953 is appended to the report.

Solomon Islands.

Workmen's Compensation Regulation, No. 5 of 1952.

The above legislation applies to all agricultural wage earners. The inspector of labour and the district commissioners are entrusted with the application of the legislation and are empowered to enter any premises to inspect conditions of employment. The inspectorate comprises an inspector of labour and nine administrative officers, all available for touring and inspection, and is adequate for proper supervision at the present stage of the Protectorate's development. Enforcement of the legislation, where necessary, is ensured by prosecution before the High Commissioner's Court. No decisions were given by courts of law. The legislation was brought into force on 1 October 1952 by Proclamation signed by the High Commissioner. There were no contraventions and no accidents were reported. There are no obstacles to the practical fulfilment of the Convention.

St. Lucia.

During the period under review 80 accidents, involving temporary disablement only, were reported.

Seychelles.

A draft Ordinance is under consideration.

Singapore.

Although no accurate returns are available as to the actual number of agricultural wage earners, the number is estimated at 2,200, of whom 1,000 are engaged on rubber and pineapple plantations.

Tanganyika.

The labour census held on 31 July 1952 revealed that 233,027 African workers were employed in agricultural concerns (excluding the Government Agricultural Service and its various branches) and

that 159,620 of these were males in regular employment.

During the year 1952, 237 accidents were reported in respect of agricultural workers (313 in 1951). The number of accidents to workers employed in the sisal industry was 576 for 1952 (315 in 1951).

The increase in the total number of injuries reported is due to the improved administration of the Ordinance.

During the year 1952 there were no cases where compensation assessed by the Department of Labour was not paid.

Trinidad and Tobago.

The report submitted by the Committee appointed to study and to make recommendations for the revision of existing legislation governing workmen's compensation is now under consideration by the Government. Detailed statistics on workmen's compensation are not available but accidents reported in compliance with the Factories Ordinance show that 1,636 persons were disabled for more than three days and eleven persons died from injuries received.

13. Convention concerning the use of white lead in painting

*France.**Cameroons.*

A circular containing instructions for the measures to be taken in undertakings doing spray-painting was published by the Health Service.

French Establishments in India.

The number of painters protected by the legislation is 34.

Madagascar.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 134 of the above Act provides that safety and hygiene conditions at the place of work will be regulated by order of the head of the territory; for the time being the Decree of 7 April 1938 remains in force.

St. Pierre and Miquelon.

The report states that there is no local administrative regulation concerning the application of the Convention in the territory.

Painting work, in which white lead is rarely used, is done exclusively by men and young persons over 18 years of age, and is limited to the upkeep of houses and boats.

Tunisia.

Decree of 10 April 1922 respecting the use of white lead (L.S. 1922—Tun. 1).

This Decree refers to the prohibition of the use of white lead in any form in all house-painting work; its use for other work is authorised only in the form of paste.

Safety instructions have been issued to prohibit the handling of white lead substances as well as dry-scraping and pumicing of paints containing white lead; these instructions also provide for the issuing of clothing to be used only for such work.

No specific cases of white lead poisoning have been brought to the attention of the Ministry of Labour. This is probably due to the increasingly general use of less harmful substances.

*Italy.**Trust Territory of Somaliland.*

No legislative provision has been enacted to ensure the application of the Convention, but all the hygiene and prophylactic measures in force in Italy are observed in Somaliland.

The amount of work involving the use of lead or its compounds is very small in the territory, where there are no varnish works except one small undertaking which uses colouring matter of local origin and some imported products, but no lead or compounds of that metal.

14. Convention concerning the application of the weekly rest in industrial undertakings

Denmark.

Faroe Islands.

The Convention is applicable.

France.

Algeria.

During the year 1952, 324 contraventions were noted and 119 reports were drawn up. Numerous complaints concerning breaches of the prefectorial orders regarding closing hours were lodged with the Labour Inspectorate. The majority of the contraventions noted concerned bakery shops.

Cameroons.

Order No. 2732 of 28 May 1953 lays down the methods of application of the weekly rest.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The above-mentioned Act has now confirmed the provisions of the General Order of 21 December 1935 by stating (Section 120): "The weekly rest is compulsory and must be of a minimum duration of 24 consecutive hours per week. In principle it should be given on Sunday.

"An Order issued by the head of the territory upon the advice of the Labour Advisory Committee determines the methods for the application of the preceding paragraph and particularly the occupations for which, and the conditions in which, the weekly rest may, exceptionally and for clearly established reasons, be taken in rotation or collectively on other days than Sunday, or be suspended to compensate for traditional and local holidays, or spread over a period longer than one week."

French Establishments in India.

The subject matter of the Convention is dealt with in Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

In practice, the regulations are applied under the strict supervision of the Labour Inspectorate. During the period under review the weekly rest by rotation was authorised in undertakings for the supply of lighting, the distribution of drinking water and for land transport other than by rail.

French Settlements in Oceania.

Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*) contains provisions relating to the Convention, the principles of which were already applied in Oceania.

Orders of application are under consideration.

No observations were made with regard to the existing system.

French Somaliland.

The report refers to Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

French West Africa.

For the legislation and the provisions of Section 120 of the Act of 15 December 1952, see under *French Equatorial Africa*.

The Orders of application issued under Section 120 of the above-mentioned Act are applied in all the territories of the Federation as from 26 June 1953. The main object of these Orders, which are all identical, is to determine the cases and the conditions in which exceptions to the principle of the Sunday rest and the weekly rest are authorised.

The report contains detailed information regarding various exceptions to the Sunday rest in certain undertakings and in retail commercial establishments; a compensatory rest period is given to the staff concerned. Exceptions to the principle of the weekly rest are admitted in connection with urgent work in certain industries for the handling of perishable goods and for certain specialised occupations, such as watchmen, caretakers, persons employed in power stations or in connection with factories or processes where work is carried on continuously.

The Orders referred to above provide for the following control measures: a notice must be posted up relating to days and hours of rest when the rest is given collectively to all or to a part of the staff. The duplicate of the notice must be sent to the labour inspection service before it is applied. A special register must be kept, giving the names of the workers who are covered by a special weekly rest system and containing details of this rest period. The entering in this register of newly engaged workers covered by the special rest system is compulsory after five days.

Contraventions of the various provisions relating to the weekly rest are liable to the penalties laid down in Section 222 of the Act of 15 December 1952, of a fine varying between 200 and 500 frs. and in the case of repetition of the offence, between 400 and 4,000 frs.

The supervision of the application is entrusted to the Inspectors of Labour and Social Legislation.

The new regulations respecting the weekly rest have recently come into force. It is therefore not possible to give a report on their application.

Madagascar.

The report quotes Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

An Order to be issued by the head of the territory will determine the methods for the application of this section. Until this Order has been issued, the provisions of the Decree of 7 April 1938 already referred to will remain in force.

No court decisions were given with regard to the application of the Convention.

New Caledonia and Dependencies.

The regulations analysed in the previous reports will remain in force until the promulgation (which will shortly take place) of the Executive Order

envisaged by Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

St. Pierre and Miquelon.

All workers without exception enjoy the benefit of the weekly rest. This rest is compulsory under the provisions of Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*).

Togoland.

The Order to be promulgated before the end of 1953, in application of Section 120 of the Act of 15 December 1952 (see under *French Equatorial Africa*), will not meet with any difficulties of application.

Tunisia.

The weekly rest was regulated in detail in Tunisia in 1921 (Decree of 20 April) and ensures to a large extent the application of the provisions of the Convention.

In fact, the weekly rest is applied in Tunisia by the same methods as in France, taking into account that the day of rest may be either on Friday, Saturday or Sunday.

Industries processing perishable goods or which are obliged to operate continuously are the only ones authorised by law to grant the weekly rest by rotation.

Employers' and workers' associations may issue joint requests to public authorities for the adoption of special measures including, in particular, the closing on a given day of all the undertakings of the same trade for a given locality or for a certain district only.

The application of these provisions is closely supervised by the Labour Inspectorate, to which employers must supply statements on the measures chosen to ensure the weekly rest of their staff.

These measures are posted up in the undertakings.

Italy.

Trust Territory of Somaliland.

The Administration gave consideration to provisions for ensuring the application of the Convention, with the adjustments made necessary by local conditions. With particular reference to juvenile employment, Section 10 of Ordinance No. 12 of 28 June 1953 lays down that the weekly rest for children under 18 years of age must be of a minimum duration of 24 consecutive hours. This provision is strictly observed in industrial undertakings in the territory and the Labour Inspectorate is entrusted with the supervision of its application.

In the absence of specific provisions, which so far have not been requested by workers' organisations, the question is covered by the corresponding Italian provisions in so far as they can be applied. Up to now no dispute has arisen between workers and employers regarding the weekly rest. Moreover, no legal body appears to have given any decision on questions of principle relating to the weekly rest.

Portugal.

Angola.

Twenty infringements of the weekly rest legislation were noted, and resulted in fines which were paid voluntarily by the offenders.

Mozambique.

During the period under review four commercial and industrial establishments were authorised to carry out urgent work on Sundays and public holidays, involving a total of 32½ hours' overtime.

No infringements of the legislation in force relating to the provisions of the Convention were reported.

Portuguese Indies.

Legislative Order No. 1441 of 28 August 1952.

Section 20 of this Order states that industrial and commercial undertakings, with or without employees, must close on Sundays and national holidays. However, the head of the civil administration, in order to take account of the desire to respect local civil or religious holidays, may authorise the closing of these undertakings on other days than Sundays and public holidays. Persons legally authorised to work on Sunday are entitled to a compensatory day of rest within the three following days. Work performed on Sunday is remunerated at double the usual wage rate, except in the case of persons employed in services which operate continuously.

Under Section 22 the above provisions do not apply to hotels, restaurants, funeral undertakers, markets or fairs, daily press services, ice-cream factories, photographic studios, establishments for medicinal baths, cafés, pastrycooks, dairies and shipping agencies whose ships are in port. In the case of mixed commercial undertakings this exemption only applies to the branches specifically mentioned in the above section.

For the purposes of the above section only pharmacies essential to the needs of the population may remain open to the public on rest days and national holidays. These must conform to the timetables and the system of rotation established, or about to be established, by the Directorate of the Health Services. Bakers', hairdressers' and butchers' shops may open on Sundays until midday; moreover, in each district one grocery establishment, also selected under a system of rotation by the administrative authority, may remain open for the same period.

Industries which operate continuously, or those operating on a shift system, must be organised so as to allow their employees to have one day of rest per week.

S. Tomé and Príncipe.

Ordinance No. 1825 of 13 December 1952.

The above Ordinance introduced several changes of detail in the legislation and regulations in force relating to work on plantations.

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

Australia.

Nauru and Norfolk Island.

See under Convention No. 9.

New Guinea and Papua.

The Native Labour Ordinance, 1950-52, prohibits the employment of Natives "under, or apparently under", the age of 16 years.

In regard to the position of non-Native young persons, see under Convention No. 7.

Denmark.

Faroe Islands.

The Convention is applicable.

France.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The Orders relating to the application of Section 118 of the above-mentioned Act with regard to the work of children and young persons contain the following provisions, in conformity with those of the Convention: "The minimum age for admission to employment as trimmers or stokers on board ship is fixed at 18 years; this also applies with regard to all work carried out in dangerous or unhealthy conditions or requiring a large expenditure of strength or attention". These Orders will probably be issued in the course of the month of November, after consultation with the occupational organisations.

French Settlements in Oceania.

The Convention does not apply in the territory since the local vessels are either sailing ships or are motor propelled.

Madagascar.

There are no special regulations concerning the minimum age for the admission of young persons to employment as trimmers or stokers.

See also under Convention No. 5.

Morocco.

Article 2. Section 176 (4) of the Merchant Marine Code (as amended on 1 December 1930) prohibits the employment of ships' boys under 16 years of age as trimmers or stokers.

This legislation contains no other detailed provisions.

Tunisia.

See under Convention No. 8.

Italy.

Trust Territory of Somaliland.

Ordinance No. 12 of 28 June 1953 (in particular, Sections 4 and 5).

No exception is made to the prohibition of the employment of children under 18 years of age on board ships as trimmers or stokers; this also applies to work on board training ships authorised and supervised by the Administration, and to work on ships which are mainly propelled by means other than steam. The Ordinance therefore does not allow the exception contained in Article 3 of the Convention.

In accordance with Section 5 of the Ordinance, the master of the vessel is required to keep a special register of all the young persons employed on board, together with details of their age and employment. However, the Ordinance does not lay down a special model for this register.

There are no provisions which stipulate that the contract should contain a summary of the relevant provisions.

The supervision of the application of the provisions regulating the employment of minors on board ship is ensured by the Labour Inspectorate and by the harbour authorities. The question is, however, relatively unimportant as only a very small number of vessels are registered in Somaliland, apart from the *sambouks*, which are sailing vessels.

The Somali courts of law do not seem to have given any decisions on questions of principle relating to the application of the Convention.

United Kingdom.

Fiji.

There is now one steam vessel engaged in the coastal trade, but under an arrangement between the Labour Department and the shipowner no person under the age of 18 years will be employed as a trimmer or stoker. Section 69 (b) of the Labour Ordinance of 1947 provides that a person between 16 and 18 years of age may be so employed if certified by a qualified medical practitioner to be physically fit. However, an early opportunity will be taken to repeal this provision.

Malaya.

The draft of a new Employment Code, which is designed to apply the provisions of this Convention, is under consideration by a Select Committee of the Legislative Council.

North Borneo.

See under Convention No. 7.

Nyasaland.

See under Convention No. 7.

Sarawak.

Labour Ordinance No. 24 of 1951 (came into force on 1 July 1952).

Section 80 of the above Ordinance provides as follows: "No young person shall be employed as a trimmer or stoker in any ship unless prior written approval for such employment has been given by the Protector". There is no approved form of register. The Protector of Labour will give his written approval only in the cases provided for in Article 3 of the Convention. No decisions were given by courts of law. No observations were received regarding application of the Convention.

Zanzibar.

For legislation see under Convention No. 5.

Article 1. This provision is applied by Section 2 of Decree No. 8 of 1952.

Article 2. This provision is applied by Section 14 (1) of the above Decree.

Article 3. This provision is applied by Section 14 (2) (i) of the above Decree.

Article 4. This provision is applied by Section 14 (2) (ii), of the above Decree.

Articles 5 and 6. These provisions are applied by Section 15 of the above Decree.

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

Australia.

Nauru and Norfolk Island.

See under Convention No. 7.

New Guinea and Papua.

The Native Labour Ordinance, 1950-52, prohibits the employment of Native children under the age of 16 years and provides for the compulsory medical examination of Native young persons over 16, including those employed at sea.

In regard to the position of non-Native children and young persons, see under Convention No. 7.

Denmark.

Faroe Islands.

The Convention is applicable.

France.

Cameroons.

Although this is not required by any text, the Shipping Registration Service ensures that no engagement is made in Douala, even on local vessels, unless the seaman submits a medical certificate showing that he is fit to carry out the duties in question.

French Equatorial Africa.

See under Convention No. 77.

French Settlements in Oceania.

Act of 13 December 1926 (L.S. 1926—Fr. 13), to issue a Seamen's Code.

Articles 1 to 4. Registration on the crew list is subject to a compulsory medical examination at the expense of the shipowner and a free X-ray examination ensured by the Social Service.

Application is ensured by the Shipping Registration Service.

No engagement is made without a medical certificate from the shipowner stating that the seaman is fit for service at sea. In addition, a verbal agreement has been made between the Social Service, the Health Service and the Shipping Registration Service to ensure that a free X-ray examination is made prior to each engagement and that a check-up is made at least once a year.

Madagascar.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code for the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 32, paragraph 1, of the above Act provides that all contracts of employment for a specified period of over three months or necessitating the accommodation of the workers away from their usual place of residence should, after these workers have been medically examined, be drawn up in writing in the manpower office of the place of employment or, failing this, before the inspector of labour and social legislation or his authorised representative.

When the manpower offices in question have been set up the provisions of the Decree of 7 April 1938 will cease to be applicable.

Morocco.

The local maritime legislation does not contain any provision of this nature.

Tunisia.

See under Convention No. 8.

Italy.

Trust Territory of Somaliland.

Ordinance No. 12 of 28 June 1953 (in particular, Sections 18 and 19).

This Ordinance applies on the whole to all young persons under 18 years of age. No adolescent under 18 years may be employed in any work unless a medical certificate shows his fitness for the work. Subsequently, and up to the age of 18 years the persons concerned must be examined at least once a year. The doctors attached to the Administration are required to carry out these medical examinations and to issue the certificates free of charge. The Ordinance does not authorise the exception provided for in Article 4 of the Convention.

The supervision of the application of the above-mentioned provisions is entrusted to the Labour Inspectorate (see under Convention No. 2).

Section 19 of Ordinance No. 12 provides, in particular, that regional labour inspectors should have the right to demand the medical examination

of young persons. When it is shown that the work exceeds the strength of the young person, the regional labour inspector may require that the person in question should give up his work or that he should be given work in relation to his physical condition.

The Somali courts of law do not appear to have given any decisions on questions of principle relating to the Convention.

United Kingdom.

Aden.

The Convention is applied by Cap. 87, Aden Merchant Shipping Ordinance.

Hong Kong.

The enforcement of the provisions of the Convention in respect of young persons signed on for service in ships of nations with consular representatives in the Colony, e.g., Denmark, France, Norway, the Philippines, Sweden and the United States, is a matter for such representatives.

North Borneo.

See under Convention No. 7.

Nyasaland.

See under Convention No. 7.

Sarawak.

Labour Ordinance No. 24 of 1951 (came into force on 1 July 1952).

Section 82 (a) of the above Ordinance provides that the employment of any child or young person on any ship shall be conditional on the production of a medical certificate signed by a registered medical practitioner, and further that the continued employment at sea of such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year and the production of a further medical certificate. A "child" is defined as a person under 14 years of age and a "young person" as one between 14 and 18 years of age. No decisions were given by courts of law; no observations were received regarding the working of the Convention.

Zanzibar.

For legislation, see under Convention No. 5.

Article 1. This provision is applied by Section 2 of Decree No. 8 of 1952.

Article 2. This provision is applied by Section 13 (1) of the above Decree.

Article 3. This provision is applied by Section 13 of the above Decree.

Article 4. The application of this provision is not provided for in the present legislation.

17. Convention concerning workmen's compensation for accidents

Belgium.

Belgian Congo and Ruanda-Urundi.

Royal Order of 7 March 1953, to grant increases in the pensions and allowances awarded in pursuance of the Decree of 20 December 1945.

Ministerial Order of 22 June 1953, to establish in the Colonial Invalidity Fund a Guarantee Fund against the insolvency of non-insured employers or of employers in arrears with the payment of compensation for industrial accidents and occupational diseases sustained by non-indigenous workers.

Ministerial Order of 20 November 1952 concerning the measures of inspection and rules of administration applicable to employers' mutual or joint funds.

Ordinance No. 23/60 of 22 February 1953, issued in application of the Decree of 1 August 1949 and the Ministerial Order of 20 November 1952.

Ministerial Order of 22 June 1953, to establish in the Colonial Invalidity Fund a Guarantee Fund against the insolvency of non-insured employers or of employers in arrears with the payment of compensation for industrial accidents and occupational diseases sustained by indigenous workers.

In regard to non-indigenous workers, the Ministerial Order of 22 June 1953 provides that the Colonial Invalidity Fund shall pay annually into the Guarantee Fund a portion not exceeding 5 per cent. of the employers' contributions. It stipulates that the Guarantee Fund shall be administered separately.

With respect to indigenous workers, the operations of the employers' mutual or joint funds in respect of industrial accidents and those in respect of occupational diseases must be administered separately. As indicated above, the Ministerial Order of 22 June 1953 provides for the establishment of a Guarantee Fund, to which employers contribute 0.80 franc per thousand of the earnings

serving as a basis for calculating contributions and for the payment of contributions provided for by the Decree of 1 August 1943. The employers' mutual or joint funds are required to pay contributions to the Guarantee Fund in respect of the employers insured by them.

The authorities entrusted with supervision are, in Belgium, the Labour and Social Security Service of the Ministry of Colonies and, in Africa, the Director of the Labour Service.

Statistical data communicated on 31 December 1952 show that 535,285 workers were insured with the Colonial Invalidity Fund (6,339 employers) and that, on 30 June 1953, 210,810 workers were insured with the Mutual Society of Employers of the Belgian Congo and Ruanda-Urundi (161 employers), 38,181 workers in the Joint "Union" Fund (8 employers) and about 40,000 workers in the Social Solidarity Fund of the Belgian Congo and of Ruanda-Urundi (124 employers).

During 1952, 949 industrial accidents were reported among non-indigenous workers, 7,967 days' work were lost owing to temporary incapacity and 17,995 owing to permanent incapacity; there were seven deaths. These accidents are classified according to the nature of the work. The Colonial Invalidity Fund paid out approximately 2,500,000 francs in cash benefits, the Mutual Society of Employers of the Belgian Congo and Ruanda-Urundi, 531,015 francs, and the Joint "Union" Fund, 106,838 francs. The total cost of the application of the legislation was as follows: Colonial Invalidity Fund: 6,935,000 francs; Mutual Society of Employers of the Belgian Congo and Ruanda-Urundi: 8,540,300 francs; and the Joint "Union" Fund: 948,927 francs.

France.

Algeria.

Important adjustments have been made in the rates of compensation fixed for the victims and beneficiaries of victims of industrial accidents by the Act of 25 July 1952, which applies to Algeria. This Act puts on an equal basis the amount of benefits paid in metropolitan France and in Algeria, and provides as follows :

Up to 500,000 francs the annual wage is taken entirely into account in calculating the pension ; from 500,000 to 2,044,000 francs one-third is taken into account ; over 2,044,000 francs the wage is no longer taken into account.

The minimum wage of 252,000 francs is guaranteed for the pensions of victims of industrial accidents who sustain at least 10 per cent. incapacity, or to the dependants of victims of fatal accidents.

In case of permanent total incapacity necessitating the help of another person, the pension is increased by 40 per cent. ; the increase may not be less than 200,000 francs.

The pension of the surviving spouse is calculated on the basis of 30 per cent. of the wage ; it is increased to 50 per cent. in case of 50 per cent. incapacity for work or when the beneficiary of the pension reaches 60 years of age.

The right to increases in the pension is based on a wage of 252,000 francs.

The Orders of 30 October, 4 November and 29 December 1952 laid down the methods of application of industrial accident legislation to the new beneficiaries covered by Decision No. 52-022 of the Algerian Assembly, confirmed by the Decree of 19 August 1952.

The risk of industrial accidents is in general covered in Algeria by the National Life Insurance Fund and by private insurance companies. During the year 1952, 69,541 reports of industrial accidents were made. Of these, 2,373 were investigated by justices of the peace, 3,000 resulted in incapacity for work and 315 were fatal.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The regulations examined in previous reports, which give full satisfaction both to workers and employers, will remain in force until the establishment of the new institutions and procedures respecting social security, in conformity with the provisions of Section 239 of the above-mentioned Act, which reads as follows : " The existing institutions and procedures for the application of regulations formerly in force as regards labour, social security and family allowances will remain valid until the effective setting up of the institutions and procedures provided for in the present Act and any subsequent texts ".

French Establishments in India.

Part VI of the Act of 15 December 1952 (see under *French Equatorial Africa*) deals with this question. Section 137 of the Act provides that within 48 hours the employer must inform the Inspector of Labour and Social Legislation of all industrial accidents.

The reporting of an accident may be made by the worker or his representatives within two years following the date of the accident.

Although the Decree of 6 April 1937 regulating conditions of work in the French Establishments in India has been replaced by the Act of 15 December 1952, the Order of 26 November 1941, which was issued under the Decree of 6 April 1937, remains in force until the issue of a new text relating to industrial accidents.

During the period under review the Labour Inspectorate registered 52 reports of industrial accidents.

French Guiana.

During the year 1952 the total number of accidents reported was 819 and the total amount paid out in allowances and benefits was 7,130,587 francs.

See also under *Guadeloupe*.

French Somaliland.

Section 137 of the Act of 15 December 1952 (see under *French Equatorial Africa*) relates to the subject matter of the Convention.

Guadeloupe.

The various texts adopted in metropolitan France during the period under review are, *ipso facto*, applicable to Guadeloupe at least in so far as these texts do not relate to legislative provisions which have not yet been applied to the territory. This reservation relates, in particular, to those provisions of the Act of 25 July 1952 which grant advantages as regards sickness insurance to the beneficiaries of industrial accident pensions who satisfy certain conditions. As a matter of fact the draft legislation providing for the extension of sickness insurance to the Overseas Territories (the principle of which was included in the Act of 2 August 1949) has not as yet been completed.

In any case, the efforts undertaken to ensure the establishment, under the best possible conditions, of the new industrial accident compensation system were continued during the past year. The various parties called upon to participate in the procedure were gradually acquainted with the working of the system as it came into operation.

The central Administration attempts to solve the problems arising from the adaptation—often delicate—of metropolitan legislation to local circumstances ; if necessary, it corrects such errors as may have been noted, particularly during the general or specialised verification of the social security funds which takes place periodically.

The first year of application of the new system has resulted in a relatively large volume of operations which increased considerably during the second half of 1952 as compared with the first half.

During the year 1952 the total number of accidents reported was 4,812 ; the total amount paid out in allowances and benefits was 50,320,400 francs.

Madagascar.

The Circular of 9 November 1949 relating to compensation for victims of industrial accidents, which was mentioned in previous reports, was modified on 15 September 1952 as follows : compensation is granted for permanent partial incapacity, even when this is less than 10 per

cent. Half of this percentage is taken into consideration when calculating the pension. The total annual wage up to 30,000 francs C.F.A. (instead of 15,000 francs) is taken into account; one-third of wages between 30,001 to 70,000 francs (instead of 15,001 to 35,000 francs) and one-eighth of wages between 70,001 and 520,000 francs (instead of 35,001 to 260,000 francs).

The number of industrial accidents reported during 1952 was 1,597. The main causes of these accidents were as follows: falls and slipping, 242; handling of goods, 235; fall of various objects, 233; land vehicles, 205; hand tools, 130; machine tools, 117. The principal results of these accidents were as follows: temporary incapacity, 892; permanent incapacity of less than 50 per cent., 77; permanent incapacity of over 50 per cent., 2; deaths, 76; result unknown at the time of the compilation of the statistics, 550.

Martinique.

During the year 1952 the total number of accidents reported was 6,002; the total amount paid out in allowances and benefits was 56,893,489 francs.

See also under *Guadeloupe*.

New Caledonia and Dependencies.

A total of 398 accidents was reported during the year. The known consequences of these accidents were as follows: temporary incapacity of 5 days to a month in 270 cases, less than 5 days in 27 cases, over one month in 17 cases, permanent incapacity of less than 50 per cent. in 2 cases, and 5 deaths.

Réunion.

During the year 1952 the number of accidents reported was 2,129; the total amount paid out in allowance and benefits was 13,457,450 francs.

See also under *Guadeloupe*.

Togoland.

With regard to the payment of lump-sum compensation granted to persons injured in accidents or to their dependants, the Labour Inspectorate uses the following scale which has been made compulsory for persons employed by the day in public undertakings (Circular No. 18-53/IT/P of 27 March 1953): in the case of death, the equivalent of 1,000 days of work is paid to dependants; in the case of permanent incapacity, each unit of incapacity established by the doctor is multiplied by ten working days.

Tunisia.

Compensation for industrial accidents in Tunisia is payable under the same conditions as was the case in France before 1 July 1932. The Decree of the Bey of 15 March 1921 made applicable to Tunisia, subject to the necessary modifications of detail, the provisions of the French Act of 9 April 1898, as supplemented and amended between these two dates. Two subsequent Decrees, dated 21 January 1924 and 28 February 1926, extended the scope of the Decree of 15 March 1921 in the case of agricultural workers and seafarers and made the necessary modifications.

This legislation covers all accidents caused by or in connection with remunerated work (as well

as the occupational diseases covered by the French Act of 25 October 1919) in industry, commerce and agriculture but excluding public officials and assimilated categories which benefit from more advantageous systems, domestic workers, salaried employers in the liberal professions and those in associations not conducted with a view to profit.

Victims of accidents are entitled: (1) to the payment of medical, pharmaceutical and hospitalisation expenses within the limits of the rates laid down by the Administration; (2) for the period beginning from the date of the accident until recovery, to a benefit calculated on the basis of half the usual wage; (3) thereafter and in case of permanent partial or total incapacity, to a pension calculated in relation to the degree of incapacity and the amount of the usual wage, subject to fixed limits according to procedures which vary from case to case.

Benefits are borne by the employer or his insurer. Insurance has, in fact, been compulsory since 1 July 1953 in virtue of the Decree of 24 July 1952 (a copy of which is appended to the report). In any case the possible insolvency of the person or body responsible for paying the pension cannot result in the victim being deprived of the compensation to which he is entitled: a guarantee fund is responsible for payments if the employer or his insurer are unable to pay.

The determination of the rights of the victim is the responsibility of the judicial tribunals by means of a special procedure. Generally speaking, the application of the above-mentioned legislation does not give rise to any difficulties.

In 1951 the number of industrial accidents was 13,432, made up as follows: 539 resulted in permanent incapacity, 12,806 in temporary incapacity for more than four days, and there were 87 fatal accidents.

New Zealand.

Cook Islands.

See under Convention No. 12.

Portugal.

Angola.

During the period under review seven industrial accidents were registered.

Mozambique.

The report contains information on the methods of procedure and the legal decisions in connection with the eight cases of industrial accidents reported during the period under review.

The application of the legislation in force with regard to the subject matter of the Convention gave rise to no difficulties in practice.

Portuguese Guinea.

No industrial accidents were reported with regard to the non-indigenous population.

Proceedings were instituted in 12 cases of accidents to Native labourers, in conformity with Decree No. 16199 of 6 December 1928 to approve the Native Labour Code. Eleven of these proceedings resulted in the payment of compensation; one case is still pending.

S. Tomé and Príncipe.

During the period under review 64 proceedings relating to industrial accidents were instituted by the Curator-General with a view to fixing life pensions, compensation and indemnities. Forty-five of these cases have already resulted in decisions by courts of law, and 19 are still pending.

In conformity with the decisions given by courts of law, the total amount paid out in life pensions, compensation and indemnities was 90,655 escudos.

*United Kingdom.**Aden.*

Workmen's Compensation (Amendments) Ordinance, No. 17 of 1952.

The above Ordinance excludes from the scope of the legislation in force members of the Armed Forces of the Crown, persons in the civil employment of Her Majesty otherwise than in Her Government of the Colony, or workmen in the service of the Government before the coming into force of the Pensions Ordinance, 1950, where injury or death occurred in certain circumstances where compensation would not be payable. There is no accident insurance for workers. Claims are made through the Labour and Welfare Office or Court. During the period under review, total compensation paid amounted to Shs. E.A. 52,916; 22 cases were settled in court; 27 cases were settled out of court with the assistance of the Labour and Welfare Department.

Bahamas.

Workmen's Compensation Act, 1943, as amended by Act No. 25 of 1943, Act No. 9 of 1944 (as extended by Act No. 13 of 1949 and Act No. 33 of 1951) and Act No. 10 of 1952.

The following categories of workers are excluded from the coverage of the legislation: non-manual workers whose remuneration exceeds £200 a year; casual workers; outworkers; persons in the Armed Forces; members of the employer's family dwelling in his house; members of the police forces; agricultural workers; domestic workers; shop assistants and persons in the civil employment of the Crown otherwise than in the Government of the Colony. No special compensation schemes exist. Compensation is paid in the form of a lump sum except in the case of temporary disablement, in which case the right to receive periodical payments may be redeemed by the payment of a lump sum in certain circumstances. The right to compensation dates from the day of incapacity. Provision is made in detail for measures of supervision and methods of review and to ensure that the insolvency of the employer or insurer does not prevent the payment of any injury compensation due to a worker. No provision is made for additional compensation where the injured worker requires the constant help of another person, for payment by the employer of the costs of necessary medical, surgical and pharmaceutical aid or in regard to the supply and renewal of artificial limbs and surgical appliances where required. The Governor in Council, through the Commissioner for Workmen's Compensation and the Registrar of the Supreme Court, is responsible for the enforcement of the legislation.

Barbados.

During the period under review 556 accidents were reported, three of which were fatal. Benefits paid amounted to \$9,930, the average cost per person covered by the legislation being \$17.86.

Bechuanaland.

The number of workers covered by the provisions of the Convention during the period 1952-53 were as follows: 3,000 in agriculture, 1,900 in domestic service, 1,500 in government service, 300 in the building industry, 2,000 in industry and commerce, and 200 in mining undertakings.

The High Commissioner's Notice No. 170 of 1952 applied the Workmen's Compensation Proclamation (Chapter 122 of the Laws) to employment at or about any timber-felling and timber-sawing undertaking, abattoir, creamery or cheese factory, stone quarry, railway or well-sinking or water-boring undertakings, and in connection with any vehicle or machine driven by mechanical power.

British Guiana.

Workmen's Compensation (Consolidation) Ordinance, No. 63 of 1952.

Up to 30 June 1953 the above legislation had not come into force because the Regulations necessary for its implementation had not yet been completed. It is intended that the Ordinance and its Regulations will be proclaimed in the period beginning 1 July 1953 and a full report will accordingly be submitted for the period 1953-54.

British Honduras.

See under Convention No. 12.

Cyprus.

Workmen's Compensation (Amendment) Law No. 22 of 1952.

Amending legislation enacted during the period under review (a) empowers the court at its discretion to award compensation where injury results in death or permanent incapacity, irrespective of whether the accident was attributable to the workman's own serious and wilful misconduct, and (b) defines the period of hospitalisation or necessary absence from duty, certified by a medical practitioner, as a period of total temporary incapacity irrespective of the outcome of the injury. Benefits in cash to the amount of £11,852 were paid in compensation in 1952, representing an estimated 2 shillings and 8 pence per person covered by the legislation. During 1952, 777 accidents were reported; 6 of these resulted in death, 6 in permanent total incapacity, 23 in permanent partial incapacity and 742 in temporary disablement. These latter figures do not include 55 cases which occurred in 1952 but had not been settled by the end of the year.

Fiji.

During the period under review 137 accidents were reported, four of which were fatal. The possibility of extending the application of the Convention to meet fully Articles 5, 7, 9, 10 and 11 was considered but was found to be impracticable at present.

Gibraltar.

Approximately 19,700 persons out of a total labour force of some 20,200 are covered by the scheme; 170 of the remainder are covered by arrangements mentioned in the previous report under Article 3 (2). During the period under review benefits in cash amounted to £8,516 and benefits in kind (mostly for the cost of hospital treatment) to £2,658, the average costs per insured person being 8s. 8d. and 2s. 8d. respectively. The number of industrial accidents reported was 1,777, the majority being minor injuries (cuts, bruises, sprains, etc.). The total cost of applying the legislation was approximately £3,400, of which £369 was paid from the Employment Injuries Insurance Fund in respect of the fees to members of the Employment Injuries Board and an honorarium to the medical officer appointed to attend injured persons in Spain. The balance, representing salaries of the staff of the Insurance Section of the Labour and Welfare Department and printing and stationery costs, was paid from the general revenues of the Colony in accordance with the legislation. It is proposed to remedy in the near future certain weaknesses in the phraseology of the Ordinance revealed by experience in the administration of the scheme during its first year of existence.

Gold Coast.

During the period under review the total cost of benefits in cash amounted to £25,470, an average cost per person covered of 3.01 shillings. The number of accidents reported was 4,147, of which 66 were fatal. The majority of accidents involved only temporary incapacity and the employees received normal wages for the period away from work.

Grenada.

Figures for 1952 are not available, but during 1951 the average number of government employees (artisans, apprentices, etc.) was 1,560, and the average number of employees in commercial undertakings (porters, etc.) was 430. No claims for compensation for injury were filed during the year.

Hong Kong.

The proposed new Workmen's Compensation Ordinance is expected to be enacted in the near future and a report will be made next year on the effect of this legislation.

Jamaica.

Workmen's Compensation Law (Chapter 408 of the Revised Laws of Jamaica).

Workmen's Compensation (Amendment) Law, No. 30 of 1952.

Legislation enacted during the period under review revised existing legislation in the following respects, *inter alia*: the limit of remuneration which excludes a non-manual worker from the coverage of the Law is raised from £300 to £500 a year; persons employed as clerical assistants or shopworkers and persons engaged in driving public passenger vehicles are brought within the coverage of the Law; the minimum qualifying period of incapacity is reduced from ten to five days in the case of daily paid workers and seven days in other cases. During the period under

review 366 establishments reported 766 accidents for which compensation was paid; 1 accident was fatal, 7 caused permanent incapacity and 758 temporary incapacity. The total amount of compensation paid was £5,131.

Kenya.

There has been a considerable increase in accident insurance policies taken out by employers with private insurance companies. Figures of the numbers of undertakings and workers so covered are not yet available. The provisions of the Workers' Compensation Ordinance requiring employers to insure against accident risks have not yet been brought into force.

A total of 480,000 persons of all races are in employment in the territory. All the 438,700 Africans in government and private employment are covered by the Workers' Compensation Ordinance. Of the 40,000 European and Asian workers, all those doing manual work and also workers earning up to £500 per annum are also covered by the provisions of the Ordinance.

The average amount of cash benefits paid per worker covered by the legislation was £27 15s. 0d. This figure is in respect of accidents causing permanent incapacity.

Of the 2,598 accidents reported, 79 were fatal, 437 caused permanent total or partial incapacity, and 2,082 caused temporary total or partial incapacity.

Leeward Islands.

In Antigua 5,938 workers, the great majority of the wage-earning population, were covered by the legislation in force. In St. Kitts-Nevis-Anguilla, the number was 3,156. During the period under review the Administration in Antigua paid \$1,238 in respect of 110 claims by its employees. In St. Kitts-Nevis-Anguilla, the total amount paid out in cash benefits was \$653. In Antigua 43 accidents, one of which was fatal, were reported. In addition, 65 occupational injuries occurred at one of the two sugar factories. In St. Kitts-Nevis-Anguilla, 264 accidents occurred, the total amount paid out in compensation being \$4,280.

Malaya.

Workmen's Compensation Ordinance No. 85 of 1952.

In addition to the exceptions envisaged in the Convention—casual workers, outworkers, members of the employer's family living in his house and non-manual workers receiving more than a given remuneration—the following categories of persons are excepted from the provisions of the legislation: domestic workers; members of the Armed Forces; civil servants whose contract of service was made outside Malaya; policemen; and "tributers". In addition, any class of person declared by the High Commissioner not to be a workman may be excepted but no such declaration has been made or is envisaged. The limit of remuneration for the excepted category of non-manual workers is \$400 a month. The legislation applies, with modifications, to seamen, and to fishermen who are covered by the definition of "workman".

Compensation in case of permanent incapacity or death is paid in the form of a lump sum; a commissioner for workmen's compensation is

competent to decide the payment of a lump sum and is granted certain discretionary powers where the beneficiary is a woman or minor. In case of temporary disablement, compensation is paid fortnightly or monthly.

Compensation is payable by the employer. Where there is permanent total incapacity and the injured workman must have the constant help of another person, additional compensation amounting to 25 per cent. of the amount due for the injury shall be paid. Provision is made for measures of supervision and methods of review. The employer is liable for the cost of necessary medical, surgical and pharmaceutical aid. An injured worker must be treated in an approved or special hospital gazetted as suitable by the competent authority. Provision is made for favourable treatment in the case of an injured worker whose employer becomes bankrupt if the insurers are still solvent; insurance has, however, not yet been made compulsory.

The Labour Department is responsible for the administration and application of the legislation. Benefits in cash paid during the year under review and involving death or permanent incapacity amounted to \$1,215,920. During the year under review 3,609 persons suffered employment injury; of these 271 cases were fatal, 677 cases involved permanent incapacity and 2,661 cases temporary incapacity.

Malta.

An extract from the Director of Labour's annual report for 1952, together with relevant tables of statistics, is appended to the report. The Bill introduced in December 1951 to repeal the existing Workmen's Compensation Ordinance and to enact more modern provisions for insurance against employment injuries had not yet been enacted into law during the period under review. During 1952, 1,215 workmen's compensation claims were filed, 1,072 of which were allowed.

Mauritius.

Ordinance No. 78 of 1952.

Out of a total insurable labour force of 32,500, the number of persons covered during the period under review was 30,000. Total benefits in cash amounted to 86,859 rupees, the average cost per insured person being 66.86 rupees. The number of injuries reported was 1,289, of which 17 were fatal. Total compensation paid amounted to 36,498 rupees.

Nigeria.

The Bill which was referred to in last year's report and which was designed to eliminate the differential treatment existing between locally engaged civilian employees of the Crown or those of departments of the United Kingdom Government, on the one hand, and other local employees of private and public undertakings on the other, is still under consideration.

The question is also being examined as to whether a "tributer" should continue to receive compensation under the special provisions of the Minerals Ordinance instead of under the Workmen's Compensation Ordinance.

During the year returns from 931 undertakings engaged in 32 various industries throughout the country show that a total of approximately

286,660 workers come within the scope of the Ordinance in those establishments. A total sum of £9,957 was paid as compensation to 619 workers (including 31 fatal cases) in government service, the average cost per beneficiary in government service being £16.

Northern Rhodesia.

Benefits actually paid during the insurance year, i.e., from 1 March 1952 to 28 February 1953, were £75,997, together with *ex gratia* payments of £2,640. This figure does not include the cost of medical aid supplied by the employers who have approved medical aid schemes.

During the same period 5,325 compensable accidents were reported; of these 85 were fatal and 460 resulted in permanent incapacity. Insurance premiums paid for the year 1951-52 amounted to £192,666. Insurers are required to pay 1 per cent. of this sum to revenue. Exempted employers are required to pay similar charges. Administration expenses of insurers, including commission to agents but excluding the 1 per cent. revenue, amounted to 15.38 per cent. of the total.

These are the corrected figures for the year 1951-52. Those for the period 1952-53 are not yet available.

North Borneo.

Statistics for the calendar year 1952 estimate the total number of persons covered by the legislation at approximately 13,000. The total cost of benefits in cash amounted to \$26,806, an average cost of \$2.06 per person covered. The number of accidents reported was 166, of which 15 were fatal.

Nyasaland.

There were 118 accidents reported during 1952, of which 31 were fatal, 22 were serious and 57 were less serious. The total amount paid out in compensation was \$1,260.

Claims in respect of 13 deaths and 15 serious injuries had not been assessed at the end of the year.

See also under Convention No. 12.

St. Lucia.

During the period under review benefits in cash amounted to \$2,964, an average of 16 cents per person covered. The number of accidents reported was 165, of which one was fatal, three resulted in permanent incapacity, and one in permanent partial incapacity.

Sarawak.

Statistics given for the period under review indicate that 10,828 persons were covered. Three accidents were reported; the total cost of cash benefits amounted to \$1,584.

Seychelles.

See under Convention No. 12.

Sierra Leone.

A draft of the revised Workmen's Compensation Ordinance is still being considered by the Government. During 1952, ten fatal and 714 non-

fatal accidents were reported ; compensation paid amounted to £6,019, representing an average of £8 6s. 3d. per person injured.

Singapore.

During the period under review 2,841 accidents were reported 40 of which were fatal, 101 involved permanent partial incapacity and 2,700 temporary incapacity. The total number of workmen in the territory, excluding seamen, fishermen and agricultural workers, is 120,948 ; the number covered by the workmen's compensation legislation is 110,753. The total amount paid out in cash benefits during the period was \$205,446, the average cost per person covered being \$1.85.

Solomon Islands.

Workmen's Compensation Regulation, 1952 (Queen's Regulation No. 5).

No administrative regulations or rules have yet been found necessary. The employer is liable to pay compensation except when the injury does not incapacitate the worker for at least four days from earning full wages, or when the injury is attributable to serious and wilful misconduct of the worker and does not result in death or serious and permanent incapacity. Casual workers, out-workers and certain members of the family living in the employer's home are excluded from the scope of the legislation, as are also non-manual workmen whose remuneration exceeds £360 a year. Seamen, fishermen and agricultural workers are covered. Compensation in the event of permanent incapacity or death is not paid to the injured person or his dependants in the form of a pension. In the case of temporary incapacity, compensation is paid by agreement, or by order of the court, either periodically or by a lump sum ; on the death of a workman, compensation is paid to the court which distributes the compensation at its discretion. Compensation is payable as from the fifth day after the accident. No additional compensation is paid to a workman requiring the constant help of another person. The legislation includes provision for the review of periodical payments being made under its terms, either by agreement between the parties or under an order of the court. The worker is required to submit himself for examination according to the circumstances of the particular case. Where the employer has not at his own expense made suitable arrangements for medical or surgical attendance in the case of an injured workman, the workman shall, in addition to compensation, be entitled to a sum equal to reasonable expenses for surgical and medical expenses not exceeding £12. The legislation provides for the protection of the workmen's compensation rights where an employer who is insured in respect of workmen's compensation liabilities becomes bankrupt. The Inspector of Labour and the District Commissioners are responsible for enforcement. The legislation came into effect on 1 October 1952 ; there have been no contraventions since it came into force and there are no obstacles to the practical fulfilment of the legislation. The Regulation

applies to 1,217 persons, apart from seamen, fishermen and agricultural workers. There are no special schemes.

Southern Rhodesia.

The total cost of benefits for the year ending 31 March 1953 was £157,000. During the same period the cost of premiums collected from the employers was £260,000.

Tanganyika.

The report contains detailed statistical information as follows :

The total number of workmen, employees and apprentices (excluding seamen, fishermen and agricultural workers), based on the labour census of 31 July 1952, was 210,519. The total number employed by all enterprises was 443,597. The decrease of 21,403 from the total of 465,000 given for the period 1951-52 is due to fluctuations in the working population.

There is no special scheme of the type provided for in Article 3, paragraph 2, of the Convention ; workers in agriculture, seamen and fishermen are all covered by the general provisions of workmen's compensation legislation.

The total amount of cash benefits paid as compensation for industrial injuries, excluding mining accidents, was 323,600 shillings, i.e., an average of 72 cents per person covered by the legislation.

Benefits in kind were paid in connection with about 2,000 accidents.

The increase in the number of accidents reported is due to the growing knowledge on the part of the employers and employees of the provisions of the Ordinance and the laws relating to the notification of accidents.

Revised arrangements for obtaining statistics relating to compensation paid in respect of mining accidents did not come into operation until the middle of the year under review. Detailed statistics in this respect will be included in the 1952 report of the Department of Mines, which will be sent to the International Labour Office.

Trinidad and Tobago.

See under Convention No. 12.

Uganda.

The total amount of benefits paid was 328,777 shillings. The number of accidents reported was 2,415, but it is not possible to classify these accidents according to their nature.

Zanzibar.

A Bill entitled " A Decree to provide for compensation to workmen for injuries suffered in the course of their employment " was introduced in the Legislative Council during December 1949 and referred to a Select Committee, which was dissolved before it could report. The Bill is under further consideration by a non-parliamentary committee.

18. Convention concerning workmen's compensation for occupational diseases*Denmark.**Faroe Islands.*

Royal Order for the Faroe Islands of 29 August 1939, concerning insurance against accidents.

This Order extends to the Faroe Islands the Industrial Injuries Insurance Act of 20 May 1933, as amended by Act No. 171 of 13 April 1938 and by Act No. 32 of 8 February 1939.

*France.**Algeria.*

The Act of 25 October 1919, which applies to Algeria, extended to occupational diseases the scope of application of the Act of 9 April 1898 respecting workmen's compensation.

Furthermore, Decision No. 49-055 of the Algerian Assembly (taken after the adoption of the Act of 20 September 1947 establishing the Statute Law for Algeria) made it possible by means of Ordinances, to maintain exact concordance between the schedules of occupational diseases in force in metropolitan France and in Algeria. The total number of such schedules is at present 34.

The rates of compensation now in force are fixed by the Act of 25 July 1952, and are equal in every particular to the rates prevailing in metropolitan France.

The amount of the pension paid to victims of occupational diseases and to their dependants is fixed exclusively by the judicial tribunals.

The Labour Inspection Service is entrusted with the supervision of the application of the legislation.

There is no particular jurisprudence to report in this respect. The risk of occupational disease is covered by the National Life Insurance Fund and by private insurance companies.

French Equatorial Africa.

See under Convention No. 17.

French Establishments in India.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 137 of this Act applies both to occupational diseases and to industrial accidents.

In practice, in view of the fact that toxic substances are rarely handled, no occupational

diseases were registered by the Labour Inspectorate.

French Guiana.

See under Convention No. 17, *Guadeloupe*.

French Somaliland.

See under Convention No. 17.

Guadeloupe.

See under Convention No. 17.

Madagascar.

Section 133 of the Act of 15 December 1952 (see under *French Establishments in India*) provides for the setting up of a technical advisory committee to examine questions relating to the health and safety of workers.

The conditions of health in workplaces must be regulated by Order of the head of the territory.

This Order of application will be issued in the near future.

Martinique.

See under Convention No. 17, *Guadeloupe*.

Réunion.

See under Convention No. 17, *Guadeloupe*.

St. Pierre and Miquelon.

In practice, the rare cases of occupational diseases which are reported give rise to compensation in the same manner as industrial accidents and in the conditions indicated under Convention No. 17.

*Italy.**Trust Territory of Somaliland.*

The Administration has drawn up a draft Ordinance, which is to be submitted to the advisory bodies, relating to the extension to industrial workers of compulsory insurance against occupational diseases. In addition to the diseases listed in the Convention, the Ordinance will extend insurance to a considerable number of other types of poisoning, as was recently done in Italy. This insurance will supplement that already in force for industrial accidents (Ordinance No. 27 of 23 December 1951).

19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents*Denmark.**Faroe Islands.*

The Convention is applicable.

*France.**Algeria.*

The Act of 20 September 1947, establishing the Statute Law for Algeria, provides in Section 11 that treaties made with foreign countries, together

with the Acts and Decrees applying them, are automatically applicable in law to Algeria.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The above Act provides that there shall be no discrimination based on the nationality or place of residence of workers and their dependants.

French Establishments in India.

Present legislation concerning compensation for industrial accidents (Section 137 of the Act of 15 December 1952 (see under *Cameroons*) and the local Order of 26 November 1941 relating to responsibility in the case of industrial accidents) makes no discrimination between French nationals and foreigners.

French Guiana.

See under Convention No. 12.

Guadeloupe.

See under Convention No. 12.

Martinique.

See under Convention No. 12.

Réunion.

See under Convention No. 12.

Tunisia.

A Decree of the Bey dated 25 March 1930 specifically gave the Convention force of law in Tunisia. The provisions of the Convention are therefore applied to the letter in the same conditions and under the same guarantees as those of the legislation of the country.

The Tunisian Administration has no knowledge of any difficulty arising during the last few years in connection with the settlement of cases covered by the Convention.

*Italy.**Trust Territory of Somaliland.*

Ordinance No. 27 of 23 December 1951 concerning compulsory insurance against industrial accidents.

Article 1. The provisions of the above Ordinance are applicable to all workers in the territory, irrespective of their nationality and without any condition as to residence. The transfer of benefits to the dependants, resident in Italy, of Italian nationals is effected in accordance with the ordinary provisions relating to foreign exchange. Up to the present no foreign workers have sustained industrial accidents, so that it has not been necessary to make any arrangements for the transfer of benefits abroad.

The supervision of the application of the insurance scheme is entrusted to the Directorate for Economic Development and to a central labour inspection service established under the Directorate by the Ordinance of 23 December 1951. Six regional labour inspection services were also set up under the Ordinance.

During the period under review no decisions concerning the application of the Convention were given by courts of law and no observations were received from workers' or employers' organizations.

The number of workers covered under the scheme is 10,405 including 683 Europeans, the great majority being Italian nationals.

*Union of South Africa.**South-West Africa.*

During the year five foreign Natives were killed; there were only seven cases of injury which were serious enough to be reported.

*United Kingdom.**Barbados.*

As the number of foreign workers is negligible, no statistics are available.

British Honduras.

See under Convention No. 12.

Gibraltar.

The legislation in force applies to approximately 13,300 foreign workers. During the period under review 844 industrial accidents to these workers were reported. They consisted mostly of cuts, sprains, bruises, etc.

Kenya.

There are 10,834 African workers in the territory who come from other regions, but they are almost all from other British territories and now reside permanently in Kenya.

There were eight minor accidents during 1952 among these workers. Compensation paid during temporary absence from work amounted to £120.

Malaya.

Workmen's Compensation Ordinance, No. 85 of 1952.

The enactment of the above legislation extends compensation to a large number of workers who were hitherto not covered and increases the rates of benefits.

Malta.

See under Convention No. 17.

Nyasaland.

See under Convention No. 12.

Seychelles.

See under Convention No. 12.

Singapore.

Returns from employers made on 31 March 1953 provide the following figures for skilled or unskilled manual workers (excluding clerks, shop assistants, domestic workers, self-employed workers, etc.): Chinese 77,118, Indians 25,905, Malaysians 20,115, others 1,108. These figures do not indicate which persons were born in Malaya.

Solomon Islands.

Workmen's Compensation Regulation (Queen's Regulation No. 5 of 1952).

No administrative regulations or rules have as yet been made in respect of the provisions of the Convention.

Article 1. The above Regulation applies to all workmen, irrespective of nationality.

Article 2. No special agreements have been made.

Article 3. Effect is given to this Article by the above legislation, which came into force on 1 October 1952.

Article 4. No modifications have been made in the above legislation since it came into force.

The Inspector of Labour and the District Commissioners are entrusted with the application of the legislation in force and are empow-

ered to enter any premises and inspect conditions of employment. The inspection service consists of an inspector and nine administrative officers, all available for touring and inspection, and is adequate at the present stage of the Protectorate's development. Enforcement, where necessary, is by prosecution before the High Commissioner's Court. No decisions were given by courts of law, and there have been no contraventions since the legislation came into force. During the period under review about 50 foreign workers were employed in the Protectorate in various occupations, but no accidents to any of them were reported. There are no obstacles to practical fulfilment of the Convention.

Uganda.

The total number of non-indigenous Africans in Uganda is approximately 365,000. Of these, probably between 120,000 and 160,000 are adult males of working age, although accurate figures are not available at present. The annual enumeration of employees, which covers all known employers of five or more persons, showed that some 62,360 non-indigenous Africans were employed in 1952.

During the period under review 378 accidents to non-indigenous Africans were reported; the final settlement of compensation has been effected in 303 cases.

21. Convention concerning the simplification of the inspection of emigrants on board ship

Australia.

Nauru, New Guinea, Norfolk Island and Papua.

The Convention has no practical application as there are no ships registered in the territory

which engage in the emigrant trade and emigration as envisaged under the terms of the Convention.

22. Convention concerning seamen's articles of agreement

Australia.

Nauru and Norfolk Island.

See under Convention No. 7.

New Guinea and Papua.

Natives can only be employed after entering into an employment agreement as prescribed by the Native Labour Ordinance, 1950-52.

In regard to the position of non-Native workers, see under Convention No. 7.

France.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Following the promulgation of the above Act a special Order is being prepared which will regulate conditions of employment of indigenous seamen on board vessels registered in the Cameroons. It is hoped that this text will be published early in 1954.

Seamen in the territory will thus have conditions of work better adapted to their particular occupation than the provisions relating to work on shore.

French Equatorial Africa.

See under Convention No. 9.

French Guiana.

See under *Guadeloupe*.

French Settlements in Oceania.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926—Fr. 13).

All vessels of the territory are equipped for the national coasting trade.

Guadeloupe.

The Seamen's Code, the provisions of which are in conformity with those of the Convention, is fully applied in the territory.

Martinique.

See under *Guadeloupe*.

Morocco.

Article 3. Section 170 of the Moroccan Code contains guarantees for seamen which are equivalent to those provided for in this Article.

Article 4. No such provision exists in the legislation.

Article 5. A Decree of 21 January 1922 introduced the individual seaman's book in which are noted the dates of signing on and off.

Article 6. Sections 167 to 169 of the Moroccan Code contain similar provisions which, however, are less explicit.

Article 7. Section 167 contains a similar provision.

Article 8. No equivalent provision exists in the Moroccan legislation.

Articles 9 to 12. Sections 198 to 204 of the Moroccan Code contain provisions of this nature which, however, are less detailed than those of the Convention.

Article 13. Moroccan legislation does not contain a similar provision.

Article 14. Any entry in the seamen's book to the effect that he has been put ashore for administrative reasons involves the termination of his engagement.

Réunion.

See under *Guadeloupe*.

Tunisia.

See under Convention No. 8.

*Italy.**Trust Territory of Somaliland.*

The subject matter dealt with by the Convention has never been of any great interest for the territory where only a few vessels of small tonnage and a small number of native sailing vessels (*sambouks*) are registered.

There are no local provisions regulating the question of seamen's articles of agreement; in case of dispute, the Merchant Shipping Code of Tripolitania and Cyrenaica is applied (this Code was extended to Somaliland under Section 53 of the Royal Decree No. 1019 of 1 June 1936); the provisions of the Regulations issued under this Decree and the provisions of common law are also applicable where possible.

On the other hand, seamen for employment aboard the *sambouks* are recruited from among the members of the owner's family.

Following the setting up in Somaliland of a navigation and fisheries training school, which has already been in existence for two years, it has become necessary to regulate the engagement for Somali vessels of young persons graduating from this school. It is essential, therefore, to lay down as soon as possible adequate provisions based on the principles of the Convention.

*United Kingdom.**Barbados.*

The report of the harbour and shipping master indicates that during the period under review 1,074 seamen were engaged and 1,065 were discharged.

Falkland Islands.

The Convention is applied by the Merchant Shipping Acts.

Fiji.

During the period under review 597 seamen entered into articles of agreement. Eight ships are registered in the Colony which are not employed in short-coasting or intercoastal trade.

Gibraltar.

During the period under review 1,556 seamen were signed on.

Hong Kong.

During the period under review 21,970 seamen were signed on and 21,255 seamen discharged by the Mercantile Marine Office.

Sierra Leone.

During the period under review 419 men were signed on under articles; no contraventions were reported.

23. Convention concerning the repatriation of seamen

*France.**French Equatorial Africa.*

See under Convention No. 9.

French Settlements in Oceania.

Chapter IV of the Act of 13 December 1926 to issue the Seamen's Code (L.S. 1926—Fr. 13).

The authorities responsible for the application of the Code are: for nationals, the Shipping Registration Service; for nationals abroad, the consular authorities; for foreign nationals, their own consular services.

For nationals embarking on a foreign vessel in the French Settlements in Oceania, in addition to the statutory formula called the "repatriation clause", which is signed by the master of the vessel, countersigned by the consul and approved by the Shipping Registration Service, a sum of 220 United States dollars is deposited by the master in the bank to cover the expenses of the seaman's repatriation if he is put ashore in a foreign country.

Morocco.

Articles 3 and 4. Sections 193 and 194 of the Moroccan Code lay down the principle of com-

pulsory repatriation. Repatriation after the shipwreck of a vessel is not explicitly provided for; in fact, it is always carried out by the shipowner.

Articles 5 and 6. The Code does not contain any provisions of this nature.

Tunisia.

See under Convention No. 8.

*Italy.**Trust Territory of Somaliland.*

There are no special provisions in the territory regulating this question. However, the provisions of the Merchant Shipping Code of Tripolitania and Cyrenaica—which were extended to Somaliland by Royal Decree No. 1019 of 1 June 1936—continue to apply, together with the relevant regulations and the provisions of common law in so far as they are applicable.

This matter will be dealt with in appropriate regulations as soon as local conditions call for such action; the principles of the Convention will then be taken into account.

24. Convention concerning sickness insurance for workers in industry and commerce and domestic servants

France.

Algeria.

Article 2, paragraph 2 (*b*). The "maximum" wage used for the calculation of contributions is at present 38,000 francs per month.

Article 7, paragraph 1. Since 1 April 1953 insured persons and employers pay equal contributions for all types of social insurance, up to 3.25 per cent. of the wages and up to a maximum of 38,000 francs.

Article 9. The legislation (Act of 31 December 1952) grants the right of appeal to the insured.

The total number of wage earners covered by the legislation in 1952 was 461,870. Seventy thousand wage earners were not covered as they benefited from systems which are more advantageous than the general system.

During the same period the total amount paid out in cash benefits was 211 million francs; benefits in kind amounted to 1,782 million francs.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 142 of the above Act provides that in the case of the illness of a worker or of a woman or child boarding with him at the expense of the undertaking, the employer is required to supply them free of charge with medical care and medicaments within the terms of Chapter II of Part VI of the Act.

Under this same text the employer is also required to provide meals free of charge for all sick workers who receive attention on the spot.

French Somaliland.

The provisions of the Decree of 22 May 1936, which were mentioned in the previous report, have been supplemented by Sections 47 and 48 of the Act of 15 December 1952 (see under *Cameroons*), which provide that during the absence from work of a wage earner for reasons of ill health the employer is required to pay him, within the normal period of notice, compensation equivalent to his remuneration.

French West Africa.

Although Act No. 52-1322 of 15 December 1952 (see under *Cameroons*) does not provide for a sickness insurance scheme, it does contain a certain number of measures concerning the prevention of and compensation for sickness.

The obligation to assure a medical or health service is laid down under Section 138 of the Act, which states that all undertakings must provide such a service for their workers. The medical service may be for a particular undertaking or may be common to a group of undertakings; in the latter case, each undertaking must nevertheless install an isolation ward (Section 140). Local orders issued after consultation with the

Technical Advisory Committee must determine the method by which this obligation should be carried out.

With regard to the obligation that in undertakings where more than 100 persons are employed a daily medical visit must be carried out, the members of the family of the workers may attend such visits and receive the necessary care and treatment. The removal of workers who cannot receive the medical care on the spot must be paid for by the employer.

The employer is required to supply free of charge the following benefits: care and medicaments for a sick worker and his family if the latter lives with the worker; meals for a sick worker who receives care on the spot (Section 14 of the Labour Code); and a daily sickness benefit. This latter benefit is not granted under the Labour Code but by virtue of certain collective agreements which are in force in the Federation.

The collective agreement of 26 December 1945—which was extended throughout the Federation—grants the following benefits to European industrial workers in the case of sickness which was not contracted during employment: full wages during the first 30 days; half wages during the following 60 days.

The collective agreements in force in each of the territories of French West Africa contain similar provisions with regard to African personnel. The collective agreement of 12 December 1946 which lays down the general regulations for the employment of Senegalese workers provides, for example, for the payment of the following benefits to workers who have over 18 months' service: two months at half wages for up to five years' service and three months at half wages after five years' service. These benefits are, however, only paid where the disease has been contracted in the course of employment.

Breaches of the obligations mentioned above are penalised under Section 222 of the Act by a fine of between 200 and 500 francs which, in the case of a repeated offence, is increased to between 400 and 4,000 francs.

The supervision of the application of the relevant provisions is entrusted to the Inspectors of Labour and Social Legislation.

The legislative provisions mentioned above have just come into force so that it is not possible to supply a detailed account of the manner in which they are applied. The clauses of the collective agreements have never given rise to more than minor individual disputes, which were settled in a friendly manner following the intervention of the Labour Inspectorate.

Madagascar.

Workers expatriated from metropolitan France and employed in Madagascar may benefit, during their home leave and during the stay of their families in France, from the advantages of the social security scheme if they are members of the Metropolitan Pension Fund for expatriated metropolitan workers or to the Social Welfare Association for metropolitan workers who are overseas.

New Caledonia and Dependencies.

It should be noted that all persons may, for a nominal sum or even free of charge if they are without any resources, receive hospital care, undergo operations and in general follow all treatment and receive all the medical care necessitated by their condition.

Togoland.

Section 47 (c) of the Act of 15 December 1952 (see under *Cameroons*) provides that the contract is suspended during the absence of the worker in the case of sickness certified by an approved doctor, this period being limited to six months; it is extended until the worker has been replaced.

Section 48 provides that in each such case the employer shall pay the worker, within the normal period of notice, compensation equal to the amount of his remuneration during the period of absence.

Orders by the chiefs of territorial groups, or territories which are not grouped or which are under trusteeship, determine the ratio of participation of the territory in the payment of these benefits.

The report states that the application of the Act is at present subject to the study and promulgation of the local Orders, which will probably be issued before the end of 1953.

Tunisia.

The insurance against the risk of "sickness" in respect of the categories of wage earners covered by the Convention is at present voluntary in Tunisia and is not governed by any special legislative provision. In case of necessity, the general legislation concerning private insurance is applicable.

In industry and commerce, the practice of group insurance taken out by the employer for his staff and covering sickness, *inter alia*, is developing more and more. Premiums are in general paid by the employer but sometimes in varying proportion by the employer and the wage earners concerned.

"Mutual insurance associations" organised within the undertaking or for a given occupation also contribute in certain cases to the voluntary coverage of social risks, including sickness. It is intended to improve the legal status of these associations so as to favour their development.

*United Kingdom.**Cyprus.*

After studying an advisory report on the possibilities of introducing a measure of social insurance into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory; it was found that the public regarded the introduction of sickness insurance as meriting priority over other forms of social insurance. The Government has secured the services of an adviser to assist in the preparation of an appropriate programme. At the end of 1952 there were 2,368 contributors in the Government Social Insurance Fund, and 5,251 dependants entitled to free medical treatment. The total income of the Fund, derived from equal contributions from insured persons and their employers, amounted to £10,413 in 1952; payments in cash during the year amounted to £7,571 and benefits in kind to £3,039. At the end of 1952 the Fund showed a surplus of £11,341. Social insurance funds established by the trade unions on a district basis continued to operate satisfactorily during 1952.

Gibraltar.

The Labour Advisory Board have expressed concern at the fact that the Convention has not yet been implemented. Provision for sickness insurance for workers is under consideration as an integral part of a comprehensive social insurance scheme.

Singapore.

There is no system of compulsory sickness insurance in Singapore. Returns submitted in July 1952 by 346 employers in 53 different industries showed that 49 per cent. of the employers gave free medical attention to their employees and 58 per cent. gave paid sick leave.

Zanzibar.

Section 65 (b) of the Labour Decree, as amended by the Labour (Amendment) Decree, 1951, prohibits deductions from the wages of servants who are incapacitated from work by illness or accident unless such illness or accident is caused by the wilful neglect or default of the servant.

25. Convention concerning sickness insurance for agricultural workers

*United Kingdom.**Cyprus.*

After studying an advisory report on the possibilities of introducing a measure of social insurance into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory. Since agricultural workers are predominantly either small proprietors or casual workers, it is doubtful whether in the early stages

of any general scheme of social insurance agriculturists could be covered. To relieve hardship among those who are not likely to be covered by social insurance, the Government has decided to extend its social assistance provisions.

Singapore.

The number of agricultural workers is estimated at 2,200.

26. Convention concerning the creation of minimum wage-fixing machinery

Australia.

New Guinea and Papua.

The Native Labour Ordinance, 1950-52, provides that regulations may be made prescribing a minimum wage for Native employees in the territory.

France.

Algeria.

Article 5. According to census figures compiled for the year 1952 by the competent service of the Labour Inspectorate, the undertakings supervised by the service numbered 34,022 and employed a total of 185,097 men, 31,727 women and 32,113 children and young persons, i.e., 248,937 persons in all.

The number of infringements recorded for the whole of Algeria between 1 July 1952 and 30 June 1953 was about 900. Proceedings were instituted in approximately 260 cases, most of which involved several offences at one time.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The adoption of the Act of 15 December 1952 resulted in a double amendment to the minimum wage fixing machinery in the Cameroons.

From now on, in conformity with the provisions of Section 95, paragraph 1, of the Act, the wage zones and the guaranteed inter-occupational minimum wages are fixed by Orders of the head of the territory, after consultation with the Advisory Labour Committee set up, under the Inspector General of Labour and Social Legislation of the Cameroons, by two Orders dated 27 April 1953. This commission, which consists of equal numbers of delegates from the most representative employers' and workers' organisations, is entrusted with the examination of elements which may serve as a basis in establishing the minimum wage, that is, the study of the minimum living wage and of general economic conditions, in accordance with Section 163 of the Act.

But the Act, which aims at bringing about the maximum participation of workers in the drawing up of their own conditions of work, provides above all for the establishment of different categories of minimum wages for each occupational branch by means of collective agreements. Although no collective agreements were concluded during the period under review, the texts issued in application of the Act, or which are to be issued shortly, are intended chiefly to facilitate this method of establishing conditions of work and minimum wages.

French Equatorial Africa.

The guaranteed inter-occupational minimum wage must be fixed by Orders issued by the heads of territories after consultation with the occupational organisations and in conformity with the

provisions of Section 95 of the Act of 15 December 1952 (see under *Cameroons*).

As a result of the application of the 40-Hour Act in the territories, new minimum wages will shortly be fixed.

It should be noted that in most undertakings present real wages are higher than the minimum wages.

French Establishments in India.

Part IV of the Act of 15 December 1952 (see under *Cameroons*) provides in Section 95 that Orders by the head of the territory, issued after consultation with the Advisory Labour Committee, shall fix the wage zones and the guaranteed inter-occupational minimum wage.

The application of the Convention in the territory may be considered after the setting up of the Advisory Labour Committee.

French Guiana.

See under *Guadeloupe*.

French Somaliland.

Section 163 of the Act of 15 December 1952 (see under *Cameroons*) deals with the competence of the territorial Advisory Labour Committee.

The guaranteed inter-occupational minimum wage is fixed for the territory by an Order issued after consultation with the above-mentioned Committee, which originates from the employers' and workers' organisations. All wage earners are entitled to the minimum wage rates which are thus established.

The Inspectorate of Labour and Social Legislation is entrusted with the supervision of the application of the provisions.

French West Africa.

The information formerly supplied is still valid. It should be noted, however, that a general modification of wages will shortly take place in accordance with the new hours of work established by the Act of 15 December 1952 (see under *Cameroons*).

Guadeloupe.

The guaranteed minimum wage remained unchanged during the period under review. It is 83 francs per hour for wage earners in the non-agricultural occupations.

Madagascar.

The new legislative provisions applicable with regard to wages are contained in Sections 91 to 98 of the Act of 15 December 1952 (see under *Cameroons*).

Orders to be issued by the head of the territory must establish in particular: the wage zones and the guaranteed inter-occupational minimum wage; the minimum wage for each occupational category, in default of a collective agreement; the minimum wage rates for overtime, night work and

work on non-working days. These Orders will be issued in the near future.

A Central Advisory Labour Committee has been set up in application of the provisions of Sections 162 and 163 of the new Act, and a joint advisory labour committee is to be set up in the principal economic regions of the territory.

The procedure for establishing guaranteed minimum wage rates now includes the compulsory consultation of these committee which replace the Central Advisory Labour Council and the former advisory committees.

The chief characteristic of the new committees is that their members are appointed by the most representative trade union organisations and that employers and workers are represented strictly on an equal footing.

Martinique.

See under *Guadeloupe*.

New Caledonia and Dependencies.

The fixing of minimum wages in New Caledonia is regulated by the Decree of 23 August 1946, pending the fixing in the near future, by local Order, of the guaranteed inter-occupational minimum wage, as provided for in Section 95 of the Act of 15 December 1952 (see under *Cameroons*).

Réunion.

See under *Guadeloupe*.

St. Pierre and Miquelon.

New provisions are to be found in Part IV of the Act of 15 December 1952 (see under *Cameroons*), which is now applicable.

Togoland.

The report refers to Section 95 of the Act of 15 December 1952 (see under *Cameroons*).

Tunisia.

Tunisia has minimum wage fixing machinery for commerce, industry and the liberal professions which satisfies the requirements of the Convention (Decree of 4 September 1943).

Minimum wages are fixed by "wages regulations" drawn up by tripartite committees which include representatives of the Administration, of the central employers' and workers' organisations and of the employers' and workers' organisations of the occupations concerned.

These regulations are made binding by Order for all undertakings in the territories and occupations to which they relate. Contraventions are subject to penalties without prejudice to the payment of damages for the benefit of the injured worker.

Under this procedure 196 wages regulations were issued. They relate to the majority of industrial, commercial and liberal professions in the Regency. The rates laid down have been readjusted on several occasions by means of a general increase, after consultation with a committee which includes representatives of the central organisations of employers and workers.

Independently of these special regulations, and for the benefit of undertakings not covered by them, an inter-occupational minimum wage has also been fixed.

The daily minimum wages in agriculture were fixed on 1 October 1951 at 240, 260 or 274 francs according to the area.

Charts which are appended to the report indicate the evolution of the average daily wage since 1944 for various workers such as mechanics, blacksmiths, machine operators, olive-tree pruners, gardeners, etc.; the evolution of wages since 1946 in commerce, industry and the liberal professions; the minimum hourly wages of workers in building and public works industries with details regarding the successive increases introduced since 1 March 1939 (collective agreements); a chart of the variations in the minimum wage fixed by regulations in Tunisia since 1944 for certain occupational groups; and, finally, a chart of minimum hourly wages since 1944 in phosphate mines and quarries.

Italy.

Trust Territory of Somaliland.

In view of the slight development of local industry, the insufficient organisation of workers, the lack of employers' associations, the special mentality of local workers and their low level of skill, as well as the irregular nature of their contributions, it has been decided that the time has not yet come to set up minimum wage fixing machinery and that it would be preferable to establish wages according to the relation between supply and demand. This system has not given rise to any difficulties and no requests have been made by local workers' organisations (which, moreover, only include a very small number of industrial workers among their members) for the setting up of minimum wage fixing machinery.

The development of industrial tools and the training of workers with a higher level of skill—two elements which are at the basis of the economic progress of the territory and which are the precise aims of the Trusteeship Administration—will probably make necessary, within a few years, regulations based on the standards contained in the Convention.

New Zealand.

Cook Islands.

As the Cook Islands Industrial Unions Regulations, 1947, provide effective minimum wage fixing machinery, the Government proposes to extend the Convention in the territory.

United Kingdom.

Aden.

The Labour and Welfare Officer, the Assistant Labour and Welfare Officer and the Labour Inspector are responsible for the administration of the legislation in force.

Barbados.

The increased minimum rates for shop assistants in Bridgetown have been in operation for a full year. Although there have been cases of employers dismissing assistants as soon as they reached the age of 16 years (which entitles them to a higher minimum rate), on the whole the effect has been a general improvement in the earnings of these shop assistants.

British Guiana.

Minimum Wages (Georgetown and New Amsterdam Laundries Employees) (Amendment) Order, 1953.

Minimum wage rates for laundry employees were amended by the above legislation. Notification of intention to prescribe minimum wage rates for persons engaged in drug stores, hardware stores, dry goods stores, garages and cinemas was published on 24 January 1953, following recommendations made by advisory committees (mentioned in the previous report), but no Orders were made during the period covered by the present report.

Gibraltar.

In April 1953 an Order was made by the Governor fixing minimum wage rates for omnibus drivers and conductors; at the same time Rules were made regulating their hours of work in order to ensure that the limitation of working hours should not result in any considerable reduction in earnings. A meeting of representatives of employers and workers, under the chairmanship of the Director of Labour and Welfare, agreed to fix the minimum wages for a 48-hour week at £4 8s. 0d. for omnibus drivers and £3 12s. 0d. for conductors. There are no other Orders in force under the Minimum Wage Ordinance. The above-mentioned Order was published in the *Official Gazette* and notification of the wage rates was sent to individual employers for posting up in the garages concerned. Immediate supervision is entrusted to an officer appointed under Section 11 (1) of the Ordinance. The enactment of more comprehensive legislation, embodying the provisions of the Convention, is under consideration by the Government.

Gold Coast.

The recommendations submitted by the Retail Wages Board had not been implemented at the end of the period under review.

Grenada.

In 1951 there were 5,427 agricultural workers, 407 spice workers, 1,291 government road workers and 651 shop assistants and clerks.

Hong Kong.

Although events in the Far East have adversely affected both trade and industry, the situation has improved during the period under review. Deprived of their former sources of raw materials, some industrialists have sought new markets, the result of which has been not only to relieve the current position but often to bring about long term benefits. Some smaller undertakings have failed, but on the whole employment figures have improved as some of the larger factories, e.g., in the textile industry, have maintained full employment and in some cases have expanded.

Jamaica.

Minimum Wage (Printing Trade) Proclamation, 1952.
Minimum Wage (Dry Goods Trade) Proclamations Nos. 1 and 2, 1953.

During the period under review new minimum rates of wages were fixed in the printing trade and the dry goods trade; 2,412 inspections were carried out, £6,603 in arrears voluntarily paid,

£1,833 in arrears ordered by the court and fines amounting to £165 paid in respect of breaches of the law. Prosecutions in respect of breaches of the law were instituted in 164 cases.

Kenya.

Tailoring, Garment Making and Associated Trades Wages Council (Establishment) Order, 1952.
Wages Council (Tailoring, Garment Making and Associated Trades) Rules, 1952.
Wages Regulation (Tailoring, Garment Making and Associated Trades) Order, 1952.
Wages Regulation (Tailoring, Garment Making and Associated Trades) Order, 1953.
Wages Regulation (Soft Furnishings) Order, 1953.
Wages Regulation (Bespoke Tailoring for Men and Boys) Order, 1953.
Wages Regulation (Exhibition of Notices) Rules, 1952.
Wages Regulation Orders, No. 2 of 1952 and 1953 (Minimum Wages in Towns).
Transport and Road Haulage Wages Council (Establishment) Order, 1953.
Wages Council (Transport and Road Haulage) Rules, 1953.

Article 2. Consultations with workers and employers regarding the setting up of wages councils under the Regulation of Wages and Conditions of Employment Ordinance are effected through the Wages Advisory Board. This body took evidence from domestic, hotel and road transport workers during the year and received representations from the Federation of Registered Trade Unions and from industrial employers.

Article 3. The wages councils set up under the Regulation of Wages and Conditions of Employment Ordinance are composed of three independent members and equal numbers of representatives of employers and workers respectively. The trade unions provide the workers' representatives on the councils so far set up. The Wages Advisory Board, which may also propose statutory wages, consists of three independent members, two employers and two workers.

Article 5. Wages councils have been set up during the period under review to function as standing wage-determining bodies for the fixing of statutory wages and other conditions of employment for (a) the tailoring, garment-making and associated trades throughout Kenya (which include tent- and sail-making and the making up of soft furnishings); between 3,000 and 4,000 workers are affected; (b) the road passenger services and the road haulage industry in the Nairobi County Council and City Council areas (in regard to operating staff only, at present); about 2,000 workers are affected.

Consideration was given by the Wages Advisory Board to the establishment of a wages council for the hotel and catering trades throughout the territory. It was recommended to the Government that further efforts should be made by employers' and workers' organisations to come to some mutual basis of agreement before any decision was reached.

In addition, 15 memoranda laying down the conditions of employment to be established in specified undertakings were registered under the Regulation of Wages Ordinance during 1952, thus making the wages and conditions specified in such memoranda enforceable by labour officers.

Statutory general minimum wages continued to be fixed by the Wages Advisory Board as a foundation to the wages structure in nine specified urban areas in the territory.

At 30 November 1952, there were 129,891 Africans recorded as being in employment in the nine towns for which statutory minimum wages had been fixed. Between 10 and 15 per cent. of these workers are paid at the minimum rates; the rates prescribed form a basis for the wages structure in respect of a large proportion of these 129,891 workers.

The application of minimum wages and conditions as fixed through the first established wages council began during the period under review. Enforcement of the statutory general minimum wages applicable in urban areas was intensified during 1952, resulting in 120 prosecutions for paying less than the minimum rates, as compared with 59 in 1951.

Leeward Islands.

During the period under review 10 collective agreements were signed in respect of Antigua.

Malta.

Cinemas and Theatres Wages Council Wage Regulation Order, G.N. 556 of 1952.

This is the only wage regulation order which has so far been made. Wages councils for public transport, the construction industry, and printing and publishing have been set up.

Mauritius.

The report refers, under Article 5, to Government Notices Nos. 4 of 1953 (Messengers) and 27 of 1953 (Female Factory Workers).

Northern Rhodesia.

By the Amending Ordinance No. 27 of 1952, the principal Ordinance provides for agreements reached by voluntary joint industrial councils to be given force of law at the request of the parties. Provision has also been made for the establishment of wages councils when the Governor in Council is of the opinion that no adequate machinery exists for the effective regulation of the remuneration or conditions of employment of any worker or groups of workers.

St. Lucia.

Labour (Minimum Wage) Ordinance, No. 5 of 1935, as amended by Ordinances Nos. 3 of 1937, 6 of 1938 and 24 of 1941.

Labour Ordinance No. 14 of 1938, as amended by No. 10 of 1943.

Labour (Coaling Industry) (Minimum Wage) Order, 1941.

Labour (Minimum Wage) (Agricultural Labourers) Order, No. 64 of 1946, as amended in 1947, 1951 and 1953.

Labour (Minimum Wage) (Shop Assistants) Order, No. 2 of 1949, as amended in 1951 and 1953.

Wages Council Ordinance, No. 1 of 1952.

Wages Council (Meeting and Procedure) Regulations, 1952.

Wages Councils (Wage Regulation Proposals) (Notice) Regulations, 1952.

Wages Councils (Conditions of Office) Regulations, 1952.

Wages Council (Commissions of Enquiry) (Meetings and Procedure) Regulations, 1952.

Sugar (Industry) Wages Council Order, 1953.

The Labour (Minimum Wage) Ordinance authorises the Governor in Council to fix minimum wages in any occupation in which wages are

regarded as being too low and to appoint advisory boards to consider the wages paid in any occupation. The Wages Council Ordinance empowers the Governor in Council to establish a wages council where he is satisfied that no adequate machinery exists for the effective regulation of the remuneration of workers. Wages fixed by Order in Council in unorganised trades are determined on the recommendation of a labour advisory board comprising one independent person, two official representatives, four employers' representatives, four trade union representatives and one worker representing commercial clerks; on wages councils there is equal representation of employers and workers. Both the Labour (Minimum Wage) Ordinance and the Wages Council Ordinance contain provision for enforcing payment of minimum wages due. Orders have been issued under the Labour (Minimum Wage) Ordinance applying to commercial clerks, workers in the coaling industry and agricultural workers; under the machinery provided by the Wages Council Ordinance, minimum wages have been fixed for the sugar industry. Copies of the Orders fixing these minimum wages have been supplied.

The enforcement of these Orders is entrusted to the three senior officers of the Labour Department who are at one and the same time labour inspectors and enforcement officers under the Wages Council Ordinance. Frequent inspection visits are paid; no prosecutions were recorded during the period under review.

St. Vincent.

Wages Council Ordinance No. 1 of 1953.

In accordance with a Wages Council Ordinance enacted in January 1953, wages, previously fixed on the advice of labour advisory boards, became the concern of wages councils. Efforts are being made to have wages and conditions of work fixed by collective agreements.

Sarawak.

On account of the high demand for labour no legislation giving effect to the provisions of the Convention has been enacted, nor is any necessary. The position is kept constantly under review.

Sierra Leone.

Government Notice No. 567 of 14 July 1952.

Commissioner of Labour's Directive, Public Notice No. 90 of 1952.

Government Notice No. 692 of 23 August 1952.

Government Notice No. 715 of 6 September 1952.

The Wages Boards (Application) Order in Council of 5 February 1953.

Government Notice No. 371 of 14 May 1953.

Commissioner of Labour's Directive, Public Notice No. 43 of 1953.

The report refers to the above legislation.

Singapore.

Wages Councils Ordinance No. 11 of 1953.

The Labour Advisory Board recommended to the Government the enactment of legislation to provide for minimum wage fixing machinery on the lines of the United Kingdom Wage Councils Act, 1945; a Wages Councils Ordinance was enacted during the period under review.

Tanganyika.

Article 2. The collection and collation of data has continued during the year under review with a view to establishing in which areas and industries it may be desirable to set up wage fixing machinery. Panels of names of employers and workers and independent persons have been drawn up from which minimum wage boards or wages councils may be formed when it is considered opportune. Progress has continued in the formation of several committees, both in government and industry.

Article 5. The minimum wage rates for unskilled daily paid labour employed by government departments throughout the territory were further increased by administrative instructions.

Trinidad and Tobago.

Wages Regulation (Sugar Industry) Order, 1952.
Wages Council (Wholesale and Retail Distributive Trades) Order, 1952.

The above Orders, fixing statutory minimum remuneration for workers in the sugar industry and establishing a wages council in respect of the wholesale and retail distributive trades, came into effect on 1 August 1952 and 27 June 1953 respectively.

Zanzibar.

Government Notice No. 100 of 1953 respecting carters.

The revision of the Order concerning carters was made in June 1953 but there was no increase in wages.

27. Convention concerning the marking of the weight on heavy packages transported by vessels

*Australia.**New Guinea and Papua.*

Marking of Weight on Heavy Packages Ordinance, 1951.

A consignor who consigns within the territory for transport by sea or inland waterway a package or article weighing 2,205 pounds or over is required to mark the approximate gross weight in tons and hundredweights on the package or on a label attached securely to the package, in legible and durable characters of not less than one inch in height. Where ascertaining the weight of the package accurately is impracticable, the approximate weight may be marked within a limit of one ton. The penalty for breach of the foregoing provisions is £100. The master of a ship, under penalty of a fine of £50, may not permit any such package or article to be loaded which is not marked as required and must arrange for some competent person, where an unmarked package has been loaded outside the territory, to give verbal advice as to its approximate weight to workers actually employed in unloading. The application of the legislation is the responsibility of the Department of Customs and Excise. No decisions were given by courts of law or other courts regarding the application of the Convention and no contraventions of the regulations were reported during the period under review.

*France.**French Settlements in Oceania.*

There are no regulations applying this Convention in Oceania.

New Caledonia and Dependencies.

Section 86 of the Decree of 2 March 1939 states that the consignor of all packages and objects weighing 1,000 kilograms or more, which are to be transported by sea or by inland navigation, must have the weight marked plainly and durably on the outside. In the exceptional cases in which it is difficult to establish the exact weight, the marked weight shall be the maximum weight determined according to the volume and nature of the package.

Tunisia.

There is no legislation in Tunisia giving effect to the provisions of the Convention. However, heavy packages transported by vessels carry an indication of their weight as this formality is required by the shipping companies in accordance with the Ministry of Merchant Shipping Circular of 18 March 1949.

*Italy.**Trust Territory of Somaliland.*

There are no provisions in the territory laying down the obligation to indicate clearly and durably the weight on heavy packages of over one ton to be transported by sea or by inland navigation; nevertheless, this is done in practice.

29. Convention concerning forced and compulsory labour

Australia.

Papua.

On 13 March 1952 the Administrator declared Wedau 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, while ample additional areas of Native-owned land were available for cultivation.

The declaration was still in force on 30 June 1953, but because of the improved position which has resulted from the cultivation of the additional areas consequent upon the declaration, it is anticipated that it will be possible to revoke the declaration in the near future.

Belgium.

Belgian Congo and Ruanda-Urundi.

A draft is now under consideration which will abolish all unpaid compulsory labour except labour for the purposes of instruction (cultivation and hygiene). Labour other than instructional will be carried out by the Native districts which, however, will be obliged to remunerate it at the prevailing regional rate. It is intended to make these new provisions applicable as from 1 January 1954.

The number of taxpayers who were imprisoned for debt during the year 1952 was 4,967 out of a total of 2,921,996, i.e., less than 2 per cent.

The new provisions abolishing unpaid compulsory labour, with the exception of work in connection with cultivation and hygiene, provides that the maximum number of days which may be exacted shall be reduced from 60 to 45.

In reply to the request made by the Committee of Experts, the Government is compiling statistics of free workers and convicts employed on public works, and hopes to be able to supply these figures at an early date.

France.

Cameroons.

See under *French Equatorial Africa*.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1953, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (Sections 2, 228 and 232) (L.S. 1952—Fr. 5).

Section 2 of the above-mentioned Act confirms the absolute prohibition of forced or compulsory labour already laid down by the Act of 11 April 1946.

This same section defines forced or compulsory labour in the same manner as is done in Article 2, paragraph 1, of the Convention.

Section 228 of the Act provides for a fine of between 2,000 and 20,000 francs and imprisonment of six days to three months, or one of these penalties, in the case of an infringement of the provisions of Section 2 which prohibits forced

labour. In the case of a repeated offence the fine is increased from 4,000 to 40,000 francs and the term of imprisonment from 15 days to six months.

Section 463 of the Penal Code (attenuating circumstances) and the First Offenders Act may be applicable in virtue of Section 232 of the above Act.

See under *French Equatorial Africa* for information relating to the following territories :

French Establishments in India, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia and Dependencies, St. Pierre and Miquelon, Togoland.

Tunisia.

Forced or compulsory labour within the meaning of Article 2 of the Convention does not exist in Tunisia in any form.

Italy.

Trust Territory of Somaliland.

In Somaliland the question of forced labour is regulated by Ordinance No. 13 of 18 July 1952, the full text of which is as follows :

"Section 1. Royal Decree No. 917 of 18 April 1935 which approves the Forced or Compulsory Labour Regulations does not apply to the territory of Somaliland.

"Section 2. Any person who attempts to exact, or exacts, forced or compulsory labour in any form whatever is liable to a penalty of from one to five years' imprisonment and a fine of 5,000 somalos unless the act is deemed to be a more serious crime in accordance with another legal provision."

Since the inception of the Trusteeship Administration on 1 April 1950, no public or private person has had recourse to forced or compulsory labour.

The Labour Inspectorate, the central and regional authorities and the police have taken the strictest possible supervisory measures for the purpose of implementing the above-mentioned Ordinance No 13.

United Kingdom.

Malaya.

The new Employment Code has now been published as a Bill and is under consideration by a select committee of the Legislative Council.

Sierra Leone.

Article 13. The report states that the normal working day is eight hours and the prescribed distance for portage is now 12 miles. The wages of the porters are fixed at 3s. 3d. per day or 6d. per mile for short journeys. Overtime worked in excess of eight hours must be paid for by an additional 3d. for every mile after 12 miles.

The report states that no forced labour was exacted during the period under review.

Tanganyika.

The new Employment Bill is in its final draft form and the redrafting of the memorandum on the Recruitment, Care and Employment of Government Labour must await its enactment.

The figures for compulsory labour for minor public works under Article 10 of the Convention, and for Native authorities under Article 7, show a marked decline from the previous year. After careful verification it has been ascertained that this may be attributed to the fact that volunteer labour has been available in adequate numbers to meet the requirements of the community during the period under review, and that there were few works of imminent necessity that could not be met by such volunteer labour. While it is hoped that this satisfactory state of affairs will continue in future years, some fluctuation will no doubt be inevitable.

Statistical data concerning the application of Articles 7, 10 and 18 are given in an appendix to the report.

Uganda.

The Ordinance referred to in previous reports as the "Native Authority Ordinance" is now

known as the "African Authority Ordinance" and the legislative texts applying the Convention have been slightly modified.

The section of the Penal Code which is relevant to the Convention has now become Section 243 (Chapter 22 of the Laws).

The Native Authority Rules are now included in Chapter 72 of the Laws.

During the period under review 1,171 men were called out; they performed 3,471 days' work.

Article 11. The relevant legislation is now Section 46 (1) of the Uganda Employment Ordinance (Chapter 83 of the Laws).

Article 14. While the lowest rate of pay current outside Buganda was 50 cents, the average was considerably higher, and the maximum two shillings per day.

Article 15. The relevant legislation is now entitled "Workmens' Compensation Ordinance, Chapter 91 of the Laws".

The functions of the Labour Advisory Board are defined in Section 6 of the Uganda Employment Ordinance (Chapter 83 of the Laws). There are four registered trade unions in the protectorate.

30. Convention concerning the regulation of hours of work in commerce and offices

*New Zealand.**Cook Islands and Western Samoa.*

See under Convention No. 1.

32. Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised 1932)

*Italy.**Trust Territory of Somaliland.*

No specific regulations on the subject matter of the Convention have so far been issued. Nevertheless, with a view to preventing accidents, the harbour authorities carry out constant and strict supervision of the conditions of work of workers employed in loading and unloading ships, of the safety of work on quays and docks, of the barges and other vessels employed in the loading and unloading of ships, of the use of cranes, and, in general, of all operations carried out in the harbour. All workers, without any distinction as to race or nationality, are subject to compulsory accident insurance in conformity with Ordinance No. 27 of 23 December 1951.

*New Zealand.**Cook Islands.*

See under Convention No. 12.

*United Kingdom.**British Guiana.*

Docks (Safety) Regulations, 1953, made under Section 30 of the Factories Ordinance No. 30 of 1947.

The above Regulations came into force on 1 April 1953. Effect is given to the terms of the

Convention by the above Regulations, with a few modifications in order to make the Convention applicable to local conditions. No decisions were given by courts of law. The Regulations, drafted in consultation with representatives of employers and workers, take into account many of the views expressed by these representatives.

Gibraltar.

During the period under review 42 accidents (mostly consisting of cuts, sprains, contusions, etc.) were reported as having been sustained by dockworkers. At a meeting of the Labour Advisory Board, one of the workers' representatives asked what progress was being made in applying the provisions of the Convention. The chairman of the Board (the Director of Labour and Welfare) replied that Dock Regulations, based substantially on those in force in the United Kingdom, would be made under the Factories Ordinance, which is being given priority in the legislative programme.

Hong Kong.

Some 4,250 workers are regularly employed by stevedoring and waterfront coolie contractors, and there are at least as many more coolies working in gangs on a casual basis. The monthly average number of vessels of over 60 tons entering and clearing the port was 395 and 396 re-

spectively. Nine accidents, of which three were fatal, were reported during the period under review.

The Governor of Hong Kong has now stated that the reference made in the previous report on the Convention to the Dangerous Goods Committee was inappropriate as the Committee's terms of reference, report and recommendations were concerned with the transport and storage of dangerous goods as a matter of public safety and did not relate to the subject matter of the Convention.

Kenya.

The average number of workers employed daily in the port of Mombasa during the period under review was 4,006.

The number of accidents to such workers was 264, including 207 of minor importance.

Malta.

The Dock Safety Regulations, declared partly *ultra vires* by a court decision, have been re-

enacted by virtue of an amendment to the Factories Ordinance. New Dock Safety Regulations are to be published shortly.

Sierre Leone.

It is expected that the Queen Elizabeth II Quay (Deep Water Quay) will be completed later this year and suitable arrangements will be effected for its control and for the management of the docks.

Solomon Islands.

Workmen's Compensation Regulation, Queen's Regulation No. 5 of 1952.

No administrative regulations or rules have yet been found necessary. There is no legislation applying the provisions of Articles 2 to 17 of the Convention. Article 18 is not applicable. No decisions were given by courts of law. The specific provisions of the Convention are not in force in the Protectorate but dock labourers are covered by the definition of "workman" in the above Regulation.

33. Convention concerning the age for admission of children to non-industrial employment

France.

Cameroons.

See under Convention No. 5.

French Equatorial Africa.

See under Convention No. 77.

French Establishments in India.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 56 of the above Act provides that no person who has not reached the age of 21 years may accept apprentices for training.

Section 118 lays down that children under 14 years of age may not be employed in any undertaking, as apprentices or otherwise, unless authorised by order of the head on the territory, issued after consultation with the Labour Advisory Board and account having been taken of the local circumstances and of the tasks which the children may be required to carry out.

An order of the head of the territory shall specify the types of the work and categories of undertaking in which the employment of young persons is prohibited and the age limit which must be applied.

French Guiana.

The Convention is applied in the territory.

French Somaliland.

Section 118 of the Act of 15 December 1952 (see under *French Establishments in India*) relates to the subject matter of the Convention.

French West Africa.

The prohibitions and measures laid down in the Act of 15 December 1952 (see under *French Establishments in India*) with regard to the work of children apply to all undertakings and all types of work whether industrial or not.

The texts for the application of the legislation will take due account of exceptions to be authorised according to the "nature of the work". These texts have not yet been promulgated. Reference is therefore made to the reports supplied concerning Conventions Nos. 5 and 10.

Guadeloupe.

The Convention is applied in the territory.

Madagascar.

See under Conventions Nos. 5 and 10.

Martinique.

The Convention is applied in the territory.

New Caledonia and Dependencies.

The subject matter of the Convention is regulated by Sections 118 and 119 of the Act of 15 December 1952 (see under *French Establishments in India*, Conventions Nos. 5 and 10). The local Orders called for by the Act have not yet been issued.

Réunion.

The Convention is applied in the territory.

Tunisia.

The labour legislation does not contain any provision laying down a general minimum age for the employment of children on non-industrial work within the meaning of the Convention.

See also under Convention No. 5.

35. Convention concerning compulsory old-age insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants

France.

Algeria.

By Decision No. 53-020, as confirmed by Decree of 29 April 1953, the Algerian Assembly set up an old-age insurance system (applicable as from 1 April 1953) for workers other than those employed in agriculture. An Order of 22 May 1953 laid down the conditions of application of the above-mentioned Decision.

This system, which is modelled after the one existing in metropolitan France, takes into account the special features of Algeria, both from the social and the economic point of view.

Article 2. The scope of Decision No. 53-020 is defined in Section 35 of Decision No. 49-045 of the Algerian Assembly which reads as follows :

"Section 35. The following bodies are subject to the provisions of the present Part : public services as regards members of their staff who are not members of a special social security system ; all industrial and commercial undertakings, both public and private ; the liberal professions ; all industrial associations and associations of any nature whatever ; public officials and officials in ministries, non-commercial companies, and, in general, all physical or juridical persons whose occupational activity is non-agricultural and who habitually employ one or several wage earners."

Paragraph 1. Contributions and benefits are calculated on the basis of a maximum remuneration of 38,000 francs per month.

Paragraph 2. Old-age benefits are only granted from the age of 60 years to persons who have spent at least ten years in remunerated employment in a non-agricultural occupation after 31 March 1938.

Paragraph 4. Public officials are not covered by the general old-age insurance system, but they benefit from the retirement system provided for under their regulations.

In addition, the following persons continue to be covered by their own regulations : members of the system set up by Decree of 5 June 1947 for the staff of the Algerian Electricity and Gas Company ; members of the old-age insurance system set up for the staff of Algerian mines by Decree of 2 August 1949 ; members of the social welfare system set up for the staff of the Algerian railways and of the retirement scheme set up for the staff of the Algerian Railway Company and the Algerian Tramway Company as organised by the Act of 22 July 1922 and applied in Algeria by Decree of 19 July 1925.

Article 3. If the insured person does not satisfy the relevant conditions regarding length of service required in order to acquire the right to a pension, he may request the refund of his contributions when he reaches 60 years of age.

Article 4. The pensionable age is 60 years.

Article 5. Evidence must be given of a minimum of ten years in insurance or in wage-earning

employment which is recognised as pensionable employment in Algeria in a non-agricultural undertaking, subsequent to 31 March 1938.

Article 6. An insured person who ceases to be subject to compulsory insurance retains indefinitely the benefits accrued under his contributions except in cases where, after reaching 60 years of age, he makes use of his right to secure refund of these contributions.

Article 7. The amount of the pension is calculated, on the one hand, according to the average yearly wage during the last ten years of employment or insurance (before the age of 60 years or before the age of retirement, whichever is more favourable for the insured person) and, on the other hand, according to the number of years spent in insurance or in employment, which must be at least ten.

The rate of pension is equal to 1.33 per cent. per annum of wage-earning employment or insurance, and is based on the average yearly wage.

The average yearly wage used as the basis for calculating the pension may in no case be less than two-thirds of the guaranteed inter-occupational minimum wage.

Article 8. "Any person who is convicted of fraud or false statements made for the purpose of securing or attempting to secure unjustified benefits is liable to a fine varying between 12,000 and 230,000 francs without prejudice to any penalty which may be laid down in any other laws" (Section 22 of the Act of 30 December 1952).

Article 9. A sum of 800 million francs has been earmarked by the Algerian Social Insurance Fund and allocated to the old-age insurance fund in order to cover expenses up to 31 March 1954.

As from 1 April 1954 contributions will be collected, amounting at most to 1.5 per cent. of wages and payable in equal amounts by the employer and by the wage earner on the basis of a maximum wage of 38,000 francs per month.

Article 10, paragraph 1. Old-age insurance is managed by an Algerian old-age insurance fund which has the status of a social insurance fund.

Paragraph 2. All associations or groups of any kind in existence before 1 April 1953 and which insure against the risk of old age may be empowered by the Governor General to pay benefits supplementary to those of the general system.

Paragraph 3. The resources of the fund are administered separately from the public funds.

Paragraph 4. The board of management includes an equal number of workers' and employers' members.

Paragraph 5. Financial and administrative supervision is carried out by the competent services of the Government General of Algeria.

Article 11. Effect is given to the provisions of this Article. Competent tribunals have been set up by Act No. 52-1403 of 30 December 1952.

Article 12. Effect is given to paragraphs 1 and 2 of this Article. No provision has been made for the use of any public funds.

Article 14. The question of frontier workers has not arisen for the time being, and no special system is at present contemplated for this category of workers.

Article 16. The pension is payable at the age of 60 years.

Article 17. There is no residence requirement, apart from the period of employment in Algeria (ten years) after 31 March 1938.

Article 18. No maximum annual income is provided for in respect of the insured person himself. The spouse is not considered to be a dependant if his or her personal resources, in addition to a sum equal to half the allowance paid to aged workers (at present 27,000), do not exceed 150,000 francs a year.

Article 19. The pension is equivalent to 1.33 per cent. for each year spent in insurance and may not exceed 40 per cent. of wages, up to a limit of 38,000 francs a month.

Article 20. This provision is observed.

Article 21. Foreigners who are nationals of a Member bound by the Convention are entitled to pensions under the same conditions as nationals, without any condition as to residence.

Article 22. The right to a pension is forfeited or suspended if the person concerned has obtained or attempted to obtain a pension by fraud, but not if he has been sentenced to imprisonment for a criminal offence or if he has persistently refused to earn his living by work compatible with his strength and capacity.

There were no judicial or other decisions.

In so far as the scope of the Convention is concerned, the report states that the total number of insured persons is 461,870. As regards pensioners, no pensions have as yet been settled.

The report also states that, in view of the recent entry into force of old-age insurance in Algeria, it is not possible to supply information on the expenses involved in applying relevant legislation.

No contributions are provided for until 15 April 1954.

Cameroons.

Many undertakings insure their European employees with private companies which pay an old-age pension approximately the same as that paid under the metropolitan social security scheme.

In addition, all metropolitan workers who have been affiliated to the metropolitan old-age pension scheme for at least six months are free to become voluntary members of the metropolitan social security scheme as regards old-age insurance.

French Establishments in India.

On 30 June 1953 there were 980 pensioners in textile factories.

French Guiana.

The report contains the following statistical information for the period 1 July 1952 to 30 June 1953: the number of persons covered by social insurance was 4,300 and the number of beneficiaries of allowances to aged workers was 565.

The total amount paid out as allowances to aged workers was 37,372,370 metropolitan francs, exclusive of administrative expenses. Workers' contributions amounted to 40,963,580 francs; those of the employers to 51,204,475 francs.

See also under *Guadeloupe*.

Guadeloupe.

Decree of 25 July 1952 to fix for the Departments of Guadeloupe, French Guiana, Martinique and Réunion the maximum remuneration on which social security contributions shall be based.

Order of 5 March 1953, to fix for the Departments of Guadeloupe, French Guiana and Martinique the minimum wage to serve as the basis for the calculation of the social security contributions of persons employed by their spouse.

The Decree of 25 July 1952 fixes at 456,000 francs per year the maximum remuneration on which social security contributions shall be based, and specifies that any subsequent modifications of the amount or the method of calculation of the remuneration to be taken into account for this purpose in metropolitan France will be applicable in the Departments of Overseas France at the same date as in the metropolis.

The Order of 5 March 1953 provides that in the three Departments of Guadeloupe, French Guiana and Martinique the social security contributions due in respect of persons employed by their spouse are calculated on the basis of a wage which is at least equal to the guaranteed inter-occupational minimum wage applicable in these Departments and calculated in accordance with the provisions of Section 1 of the Decree of 9 February 1952 fixing this guaranteed inter-occupational minimum wage. This text also specifies that any subsequent modifications of the guaranteed minimum wage by the Departments in question will be applied to the minimum wage now serving as the basis for the calculation of social security contributions due in respect of persons employed by their spouse.

The report also contains the following statistical information for the period 1 July 1952 to 30 June 1953: the number of persons covered by social insurance was 43,000 and the number of persons receiving the allowance for aged workers was 6,381. The total amount of benefits paid out as allowances to aged workers was 487,218,638 metropolitan francs, exclusive of administrative expenses. Workers' contributions amounted to 231,475,604 francs; those of the employers to 289,344,505 francs.

Martinique.

The report contains the following statistical information for the period 1 July 1952 to 30 June 1953: the number of persons covered by social insurance was 41,000 and the number of beneficiaries of allowances to aged workers was 6,347. The total amount paid out as allowances to aged workers was 461,273,576 metropolitan francs, exclusive of administration expenses. Workers' contributions amounted to 232,307,624 francs; those of the employers to 290,384,530 francs.

See also under *Guadeloupe*.

New Caledonia and Dependencies.

By an Order of 4 June 1953 the scheme analysed in previous reports was extended to all occupations.

Réunion.

An Order similar to that of 5 March 1953 is being drafted for this Department.

The report contains the following statistical information for the period 1 July 1952 to 30 June 1953: the number of persons covered by social insurance was 45,000 and the number of beneficiaries of allowances to aged workers was 4,911. The total amount of benefits paid out as allowances to aged workers was 166,887,266 francs C.F.A. (1 franc C.F.A. is equal to two metropolitan francs), exclusive of administrative expenses. Workers' contributions amounted to 92,712,104 francs C.F.A.; those of the employers to 115,890,132 francs C.F.A.

See also under *Guadeloupe*.

Tunisia.

Old-age insurance has not been made compulsory in Tunisia. However, undertakings which are licensed to operate public services are subject to a special welfare scheme including pensions based on length of service, which are generally more advantageous than those provided for by the Convention.

In addition, independent schemes for wage earners in steady employment, who agree to contributions giving the right to retirement pensions which are more or less adequate, are often organised in industry and commerce within an undertaking or within a given trade. The practice of group insurance which is taken out by the employers for their staff tends to develop more and more, especially as regards old-age insurance. Contributions are either paid by the employers alone or, more generally, by the employers and the workers in varying proportions.

Mutual benefit societies are also encouraged in this sphere and it is intended to give them a new legal status designed to further the development of such societies.

*Italy.**Trust Territory of Somaliland.*

In the view of the present situation in the territory, the provisions applying the Convention have not yet been issued; moreover, it is not possible to indicate when compulsory old-age insurance will be set up for the categories of workers in question. Nevertheless, in conformity with Ordinance No. 43 of 18 July 1950, the system of old-age insurance in force in Italy has been extended to Somaliland, but for Italian workers only.

*United Kingdom.**Cyprus.*

After studying an advisory report on the possibilities of introducing a measure of social insurance into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory. A need to assist the aged is recognised and the introduction of old-age insurance in industry and commerce is thought to be feasible. The Government has secured the

services of an adviser to assist in the preparation of an appropriate programme.

Gibraltar.

The maximum rates of benefit under the system of financial assistance to unemployed males and females aged 65 or over have been increased. During the period under review 388 persons received assistance under this scheme, the total expenditure being £15,497.

Malaya.

Experience has shown that enactment of the Employees Provident Fund Ordinance (which came into force on 1 July 1952 and which was referred to in the previous report) has been more than justified. The advantages of compulsory thrift are generally appreciated by employees, although there is still some opposition in principle by both employers and employees, due mainly to reduced incomes and increasing difficulty in meeting the ordinary cost of living owing to the general depression in the basic commodities of the country. There is no age limit in respect of employees contributing to the Fund. Those who need not contribute to the Fund include employees earning more than \$400, members of an employer's family, temporary or short-term employees, and retired public officers who reached the age of 55 before the Ordinance came into force. Domestic workers are excluded from the provisions of the Ordinance. A difficult problem has been that of private funds incorporating life insurance because the principles of life insurance are incompatible with the Employees Provident Fund. To avoid causing hardship, members of such schemes are exempted from the provisions of the Ordinance so long as they remain in the Fund. A Committee of Trustees is examining the desirability of extending the provisions of the Ordinance to persons excluded under the First Schedule, which was designed to limit the number of persons covered solely to ensure that the organisation would not be swamped in its early stages. At the end of the first year, there were 450,000 non-government contributors, while the number of registered non-pensionable government employee contributors fell to 157,000, excluding membership of private funds, 85 of which have been approved. Approval was withheld from some private funds found to be below standard, while others which qualified for approval went into voluntary liquidation because of the rigid requirements of the Ordinance. In no case has there been any loss to employees concerned. Administrative difficulties are apparent and amendments to remove them are under consideration. Final action awaits the scheme under consideration in Singapore and the reciprocal provisions which are desirable.

St. Helena.

During the period under review there were 28 pensioners under the scheme in operation and expenditure from public funds amounted to £2,131.

36. Convention concerning compulsory old-age insurance for persons employed in agricultural undertakings

France.

Algeria.

Article 11. Act No. 52-1403 of 30 December 1952 contains provisions relating to supervisory measures, regulations concerning legal matters and penalties applying to social insurance systems, mutual benefit societies for agriculture and workmen's compensation systems in Algeria. The conditions of application of this Act as regards the regulations concerning legal matters and measures for the supervision of legislation respecting mutual benefit societies for agriculture will be laid down shortly by Decree.

The Order fixing the methods of payment of allowances to aged wage earners was made on 7 July 1952 and, despite the fact that the payment of these allowances took effect as from 1 January 1952, any statistical information which might be supplied would not as yet indicate clearly the results achieved in this field.

It should be noted that an Order of 30 June 1953 laid down regulations for the co-ordination

of the agricultural and non-agricultural social insurance systems as regards allowances for aged wage earners between 50 and 65 years of age employed on agricultural or non-agricultural work.

Cameroons.

See under Convention No. 35.

Tunisia.

Old-age insurance has not been made compulsory in Tunisia. There are a few exceptional cases in agricultural undertakings where it exists on a voluntary basis.

Italy.

Trust Territory of Somaliland.

See under Convention No 35.

United Kingdom.

Cyprus and Malaya.

See under Convention No. 25.

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.

Algeria.

Article 2, paragraph 2 (a). The wage serving for the calculation of contributions is 38,000 francs per month.

Article 3. Beneficiaries of an invalidity pension maintain their rights for themselves and the members of their family to benefits in kind as regards insurance for sickness, prolonged sickness, maternity and death. At the age of 60 years the insured person has to choose between his invalidity pension and his old-age pension or the allowance for aged workers.

Article 5. A worker is required to have been a registered insured person for at least six months prior to the event giving the right to benefit, and must give evidence of having worked at least 30 days, or 200 hours, or 60 shifts, during a calendar quarter; or 60 days, or 400 hours, or 120 shifts during the six months preceding the date of the medical diagnosis.

The following days are considered as days of employment: days spent in military service; days on which the insured person interrupted his work because of illness for a period of not less than 11 days and for which he was entitled to sickness insurance benefits in kind; days when the insured person received daily sickness insurance benefits, insurance benefits for long sickness, maternity insurance or invalidity insurance benefits, or benefits for temporary incapacity provided for under

workmen's compensation legislation; statutory holidays, and days for which dockworkers receive their guaranteed indemnity payment.

Article 7. The pension is equivalent to 30, 40 or 50 per cent. of the maximum average wage of the three insurance years preceding the first medical diagnosis of invalidity or, failing this, the years spent in insurance since registration.

Article 8. A disabled person is entitled to benefits in kind for sickness insurance and long sickness insurance under the same conditions as those for other insured persons and for an unlimited period. The insured person also retains the right to a lump-sum maternity benefit.

Article 10. In all social insurance schemes insured persons and employers pay equal contributions not exceeding 3.25 per cent. of wages up to a maximum of 38,000 francs per month.

Article 12. In conformity with Section 49 of the Act of 30 December 1952 concerning legal matters relating to social security in Algeria, in case of dispute the degree of invalidity is estimated by a regional committee, which must include a doctor chosen by the insured person and another doctor chosen by the social insurance fund. An appeal against the decisions of the regional committees may be lodged with an Algerian invalidity committee.

Disputes concerning liability to invalidity insurance or concerning the rate of contribution are within the competence of the jurisdiction author-

ities of the social security administration established by the above Act (committees of free procedure, committee of the first instance and, as regards appeals, the civil court).

Article 21. Disputes concerning the award or the determination of the rate of the pension are within the competence of the jurisdiction authorities of the social security administration (see also under Article 12).

As regards the scope of the legislation up to 31 December 1952, the report states that the total number of insured persons in employment on that date was 461,870, the number of pensioners 596 and the cost of implementing the system during the period under review 64,058,000 francs.

French Establishments in India.

Up to the present the three textile factories have granted invalidity pensions to 986 workers.

French Somaliland.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 142 of the Act provides that in the case of a worker boarded at the expense of the undertaking falling ill the employer must provide the necessary care and medicaments free of charge.

Madagascar.

See under Convention No. 24.

Tunisia.

Insurance against the risk of invalidity for the categories of wage earners to which the present Convention refers has, up to now, been voluntary and is not governed by any special legislation. General private insurance law is applicable when required.

In industry and commerce the practice of group insurance entered into by the employers for the benefit of their staff and covering, *inter alia*, invalidity risk, tends to become more and more prevalent. Contributions are in general paid by the employer, but sometimes by the employer and the wage earners concerned, in varying proportion.

In certain cases, the mutual insurance societies organised within an undertaking or trade also contribute to voluntarily covering social risks, including that of invalidity. It is intended to improve the legal status of these societies so as to encourage their development.

Italy.

Trust Territory of Somaliland.

See under Convention No. 35.

United Kingdom.

Cyprus.

After studying an advisory report on the possibilities of introducing a measure of social insurance into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory. There is no demand for invalidity insurance in commerce and industry, where persons are generally covered by workmen's compensation legislation; there is some demand for invalidity insurance to cover employees in occupations not covered by this legislation. Prior consideration appears likely to be given to other forms of social insurance.

Malaya.

See under Convention No. 35.

St. Helena.

During the period under review there were six pensioners under the scheme in operation, and expenditure from public funds amounted to £217.

38. Convention concerning compulsory invalidity insurance for persons employed in agricultural undertakings

France.

Algeria.

Article 12. The competent tribunals and procedure for appeal are indicated in the Act of 30 December 1952.

With regard to the scope of the legislation, the report states that, on 30 June 1953, 131,438 agricultural wage earners were registered under the social insurance scheme. On the same date, 133 invalidity pensions had been settled and 7,720,000 francs paid out in benefits.

Madagascar.

See under Convention No. 24.

Tunisia.

Invalidity insurance for wage earners employed in agricultural undertakings is still optional in Tunisia. There is no special legislation on the

subject, general private insurance law being applicable where necessary.

There is in fact little voluntary invalidity insurance. In a number of large undertakings, however, this risk is covered on the employer's initiative by collective insurance policies taken out with a private insurance company, the contributions being paid either by the employers alone or, more rarely, by the employers and wage earners concerned.

Italy.

Trust Territory of Somaliland.

See under Convention No. 35.

United Kingdom.

Cyprus and Malaya.

See under Convention No. 25.

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.

After studying an advisory report on the possibilities of introducing a measure of social insurance into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory and has secured the services of an adviser to assist in the preparation of an appropriate scheme.

Falkland Islands.

The Convention is inapplicable owing to the sparseness of the population.

Gibraltar.

During the period under review the number of widows in receipt of assistance under the scheme in operation was 26 ; the total expenditure was £2,092.

Malaya.

See under Convention No. 35.

40. Convention concerning compulsory widows' and orphans' insurance for persons employed in agricultural undertakings

United Kingdom.

Cyprus.

See under Convention No. 25.

Falkland Islands.

See under Convention No. 39.

Malaya.

See under Convention No. 35.

41. Convention concerning employment of women during the night (revised 1934)

France.

See under Convention No. 4 for information relating to the following territories: *Algeria, Cameroons, French Equatorial Africa, French Establishments in India, French Guiana, French*

Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia and Dependencies, St. Pierre and Miquelon, Togoland, Tunisia.

42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

Denmark.

Faroe Islands.

See under Convention No. 18.

France.

Algeria.

See under Convention No. 18.

French Equatorial Africa.

See under Convention No. 17.

French Establishments in India.

For legislation see under Conventions No. 17 and 18.

No claims relating to this matter were registered by the labour inspector for the period 1 July 1952 to 30 June 1953.

French Guiana.

See under Convention No. 17, *Guadeloupe.*

French Somaliland.

See under Convention No. 17.

Guadeloupe.

See under Convention No. 17.

Madagascar.

See under Conventions Nos. 17 and 18.

Martinique and Réunion.

See under Convention No. 17, *Guadeloupe.*

Tunisia.

See under Convention No. 18.

*New Zealand.**Cook Islands.*

See under Convention No. 12.

*United Kingdom.**British Guiana.*

See under Convention No. 17.

Cyprus.

Workmen's Compensation (Amendment) Law No. 22 of 1952.

During the period under review, amendments to the legislation were adopted which, *inter alia*, add tuberculosis to the list of scheduled diseases and bring within the scope of the law persons working in hospitals or sanatoria who are in close and frequent contact with tubercular infection.

Gibraltar.

During the period under review 15 cases of occupational diseases were reported. Compensation in cash amounted to £96 19s. 0d.; the cost of hospital treatment was £11 16s. 0d.

Gold Coast.

Consideration is being given to an amendment to the Workmen's Compensation Ordinance to enable an Order to be made extending its provisions to cover incapacity or death certified as caused by any occupational disease specified in such Order. It is hoped that the necessary legislation will be enacted shortly.

Kenya.

The Labour Department Medical Adviser's latest report on the evidence of silicosis amongst mine workers in Kenya showed that the disease was in no case so clearly indicated as to constitute a disability. This was thought to be due to some extent to the relatively short duration of each man's employment in mining.

Malaya.

Workmen's Compensation Ordinance, No. 85 of 1952 (came into force in April 1952).

Section 5 of the above Ordinance extends and clarifies the previous law with regard to compensation in respect of occupational diseases. Schedule II of the Ordinance, compiled in consultation with the Director of Medical Services, extends the schedule of occupational diseases in the previous law.

Mauritius.

During the period under review Schedule B to Ordinance No. 78 of 1952 was enacted.

St. Lucia.

Accidents and Occupational Diseases (Notification) Ordinance, No. 3 of 1952.

The above legislation provides only for the notification of accidents and occupational diseases and makes no provision for the payment of compensation.

St. Vincent.

Notification of Accidents and Occupational Diseases Ordinance, No. 24 of 1952.

The Convention is not applied in St. Vincent, but the above Ordinance was enacted in 1952.

Seychelles.

See under Convention No. 12.

Sierra Leone.

The draft of the revised Workmen's Compensation Ordinance which, if accepted, will include compensation for industrial diseases, is still under consideration by the Government.

Singapore.

Rates of compensation fixed by Ordinance No. 17 of 1947, valid for a period of one year, have been extended by Government Notices for further periods of one year up to 30 April 1954.

The report contains statistics of the number of workers employed on 31 March 1953 in the trades, industries and processes which give rise to the diseases or poisonings mentioned in the Schedule attached to Article 2 of the Convention.

Tanganyika.

Eleven cases of anthrax, two of which were fatal, were reported during 1952. A total of Shs. 5,472 was paid out in compensation to the dependants of the two deceased persons. The other nine cases were completely cured with no residual incapacity. The employees concerned received at least half pay during the period of temporary incapacity, in accordance with the provisions of the Workmen's Compensation Ordinance (Cap. 263 of the Laws), and shared Shs. 2,296 76 cents in payment of compensation.

Trinidad and Tobago.

See under Convention No. 12.

43. Convention for the regulation of hours of work in automatic sheet-glass works

*France.**Tunisia.*

The Convention is not applicable as there are no glassworks in Tunisia at present.

44. Convention ensuring benefit or allowances to the involuntarily unemployed

France.

Cameroons.

See under Convention No. 2.

French Guiana.

See under *Guadeloupe*.

Guadeloupe.

The metropolitan legislation on the subject has not been extended to the Overseas Departments, where working conditions and customs are very different from those in metropolitan France.

Madagascar.

See under Convention No. 2.

Martinique and Réunion.

See under *Guadeloupe*.

Tunisia.

No general system has been instituted. The Government is trying to remedy unemployment crises by organising large-scale public works (roads, barrages, etc.). Unemployment relief projects have also been arranged. See also under Convention No. 2.

United Kingdom.

Cyprus.

After studying an advisory report on the possibilities of introducing a measure of social insurance

into Cyprus, the Government investigated the relative importance and urgency of the needs of the territory. Opinion was found to be divided on the degree of priority to be given to unemployment insurance: the trade unions, with support from a few large employers, considered it as of highest importance, while other opinion generally was in favour of deferring its introduction until other forms of social insurance had been securely established. A social insurance adviser from the United Kingdom is at present in the territory.

Gibraltar.

The maximum rates of benefit under the scheme of financial assistance in operation have been increased, and dependants' allowances for an adult and up to a maximum of four children are now paid. During the period under review an amount of £1,619 was disbursed.

St. Helena.

During the period under review an average of 133 men were employed on relief work and the estimated cost of relief amounted to £9,000 out of a total budget of £140,246.

Sarawak.

Genuine unemployment is rare owing to the expansion of local industries and to the shortage of labour.

45. Convention concerning the employment of women on underground work

France.

Tunisia.

The employment of women on underground work in mines and quarries is prohibited by a Decree of 15 June 1910 to regulate work in industrial and commercial establishments (Section 12). This prohibition is strictly enforced in Tunisia.

United Kingdom.

Hong Kong.

An additional male Chinese labour inspector and an assistant superintendent of the mines sub-unit have been appointed. Seventeen temporary mining licences have been renewed for six months; three licences have been allowed to lapse.

Zanzibar.

The Employment of Women (Restriction) Decree, No. 9 of 1952.

Article 1. This Article is applied by Section 2 of the above Decree.

Article 2. This Article is applied by Section 3 of the Decree.

Article 3. This Article is applied by Section 5 of the Decree, except for the exemptions made under clauses (c) and (d).

The application of the above-mentioned legislation is entrusted to police officers of or above the rank of inspector, administrative, labour and medical officers, labour inspectors and inspectors of factories. These officers visit the factories in the course of their duties and report any instance of contravention of the law.

The employment of women in underground work is unknown in the territory, which has no mining industry.

Union of South Africa.

South West Africa.

The report states that ratification does not give the force of national law to the terms of the Convention. In order to become effective such terms must be embodied in a law passed by the Legislature.

47. Convention concerning the reduction of hours of work to forty a week

New Zealand.

Cook Islands.

See under Convention No. 1.

49. Convention concerning the reduction of hours of work in glass-bottle works

France.

French West Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 112 of the Act established a 40-hour working week in all public and private undertakings, irrespective of the branch of activity. This Section provides that Orders to be issued under the Act will determine for each branch of activity and each occupational category the methods of application, the hours of work and possible exceptions, as well as the maximum overtime which may be worked in the case of urgent and exceptional work.

Orders of application were issued on 26 June 1953 in all the territories of the Federation, for each branch of activity and in particular for the chemical industry in which glassworks are included.

The main provisions of the text of application are as follows: (a) the Order applies to the whole chemical industry; (b) the statutory hours of work are established at 40 per week except in the case of work which is necessarily continuous; in such cases an average of 42 hours of work per week is authorised; (c) provision is made for four types of timetables, at the choice of the head of the undertaking; in all cases, however, the maximum period of actual work, where there is a specified number of shifts, may not exceed eight hours; (d) hours of work may be extended in strictly defined circumstances and in a limited number of cases: (i) temporarily, in order to make up hours of work (collective work stoppages following an accident or for reasons of *force*

majeure, normal decrease in work at certain periods of the year, exceptional and extensive unemployment, etc.); (ii) permanently, in the case of certain types of work and a certain number of specified jobs; (e) hours of work must be posted up in the undertaking and previously communicated to the Inspector of Labour and Social Legislation; (f) contraventions of provisions concerning hours of work are penalised by a fine of from 1,000 to 4,000 francs, which is increased in the case of a repeated offence from 4,000 to 10,000 francs, with six to ten days' imprisonment.

The supervision of the application of the relevant provisions is entrusted to the Inspectors of Labour and Social Legislation.

There are no glass-bottle works in French West Africa. The texts relating to hours of work were issued during the period under review but will come into force at a later date (1 August 1953).

Tunisia.

There is, in Tunisia, only one glass-bottle works and it has not so far been considered necessary to issue special legislation for it.

This undertaking encounters a fair number of technical difficulties; as a result, it works intermittently with breaks of anything up to a month. The bottles are produced by automatic machines. The work is organised on a continuous three-shift system, each shift working eight hours a day, broken by a rest period of half an hour. The undertaking is constantly supervised by the labour inspectorate, which is regularly provided with the timetables of each shift. As matters stand at present, it does not appear possible to apply the Convention reducing hours of work to 42 a week.

50. Convention concerning the regulation of certain special systems of recruiting workers

Belgium.

Belgian Congo and Ruanda-Urundi.

Ordinance No. 21/380 of 14 November 1952, to amend Ordinance No. 476bis/A.I.M.O. of 8 December 1940 respecting the health and safety of workers.

Legislative Ordinance No. 21/87 of 11 March 1953 respecting recruiting permits.

Ordinance No. 21/126 of 24 April 1953, to amend Ordinance No. 476bis/A.I.M.O. of 8 December 1940 respecting the health and safety of workers.

The Ordinance of 14 November 1952 provides for the provincial governor to fix the amount of

a lump-sum deposit where recruitment or engagement operations are carried out under several licences. The Ordinance also provides that the recruitment or engagement of workers in several provinces under permits for which a deposit is required are governed by the Orders issued by each of the competent provincial governors.

The Ordinance of 11 March 1953 amends and supplements Chapter VIII of the Decree of 16 March 1922 respecting contracts of employment between Natives and employers. This chapter deals with labour permits as distinct

from recruiting permits. The latter grant permission to recruit, whereas the former determine the maximum number of persons to be employed in the service of an undertaking in the light of the undertaking's real needs, its possible degree of mechanisation, the level of individual output in the area, and the local circumstances liable to influence the size of the labour force. As a result, the term "permit" has been replaced by the expression "recruiting permit" in Sections 38 to 43, 56 and 57 of the above-mentioned Decree.

New Sections numbered 45*bis*, *ter*, *quater* and *quinquies* have been added to the Decree and lay down the conditions governing labour permits.

The object of the Ordinance dated 24 April 1953 is to adapt the text of the Sections on labour permits (4*bis*, *ter* and *quater*) in the 1940 Ordinance to the terminology of the Ordinance of 11 March 1953.

Five Orders have been issued by the provincial governors during the period from 1 July 1952 to 30 June 1953.

In reply to the Committee of Experts' observation regarding the application of Article 13 of the Convention, the report points out that the issue of licences is subject to all the financial and administrative safeguards required by the Convention. All licences have to be renewed on 31 December each year and can be suspended or withdrawn in the event of an infringement.

New Zealand.

Cook Islands and Western Samoa.

In regard to Western Samoa, the Recruiting of Workers (Prohibition) Ordinance No. 4 of 1951 specifically prohibits the recruiting of workers for employment in places beyond Western Samoa.

On 31 March 1953, 255 Niueans and Cook Islanders had been engaged for work on the island of Makatea.

Seven Niueans formerly employed by the New Zealand Government on an annual contract basis on Raoul Island (a meteorological station in the Kermadec Group) have returned, and there is now no indentured labour working away from the island.

United Kingdom.

Barbados.

During the period under review 12 men were engaged for work in Curaçao by a private employer's agent who holds a recruiting licence for this purpose. A total of 125 men who were previously recruited returned during the year.

British Somaliland.

In reply to the request made by the Committee of Experts in 1953, the Government states that the possibility of workers being engaged for employment outside the Somaliland Protectorate did not materialise. It was considered, therefore, that the inclusion of the provisions of this Convention in the draft legislation would be superfluous. The legislation was so framed as to cover only the provisions required by Convention No. 64 (concerning the regulation of written contracts of

employment of indigenous workers) and was eventually enacted in that form.

The provisions of Convention No. 50 will, however, be reconsidered when it becomes necessary to amend the Native Labour Ordinance.

Fiji.

One recruiting licence was issued during the period under review.

Gold Coast.

No licence to recruit labour was granted during the year. Three cases of illegal recruitment were brought before the courts and three convictions were obtained. Fines totalling £88 were imposed.

Hong Kong.

It was noted in the Commissioner of Labour's Report for the year 1951-52 that Hong Kong workmen were beginning to offer themselves very readily for work overseas.

During the past year increased opportunities in neighbouring British territories have coincided with a labour surplus in Hong Kong. The number of people who have spontaneously offered themselves for such employment has therefore increased considerably.

There is no recruiting in Hong Kong in the normally understood sense of the word; the movement is completely spontaneous on the part of the workmen and stems from overcrowding caused by conditions in China and from lack of work due to the restriction of commercial business in the Colony owing to reduced warehousing.

As was stated in the Commissioner of Labour's earlier report, the Asiatic Emigration Ordinance to a certain extent anticipated the terms of the international labour Convention No. 50 in that it was enacted in 1915 to regulate the passage of assisted emigrants through the Colony. Its main provisions are therefore designed to ensure that no assisted emigrant leaves Hong Kong for work overseas against his will and that the conditions under which he lives whilst in the Colony and en route to the place of employment are satisfactory. It is realised that this Ordinance is now in need of revision to bring it more into line with the requirements of the Convention, which are being very carefully safeguarded and maintained by administrative practice until such time as the drafting of other more urgent labour legislation has been completed.

This administrative practice and the close co-operation which exists between the Labour Department, the Secretary for Chinese Affairs and the Immigration Officer in Hong Kong, as well as with the Labour Departments of the territories to which the workmen are sent, ensure that all relevant provisions of this Convention, with the sole exception of the signing of the contract in Hong Kong, are observed. The Asiatic Emigration Ordinance specifically forbids any assisted emigrant to leave Hong Kong under a signed contract. No workman, however, is permitted to leave the Colony for work overseas until his eventual contract of employment has been approved by the Labour Department as

complying with international labour standards and has been read and explained to him by the Secretary for Chinese Affairs. Close contact is also maintained with the labour departments in those territories in which the men are to be employed. The eventual fulfilment of the contracts is ensured by the attestation of each contract by the competent authority in that territory.

During the period under review, 635 workers left the Colony for North Borneo, 6 for Sarawak, and 689 for Brunei. In addition, 39 workers left for employment in Nauru and Ocean Island, 256 for Singapore and 6 for Ceylon. Of those who were brought to Brunei, 344 were unskilled labourers from the New Territories, Hong Kong. The total number of New Territory workers who have left the Colony for work overseas since the war stands therefore at 2,364. Most of these men remain away from the Colony for one year at a time, but never for more than two years.

Jamaica.

A total of 2,438 agricultural workers recruited for employment in the United States left between 1 July 1952 and 30 June 1953; 2,036 were repatriated during the same period.

Thirteen women were selected by the Kingston Employment Bureau and sent to Washington for employment with the Commonwealth diplomatic staffs as domestic servants.

Malaya.

Recruitment, as understood in Africa, is practically non-existent in the Federation. There is a large local force of wage earners; recruitment from India has ended, and there is a movement to induce wage earners to become peasants rather than the reverse. With the present birth rate, there is more danger in the future of an excess of wage earners than of a shortage entailing recruitment.

Nyasaland.

During 1952 six prosecutions were brought and five convictions obtained against employers for recruiting labour without a licence.

Sarawak.

Labour Ordinance, No. 24 of 1951, Sections 44 to 55.

Article 3. No exemptions have been granted.

Article 4. Rules may be made under Section 55 (1) of the Ordinance, but none have yet been drawn up.

Article 5. See under Article 4.

Article 6. Section 47 of the Ordinance provides for the recruitment of persons under 16 years of age with the consent of their parents or guardians for employment on light work approved by the Protector of Labour.

Article 7. Rules may be made under Section 55 (1) (b) of the Ordinance, but none have yet been drawn up.

Article 8. No provision has been made to apply this Article.

Article 9. Section 45 (1) of the Ordinance prohibits recruiting by public officials, subject to the exception authorised by this Article of the Convention.

Article 10. Section 45 (2) of the Ordinance prohibits recruiting by the persons mentioned in the Article.

Article 13. Rules may be made under Section 55 (1) (d) of the Ordinance, but none have yet been drawn up. Licences are valid for one year but can be withdrawn or suspended for the reasons given in the Convention.

Article 15. Rules may be made under Section 46 (6) of the Ordinance, but none have yet been drawn up.

Article 17. Rules may be made under Section 55 (1) (g) of the Ordinance, but none have yet been drawn up.

Article 24. None of the agreements envisaged in this Article has so far been concluded.

The officials responsible for applying the Convention are the Protector of Labour, the Deputy Protectors (i.e., all District Officers) and the courts. There is as yet no regular system of inspection.

Singapore.

During the period under review 21 workers applied to the employment exchange for work in Brunei, Sarawak, North Borneo, Christmas Island and the Cocos Islands.

Tanganyika.

At 30 June 1953 two professional recruiters continued to operate in the territory. Of the 34,393 workers recruited during the calendar year 1952, 4,330 were recruited by the two professional recruiters, or less than 1 per cent. of the total number of Africans in employment. These recruiters have been licensed under strict compliance with the formalities provided for under Article 13 of the Convention.

The Committee of Experts (Report III (Part IV)), enquired why the Labour Supply Corporation Ordinance has not been brought into force and also whether the licences provided for in Article 12 of the Convention have been issued in compliance with the formalities provided for by Article 13. The answer to the second point has been supplied above. As regards the first point, the Labour Supply Corporation Ordinance has not been brought into force because it does not command popular support among the main bodies of employees, and it is now considered that the objects of the Ordinance may be more satisfactorily achieved through the government employment exchange service, the further development of which is now under active consideration. However, the recruiting of labour in the territory is controlled under the Master and Native Servants (Recruitment) Ordinance (Cap. 80 of the Laws), which implements the provisions of the Convention, as was shown in detail in the report by the Government of Tanganyika for 1949.

Pending the expansion of the government employment exchanges, the services of the two professional recruiters cannot be dispensed with without the loss of the facilities which they provide to the direct benefit of the workers recruited. These recruiters perform a genuine service for certain small employers who are unable to form themselves into an organisation for transporting

and caring for workers in transit between their homes and places of employment.

The above information is published in the Annual Report of the Department of Labour, which is widely circulated.

Uganda.

Uganda Employment Ordinance (Cap. 83, Revised Edition of the Laws of Uganda, 1951).

There are at present three registered trade unions in the territory.

Zanzibar.

Article 6. Under Regulation 4 of the Employment of Children (Restriction) Regulations, 1953, no child under 15 years of age may be employed under any contract binding upon him for a period of more than a month. Even if under contract for less than a month, he is subject to the other provisions of these Regulations and to Section 3 of the Employment of Children, Young Persons and Adolescents (Restriction) Decree, No. 8 of 1952.

51. Convention concerning the reduction of hours of work on public works

New Zealand.

Cook Islands and Western Samoa.

See under Convention No. 1.

52. Convention concerning annual holidays with pay

Denmark.

Faroe Islands.

At present the Convention is not applicable.

France.

Algeria.

During the period under review, 216,824 adults and 31,614 children were protected by Algerian legislation on annual holidays with pay. The number of offences recorded was 387; proceedings were instituted in 112 cases.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order No. 143/CTP of 31 July 1953 has been issued to regulate the scheme of annual holidays with pay, pending the issue of the final text giving full effect to the provisions of the above-mentioned Act.

Persons who had been employed for one year at the time of the promulgation of the Order are entitled to holidays with pay of 12 working days. This provision applies to all workers. However, European employees and assimilated persons continue to benefit from the holiday scheme already in existence, that is, the right to five days' holiday for each month of effective service after 24 months in the undertaking.

The courts of law have decided that, in the case of the termination or breaking of a contract of employment, the employee is entitled to his holidays (in proportion to the duration of his employment) before the expiration of the period of 24 months.

In practice no distinction is made between the different categories of undertakings which are enumerated in Article 1 of the Convention.

Annual holidays which became due during the period under review were granted after the date of issue of the Order; no difficulties were reported.

French Equatorial Africa.

The Act of 15 December 1952 (see under *Cameroons*) provides that workers are entitled to holidays with pay under the following conditions: (1) workers who do not regularly reside in French Equatorial Africa and who are entitled to compensation for climatic risks and for absence from home are entitled to five days for each month of effective service at the expiration of the contract or the period of stay overseas; (2) workers who do not regularly reside in the territory in which they are employed but who receive travelling expenses are entitled to one-and-a-half working days for each month of effective service, except in the case of young persons under 18 years of age who are entitled to two working days; (3) other workers are entitled to one working day for each month of effective service, except in the case of young persons between 18 and 21 years of age who are entitled to one-and-a-half working days, and to those under 18 years who are entitled to two working days.

The length of the holiday is increased according to the length of service of the worker in the undertaking, in conformity with the regulations in force or the provisions of the collective agreements.

The provisions of the Act are thus at least as favourable to workers as those set out in Articles 1 and 2 of the Convention.

As regards the remuneration of workers during holidays, Section 124 of the Act of 15 December 1952 provides that the employer must pay the worker, during the whole period of leave, remuneration which is at least equal to the total wages and allowances to which the worker was entitled at the time of his departure on leave, with the

exclusion of output bonuses and the allowance for climatic risks and absence from home.

Section 171 of the Act provides for the keeping of a register known as "the employer's register" which must include, *inter alia*, information relating to the length of service of each worker, the type of work carried out, wages and holidays with pay. The supervision required under Article 7 of the Convention is thus ensured since inspectors may examine the employer's register at any time.

Although the Orders of application provided for in Section 240 of the Act of 1952 have not yet been issued, the labour inspectors have noted that employers do not hesitate to grant workers the holidays with pay which are due to them under Sections 121 to 124 of the Act.

French Establishments in India.

The subject matter of the Convention is covered by the Act of 15 December 1952 (see under *Cameroons*).

All the provisions of the Convention are applied in the territory with the exception of that relating to persons employed in paid work during the period of their annual holidays with pay.

See also under *French West Africa*.

French Somaliland.

The report refers to Sections 121 to 124 and 171 of the Act of 15 December 1952 (see under *Cameroons*).

See also under *French West Africa*.

French West Africa.

Sections 121 to 124 of the Act of 15 December 1952 (see under *Cameroons*) provide for a system of holidays with pay for all wage earners. In conformity with the general principle laid down in Section 235, this system automatically replaces the previous system of collective agreements, except where the latter is more favourable. This is so in one case only, namely, holidays for European workers who have completed a first period of employment of 30 months. These workers are still covered by the collective agreement system which provides for a holiday of four months for each 20 months in employment.

The system of holidays established under the legislation is based on the following main principles:

The length of the holiday is not the same for all workers; it varies according to where the worker regularly resides, and is fixed as follows: 5 days for each month of effective service for workers who are employed away from their regular homes and who, because of their transfer to the place of employment are subject to special conditions, in particular from a climatic point of view; 1½ working days for each month of effective service for workers whose regular homes are outside the group of territories concerned, or outside territories which are not part of a group or outside territories under trusteeship; a minimum of 1 working day per month of effective service for workers who regularly reside in the place where they are employed.

The length of the holiday is increased for certain categories of workers and for length of service: (a) for young workers: 2 working days per month of service for workers under 18 years of age and 1½ working days for workers between

18 and 21 years; the length of the holiday for the latter group is increased to 2 working days per month if they regularly reside outside the group of territories concerned, or outside territories which are not part of a group or outside territories under trusteeship; (b) for mothers of families: 1 day's supplementary leave per year for each child under 14 years of age who has been duly registered; (c) the legislation lays down the principle of an increase in the length of holiday in relation to the worker's length of service in the undertaking. These increases are to be fixed either by Order or by collective agreement. As the texts for the application of these measures have not yet been issued, the increased holidays provided for under existing collective agreements are still in force.

Absences from work as a result of an industrial accident, an occupational disease, maternity leave, and absences for a maximum period of six months on account of sickness duly diagnosed by an approved doctor, are not deducted in calculating the holidays.

Exceptional leave not exceeding ten days granted to workers for strictly family reasons may not be deducted from the holiday. On the other hand, special leave granted in addition to public holidays may be deducted if the worker has not made good the days granted to him.

In the case of local workers the right to holidays is acquired after a period in employment of one year. In the case of other categories of workers, it is to be determined by the head of the territory, but the Orders for the application of the regulations have not yet been issued.

In accordance with Section 124 of the Act, the employer must pay the worker, during the holiday period, an amount which is at least equal to the wages and benefits which the worker was receiving at the time when he started his holidays, with the exclusion of output bonuses and compensation for absence from home.

In virtue of Section 122 (c) (2), in the event of the contract being terminated before the worker has acquired his right to a holiday, compensation calculated on the basis of acquired rights must be paid in lieu of the holiday. Apart from such cases, any agreement providing for the granting of compensatory benefits in lieu of holidays is null and void.

Failure to observe the provisions concerning holidays with pay is penalised under Section 225 of the Act by a fine of between 400 and 4,000 francs which, in the case of a repeated offence, is increased from 4,000 to 10,000 francs and to imprisonment varying from six to ten days or one of these penalties only.

The supervision of the application of the provisions is entrusted to the inspectors of labour and social legislation.

This new scheme of holidays with pay, which calls for the issue of a certain number of texts for its application, has just come into force; it is therefore too early to give an account of its application.

Madagascar.

The report refers to Sections 101, 121, 124, 225 and 232 of the Act of 15 December 1952 (see under *Cameroons*).

See also under *French West Africa*.

New Caledonia and Dependencies.

Annual holidays with pay are regulated for all wage earners by Sections 121 to 124 of the Act of 15 December 1952 (see under *Cameroons*).

Section 171 of the Act provides that all employers must keep a register in which they are required to note all information regarding the worker, in particular, his right to holidays.

See also under *French West Africa*.

St. Pierre and Miquelon.

Holidays with pay are regulated under Sections 121 and following of the Act of 15 December 1952 (see under *Cameroons*).

An Order providing for temporary measures for the application of holidays and the travelling expenses of workers employed in the islands of St. Pierre and Miquelon at the date of the application of the above-mentioned Act will be shortly submitted to the Advisory Labour Committee and then to the Minister for Overseas France for his approval.

See also under *French West Africa*.

Togoland.

The report refers to Sections 121 to 125 of the Act of 15 December 1952 (see under *Cameroons*) and adds that in March 1953 an Order supplemented by a circular extended, without awaiting the application of the above-mentioned Act, the provisions of the collective agreement of 9 November 1946 which were quoted in the previous report, to all workers of the public sector who are not officials (daily workers).

See also under *French West Africa*.

Tunisia.

Tunisian legislation on holidays with pay in commerce, industry and the liberal professions reproduces in full the French legislation on the subject; it is applied in the same way (Decree of 25 July 1946).

The rules specifically applying to Tunisia are as follows: by agreement between the employer and the wage earner, the holiday for one year may be carried over to the next. The holiday period must include the month of Ramadan in the Moslem calendar, and Moslem workers taking their holiday at this time may, if they wish, ask for it in half-days. Their request can be refused only with the sanction of the labour inspectorate and then only because their presence is essential to the running of the undertaking (Decree of 19 July 1948).

*New Zealand.**Cook Islands.*

Although investigations on the application of the Convention have not yet been completed, it is thought that its extension may be possible, subject to modifications, principally as regards scope.

Western Samoa.

Casual daily workers and plantation labourers are not paid for statutory holidays. Labourers employed by government departments are paid for these holidays after 12 months' service. Workers paid by the week or month are generally given such holidays without deductions from pay. Consideration of the extension of the Convention must await the outcome of any implementation of the expert's report previously referred to.

53. Convention concerning the minimum requirement of professional capacity for masters and officers on board merchant ships

*Denmark.**Faroe Islands.*

The Convention is applicable.

*France.**French Equatorial Africa.*

See under Convention No. 9.

French Settlements in Oceania.

Decree of 21 December 1911, concerning the merchant navy in the French colonies, the categories of maritime navigation and manning scales of ships' officers and crews.

Order of 3 May 1934, to establish the method of application to the French Settlements in Oceania of the Decree of 21 December 1911 with regard to conditions required for command of a vessel, the manning scales of ships' officers and crews, and the Appendix to the above Order which establishes the programme of examinations for obtaining various merchant navy certificates.

Article 3. The certificates required for the command of vessels operating in offshore coastal trade

are as follows: certificates of captain in distant trade, merchant navy captain, mate in distant trade, captain in offshore colonial coastal trade; for inshore colonial coastal trade, all the above-mentioned certificates and the certificate of master in inshore colonial coastal trade are required. Engineer officers: in the case of engines of over 300 h.p. all metropolitan merchant navy engineer officers; in the case of engines between 100 and 300 h.p., the above-mentioned certificates of competency for engines of 300 h.p. or less; in the case of engines of less than 100 h.p., the above-mentioned certificates as well as a licence to operate engines of 100 h.p. or less.

Captains or masters and navigating and engineer officers must be of French nationality.

Article 4. The certificates issued in the territory and the required conditions are as follows:

Deck department: captain in offshore colonial coastal trade: the persons in question must be over 24 years of age, have had three years of actual service on board ship and have passed an examination in theoretical instruction and practice.

Master in inshore colonial coastal trade : the same conditions are required.

Master in colonial home trade (coasting or distant) : the persons in question must be over 24 years of age and must have had five years of actual navigation and have passed a practical examination.

Certificate of theoretical instruction for captains in offshore colonial coastal trade or for masters in inshore colonial coastal trade : the persons in question must be over 17 years of age and must have passed an examination in theoretical instruction ; there are no conditions concerning service on board ship.

Engine-room ratings : certificate of competency for engines of 300 h.p. or less : the persons in question must be over 24 years of age and must have served two years on board ship as engine-room ratings or two years in a shipyard for the construction or repair of engines ; they must also have passed an examination.

Certificates for engines of 100 h.p. or less : the persons in question must be over 24 years of age, must have served two years on board ship as engine-room ratings and must have the required experience.

Articles 5 and 6. These articles are applied by Section 70 of the Act of 17 December 1926, to

establish the disciplinary and penal code for the merchant navy.

The application of the relevant provisions is entrusted to the Superintendent of the Shipping Registration Service and the Inspector of Navigation Police.

Morocco.

Under the Moroccan Code (Section 53), only the master (and not the officers in charge of watches) is required to hold a certificate of competency.

Masters and skippers are required to hold a French certificate or (for Moroccan coastal shipping) a Moroccan certificate issued in specified conditions (Sections 53 and 54).

The penalties for offences are of a general nature (Section 58).

Tunisia.

See under Convention No. 8.

United States.

Trust Territory of the Pacific Islands.

The documentation of vessels registered in the Trust Territory must be in accordance with Chapter 14 A of the Trust Territory Code.

55. Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen

France.

Cameroons.

With regard to indigenous seamen, the Shipping Registration Service is examining the possibility of applying to the territory the provisions of the Metropolitan Seamen's Code which provides that the shipowner must undertake the full charge of persons falling sick or injured while at work, for a period of four months. At the request of the Superintendent of the Shipping Registration Service, these provisions have already been voluntarily applied by a certain number of local shipowners.

French Equatorial Africa.

See under Convention No. 9.

French Settlements in Oceania.

Sections 79 to 86 of the Act of 13 December 1926 to issue a Seamen's Code regulate the subject matter of the Convention.

Morocco.

General accident legislation was extended to seafarers by a Dahir of 9 July 1945, which emphasised the principle previously stated in Section 189 of the Seamen's Code regarding the shipowner's obligations in this respect. Section 191 also makes shipowners responsible for burial expenses.

A Dahir of 19 June 1950 made it compulsory for the owners of vessels of over five tons displacement to take out an accident insurance for their seamen.

In principle, Section 189 of the above-mentioned Code makes shipowners responsible for the cost of treating seamen who fall ill on board, until such time as they are cured or declared to be incurable. While under treatment, however, such seamen are not entitled to draw wages.

Tunisia.

See under Convention No. 8.

United States.

Trust Territory of the Pacific Islands.

See under Convention No. 53.

56. Convention concerning sickness insurance for seamen

*France.**French Equatorial Africa.*

See under Convention No. 9.

French Settlements in Oceania.

Legislative Decree of 17 June 1938 concerning the reorganisation and unification of the insurance system for French seamen (L.S. 1938—Fr. 8).

All seamen who are signed on are compulsorily insured. They must pay a contribution amounting to 3 per cent. of their total wages, to which is added a contribution from the shipowner of 7.25 per cent.

The total number of seamen employed on board ships covered by these provisions is 300; approximately 1,000 seamen are subject to compulsory insurance. There are no seamen who, not being subject to compulsory insurance, benefit from another scheme covering sickness insurance.

During the period under review a total of 509,619 francs (Pacific rate) was paid in benefits in cash in cases of incapacity for work. No benefits in kind were paid. The total resources amounted to 1,207,000 francs, of which 847,000 francs were derived from employers' contributions and 360,000 francs from insured persons. No contributions were received from the public authorities.

Morocco.

Sickness insurance is not compulsory under local maritime law.

New Caledonia and Dependencies.

Approximately 400 seamen are covered by the insurance scheme. In 1952 over 1 million francs was paid in benefits to seamen and their families.

Tunisia.

See under Convention No. 8.

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. 77.

French Settlements in Oceania.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

The Shipping Registration Service in the territory only permits the engagement on board ship of young persons over 16 years of age if they have the authorisation of their parents and have undergone the prescribed examination.

Madagascar.

See under Conventions Nos. 5 and 15.

Morocco.

The law contains no restrictive provisions of the kind laid down in the Convention.

Tunisia.

See under Convention No. 8.

*United States.**Trust Territory of the Pacific Islands.*

For the reasons already stated the provisions of the Convention are not appropriate to the particular circumstances of the territory.

61. Convention concerning the reduction of hours of work in the textile industry

*New Zealand.**Cook Islands.*

See under Convention No. 1.

62. Convention concerning safety provisions in the building industry

France.

Algeria.

During the period under review the number of persons employed in the building trades was 146,580. The total number of accidents was 10,274, of which 38 were fatal. The causes of the accidents are given in the report.

Cameroons.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

In 1952, for a total of 21,000 workers employed in the building trades, 1,095 accidents were recorded; of these, 297 were caused by vehicles, 192 by the handling of gear, 149 by falling objects and 32 by slips or falls.

In pursuance of the Act of 15 December 1952, every undertaking must organise a medical service staffed by at least one nurse, with medical equipment and supplies, dressings and accessories. Every work site must have a first-aid chest.

In application of the Act, an Order is shortly to be issued by the head of the territory to give workers a standard of health and safety equal to that enjoyed by workers in metropolitan France.

French Equatorial Africa.

The General Order of 18 September 1947, which is now in force, will be replaced before January 1954 by a new Order which will be issued after consultation with the Technical Health and Safety Committee in conformity with the provisions of Section 134 of the Act of 15 December 1952 (see under *Cameroons*).

French West Africa.

The Act of 15 December 1952 (see under *Cameroons*) contains no detailed regulations to govern hygiene and safety conditions in all sectors; it merely paves the way for such regulations in three fundamental clauses: (1) it sets up a technical advisory committee on hygiene and safety (Section 133); (2) it empowers the heads of territories to regulate hygiene and safety conditions; (3) it authorises the inspectors of labour and social legislation to take action to remedy any working conditions constituting a danger to the workers' health or safety (Section 136).

Under the powers vested in the heads of territories, safety regulations similar to those advocated by the Safety Provisions (Building) Convention will be issued very shortly for all branches of employment, and particularly the building trades.

Madagascar (First Report).

Decree of 7 April 1938.

Section 61 of this Decree lays down the following provisions:

"The place where the work is being done shall be kept in a constant state of cleanliness and be hygienic enough to safeguard the workers' health. It shall be so equipped as to guarantee their safety.

Machines, mechanism, transmission gear, tools and equipment shall be installed and maintained in the safest possible conditions.

Wells, trapdoors and hatches shall be fenced in.

Motors shall be isolated by partitions or protective barriers.

Stairs shall be solidly built and fitted with strong handrails.

Scaffolding shall be provided with secure fencing 90 centimetres high.

Where they are within the worker's reach, the following moving parts of machinery and transmission gear, namely, the pistons and flywheels of motors, wheels, transmission shafts, gears and friction cones or cylinders, shall be fitted with protective apparatus or isolated from the worker.

The same shall apply to belts or cables crossing the floor of a workshop or running on transmission pulleys less than two metres from the ground.

The handling of moving belts shall be avoided by the provision of devices adapted to the machines or placed at the disposal of the staff.

The use in painting of white lead, lead sulphate and all products containing these pigments shall be prohibited, as is laid down in the Convention adopted at Geneva by the International Labour Conference at its Third Session."

In accordance with Section 134 of the Act of 15 December 1952, Orders will be made by the head of the territory to govern safety conditions in workplaces, the aim being, while allowing for local conditions, to ensure a standard of safety equal to that enjoyed by workers in metropolitan France.

It will be necessary to wait until these texts are published—which should be very shortly—before adequate replies can be given to the questionnaire.

In application of the above-mentioned Decree of 7 April 1938, which is still in force, inspectors of overseas labour and social legislation visit work sites to ensure that the statutory precautions are taken, particularly in connection with scaffolding.

New Caledonia and Dependencies.

The provisions of the regulations analysed in previous reports have been supplemented by those contained in Sections 133 to 136 of the Act of 15 December 1952 (see under *Cameroons*). During the period under review there were 29 accidents among 530 building workers; 14 of these resulted in incapacity of less than four days, 11 in incapacity of five days to one month and 4 in incapacity which had not yet been determined when the report was drafted. There were no fatal accidents.

See also under *French West Africa*.

St. Pierre and Miquelon.

The provisions concerning safety in the building industry are to be found in Book VI, Chapter I, of the Act of 15 December 1952 (see under *Cameroons*).

Steps had already been taken at an earlier date with a view to ensuring this safety, in particular by requiring rigid barriers at least 90 centimetres high on all scaffolding.

Togoland.

Reference is made to Sections 133 to 138 of the

Act of 15 December 1952 (see under *Cameroons*) which are to be applied before the end of 1953.

See also under *French West Africa*.

Tunisia.

The safety regulations issued in Tunisia for the building trades and public works in a Decree of the Bey dated 4 August 1936 reproduced in full the French regulations on the subject; they are applied and supervised in the same way.

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 and Papua.

Statistics are published in the Annual Report of the territory; this document is available to the I.L.O. Staff limitations make impossible the compilation of more detailed statistics.

Denmark.

Faroe Islands.

At present the Convention is not applicable.

France.

Algeria.

The question is being examined of the organisation of quarterly sampling enquiries respecting employment, wages and hours of work along the same lines as those carried out in metropolitan France.

French Equatorial Africa (First Report).

Although no obligation is laid down in any regulations, the General Labour Inspectorate of the territory proceeded with an enquiry early in 1953 regarding the number of remunerated days of work and the average daily wage in each branch of activity.

The results of this enquiry are as follows: in agriculture: 19,662 days of work, average daily wage, 126.95 francs; in forestry: 21,100 days, 180.20 francs; in mines: 21,550 days, 109.65 francs; in industry: 13,260 days, 202.70 francs; in building and public works: 28,157 days, 218.15 francs; in transport: 11,288 days, 285.30 francs; in commerce and banking: 12,382 days, 318.90 francs.

French Establishments in India (First Report).

There is no legislation relating to the subject matter of the Convention.

In practice, wages and hours of work are determined by collective agreements concluded at a previous date; it was not possible to compile the relevant statistics because of the lack of specialised staff available to the local administration.

The Convention cannot be applied in the territory.

French Settlements in Oceania (First Report).

Acting upon ministerial instructions, the Labour Inspectorate carried out a general census of manpower and industrial accidents which showed, on the one hand, the wages paid in Oceania during the period under review, for each occupational category and, on the other, the average daily wage in the main branches of economic activity. These statistics are forwarded to the Ministry for Overseas France.

The average wage may be estimated with precision as regards public services, mines, transport, banks and the liberal professions. On the other hand, only approximate figures can be reached for the other branches of economic activity because of the difficulties in connection with any enquiry covering the whole territory, which comprises some 100 islands scattered over an area equal to that of Western Europe.

French Somaliland (First Report).

There is no mining or manufacturing industry in the territory. Moreover, there is only one agricultural undertaking. The level of economic development in the territory precludes, for the present, the compilation of the statistics mentioned in the Convention.

French West Africa (First Report).

The General Statistical Service and the Inspectorate of Labour and Social Legislation compile and publish each year certain information concerning wages.

The coming into force of the Act of 15 December 1952 will lead the supervisory service to collect other information, in particular with regard to hours of work.

In future years the Labour Inspectorate will be able to supply periodically, with the collaboration of the General Statistical Service, most of the information required by the Convention.

Madagascar (First Report).

The Inspectorate of Labour and Social Legislation has not so far been able, because of its small staff, to arrange for the compilation of statistics in conformity with the provisions of the Convention; there is very little of this type of work.

It may be pointed out that the mines service,

for example, employed 19,500 wage earners (men and women) in 1951 and that they accomplished a total of 2,363,000 days of work.

The Inspectorate of Labour and Social Legislation is endeavouring to compile full statistical documentation.

New Caledonia and Dependencies (First Report).

The only enquiries carried out were those effected by the Labour Inspection Service, the Mines Service and the Agriculture Service; the fragmentary results of these enquiries are indicated in the periodical reports submitted by these various services.

It should be pointed out that New Caledonia is a small isolated territory with a population of less than 60,000 inhabitants, half of whom still live in tribes having little economic contact with the outside world. The resources of the territory, particularly as regards administrative personnel, preclude the setting up of a statistical service; moreover, there is no great necessity for such a service.

Nevertheless, because of the small size of the country and the population, the rates of

wages are fairly well known and the shortage of manpower results in their level being exceptionally high; there is no unemployment. Most of the undertakings work a 44-hour week, and exceptionally, 48 hours.

The labour inspection service of the territory, which has been recently set up, will only be able progressively to compile full and detailed statistics.

St. Pierre and Miquelon (First Report).

The compilation and publication of statistics concerning wages and hours of work is not required by any local law.

Togoland (First Report).

The importance of the Convention is beyond question but its strict application is prevented by the lack of resources of the territory; this makes it impossible to maintain a statistical service sufficiently developed to deal with enquiries and to compile information in a country where communications are difficult and where the very numerous African employers cannot supply in writing the information requested.

64. Convention concerning the regulation of written contracts of employment of indigenous workers

Belgium.

Belgian Congo and Ruanda-Urundi.

Ordinance No. 21/380 of 14 November 1952, to amend Ordinance No. 476bis/A.I.M.O. of 8 December 1940 respecting the health and safety of workers.

Legislative Ordinance No. 23/9 of 12 January 1953, to amend Ordinance No. 476bis/A.I.M.O. of 8 December 1940 respecting the health and safety of workers.

Legislative Ordinance No. 21/87 of 11 March 1953 respecting recruiting licences.

Ordinance No. 21/126 of 24 April 1953, to amend Ordinance No. 476bis/A.I.M.O. of 8 December 1940 respecting the health and safety of workers.

The Ordinance of 12 January 1953 provides for the number of medical staff to be increased and regulates the organisation of medical services in undertakings.

For the other three legislative texts listed above, the report refers to the information supplied for Convention No. 50.

On 31 December 1952 the territory had 20 regional boards and six provincial Native labour and social progress boards, which held 37 and 12 meetings respectively during 1952. On the same date, 638 indigenous works councils had been set up and had held 2,149 meetings. During the same period, 74 local workers' committees had held 150 meetings. In addition, 46 indigenous occupational trade unions had been granted final recognition and 13 others were being run on a temporary basis.

United Kingdom.

Barbados.

The observations of the Committee of Experts on the Application of Conventions have been noted and steps will be taken to determine

whether their suggestion is practicable and whether the reservation in respect of Barbados can be withdrawn.

Fiji.

Forty-eight contracts were concluded during the period under review.

Hong Kong.

During the year under review the average monthly number of cases concerning termination of service which were brought to the Labour Department for assistance, advice and decision was 143, as compared with an average of 100 during the previous year. The causes for this further increase are to be seen in the continued worsening of commercial and, to some extent, industrial business, particularly among small concerns, which was mentioned in the Commissioner of Labour's report for 1951-52.

Malaya.

The new Employment Code has now been published as a Bill and is under consideration by a Select Committee of the Legislative Council.

St. Helena.

The Contracts of Service Ordinance was enacted in 1953.

Sarawak.

Ordinance No. 24 of 1951 (Sections 9 to 33, 43, 96 to 99 and 101 to 105).

Article 2. A "worker", as defined in the Ordinance, excludes an apprentice or domestic worker.

Article 6, paragraph 7. Section 20 (6) of the Ordinance provides that a copy of the contract shall be delivered to the worker or, in the case of a gang, to one of their number.

Article 7, paragraph 4. Section 21 of the Ordinance provides for such exemptions to be granted by the Protector of Labour by endorsement of the contract.

Article 8. Section 22 (1) of the Ordinance prescribes 16 as the minimum age; Section 22 (2) gives 18 as the prescribed higher age.

Article 9. Section 23 provides for a maximum of 180 days' service with the written permission of the Protector, in the case of Natives. Section 24 of the Ordinance provides for a maximum of 12 months for unaccompanied workers and two years for accompanied workers if the place of employment is within Sarawak, North Borneo and Brunei, and two years and three years respectively if it is elsewhere.

The period of leave is not stipulated.

Article 12, paragraph 1. Section 26 (3) of the Ordinance provides that the consent of the Protector must be obtained to the termination of a contract in the circumstances indicated in the Convention.

Article 12, paragraphs 2 (a) and 3 (b). The Protector must be satisfied that, in addition to safeguards on repatriation (unless the agreement provides otherwise), the worker has freely consented and all monetary liabilities have been settled (Section 26 (4)).

Paragraph 3 (a). The period of notice if the contract is of more than a month's duration is 14 days and, if less than a month's duration, seven days, but the Protector may permit a period of up to one month (Section 26 (5)).

Paragraph 5. Section 27 of the Ordinance states that a contract may be cancelled if the worker is subject to ill-usage in person or property.

Article 13, paragraph 5. Section 96 (6) of the Ordinance provides for the repatriation of workers by the Protector if the employer fails to do so. The sum so expended has to be recovered from the employer.

Article 14, clause (d). This clause is enforced by Section 97 (d) of the Ordinance.

Article 16, paragraph 1. Section 28 (1) of the Ordinance lays down that the maximum period of service that may be stipulated in any re-engagement contract is to be three-quarters of the period mentioned in the reply under Article 9 above.

Paragraph 2. Section 28 (2) prescribes a different maximum period of family separation from those given in the reply on Article 9 above. Exemption may be granted.

Article 18. Section 31 of the Ordinance provides for the attestation of contracts before the Protector in the case of workers proceeding to employment in another country.

Article 19. Section 32 of the Ordinance refers to this Article. There are no such agreements at present.

The Convention is applied by the Protector of Labour, the Deputy Protectors (i.e., all District Officers) and the courts.

There is as yet no regular system of inspection.

Sierra Leone.

The proposed new apprenticeship scheme submitted for collective agreement by the employers and workers represented on the two Joint Industrial Councils in the territory has now been adopted.

British Somaliland.

Contracts of Employment (Indigenous Workers) Ordinance, No. 6 of 1953 (enacted on 28 May 1953 and brought into operation on 1 July 1953).

Article 1, clauses (a), (b) and (d). These are applied by Section 2 of the Ordinance.

Clause (c). This is not included in the Ordinance.

Article 2, paragraphs 1 and 2. These paragraphs are applied by Section 3 of the Ordinance.

Paragraph 3. This is applied by Section 4 of the Ordinance.

Paragraph 4. This is not included in the Ordinance.

Article 3, paragraphs 1, 2, 3 and 4. These paragraphs are applied by Sections 5, 8, 5 (3) and 5 (4) respectively.

Article 4, paragraph 1. This is applied by Section 7 of the Ordinance.

Paragraph 2. This is not included in the Ordinance.

Article 5, paragraphs 1 and 2. These are applied by Section 6 of the Ordinance.

Article 6, paragraphs 1 to 5. These are applied by Section 8 of the Ordinance.

Paragraphs 6 and 7. These are applied by Section 9 of the Ordinance.

Article 7, paragraphs 1 to 4. These are applied by Section 10 of the Ordinance.

Article 8, paragraphs 1 and 2. These are applied by Section 4 (2) and (3) of the Ordinance.

Article 9. This Article is applied by Section 6 (d) and (e) of the Ordinance.

Article 10, paragraphs 1 and 2. These are applied by Section 11 of the Ordinance.

Article 11, paragraph 1. This is applied by Section 12 of the Ordinance.

Paragraph 2. This is applied by Sections 7 and 12 (e) (ii) of the Ordinance.

Article 12, paragraphs 1 and 2. These are applied by Section 12 of the Ordinance.

Paragraphs 3, 4 and 5. These are applied by Section 13 of the Ordinance.

Article 13, paragraphs 1 to 5. These are applied by Sections 14, 15, 16, 17 and 20 of the Ordinance.

Article 14, clause (a) (i). This clause is applied by Section 17 (a) (i) of the Ordinance.

Clause (a) (ii). This is applied by Section 17 (a) (ii) of the Ordinance.

Clauses (b), (c) and (d). These clauses are applied by Section 17 (b), (c) and (d) of the Ordinance.

Article 15, paragraph 1. This is applied by Section 18 (i) of the Ordinance.

Paragraph 2 (a), (b), (c) and (d). These are applied by Section 18 (2) (a), (b), (d) and (c) of the Ordinance respectively.

Paragraph 3. This is applied by Section 18 (2) (e) of the Ordinance.

Article 16, paragraphs 1, 2 and 3. These are applied by Section 19 (1), (2) and (3) of the Ordinance.

Article 17, paragraphs 1 and 2. Section 23 (c) of the Ordinance corresponds to these paragraphs but no rules have yet been made.

Article 18. This Article is applied by Section 21 of the Ordinance.

Article 19, paragraph 1 (a) to (f) and (k). These provisions are applied by Section 21 (1) (a) to (g) of the Ordinance.

Paragraph 1 (g), (h), (i) and (j). These provisions are applied respectively by Sections 12 and 13, 20, 16 and 21 (4) of the Ordinance.

Paragraph 2 (a) and (b). These provisions are applied by Section 21 (2) and (3) of the Ordinance.

Paragraph 3. This is applied by Section 21 (4) of the Ordinance.

Article 20, paragraph 1. This is applied by Section 3 (1) of the Ordinance.

Paragraph 2. This provision is not included in the Ordinance.

The text of the Ordinance is appended to the report.

The application of the Ordinance is entrusted to the magistrates (Section 2 of the Ordinance). There are no labour offices in the Protectorate.

There is little organised labour in the Protectorate outside government services and consequently the application of the Convention is, in the main, theoretical. The Government nevertheless follows the Convention in all its contracts.

Tanganyika.

The new Employment Bill is now in its final draft form.

The provisions of Ordinances Nos. 1 and 3 of 1952 (included in the report for the year 1951-52) have been progressively applied. Between 1 January and 30 June 1953, 16 workers (together with 22 dependants) were attested on three-year contracts.

The statistical information will form part of the data to be published in the annual report of the Department of Labour for the calendar year 1953. This report will soon be on sale to the public.

Trinidad and Tobago.

In reply to a request made by the Committee of Experts in 1953, the Government has explained that workers in the territory who might be regarded as "indigenous workers" for the purpose of this Convention (Article 1) do not enter into the contracts of employment covered by Article 3 of the Convention. The conditions of employment of such workers are generally analogous to those obtaining in the United Kingdom, in that they are employed on an hourly, daily or weekly basis for an uncertain period, and are not bound to the employers for as long as six months.

There is no question of the families or dependants of the workers being bound by their implied contracts of employment, nor is there any possibility of the workers being compulsorily transferred from one employer to another.

Thus the law and practice in the territory in no way conflict with the Convention. This explains why no legislation has been enacted to give effect to the provisions of the Convention. It is most unlikely in these circumstances that the local legislature would consider the enactment of an Ordinance which would have no practical effect.

Similar considerations apply to other territories in the British West Indies, and the Government is re-examining the position.

Uganda.

See under Convention No. 50.

Zanzibar.

Labour Decree, 1946, as amended by the Labour (Amendment) Decree, No. 25 of 1951.
Employment of Children, Young Persons and Adolescents (Restriction) Decree, No. 8 of 1952.
Employment of Children (Restriction) Regulations, 1953.

Article 8. The Employment of Children, Young Persons and Adolescents (Restriction) Decree, No. 8 of 1952, prescribes the minimum age as 15 years. This rule is enforced by the Employment of Children (Restriction) Regulations, 1953.

Article 9. The maximum prescribed period of service is two years but, with the consent of a Labour Officer, it may be extended to four years. The period of leave has not been prescribed.

65. Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers

New Zealand.

Tokelau Islands.

Tokelau Islands Labour Order, 1953.

As no contracts of employment were concluded and no labour was recruited in the Islands, there were no infringements of the provisions of the Convention. Clause 9 of the Union Islands Labour Ordinance, 1935, referred to in the 1951-52 report, was repealed by the Tokelau Islands Labour Order published on 4 November 1953. In an additional note the Government explains that the repeal of this clause merely confirms the

practical position which has obtained in the Tokelau Islands, where no infringement of the provisions of the Convention has occurred.

Western Samoa.

The Committee of Experts requested the Government to give the information (statistics, etc.) asked for in the report form.

The Government's report refers back to the explanations already given by its Government delegate to the Conference Committee to the effect that, for several years before the enactment of the Contracts of Employment (Indigenous Workers)

Ordinance, 1950, no penal sanctions had been applied in the territory of Western Samoa. There had consequently been no infringements and no statistics had been necessary.

United Kingdom.

Hong Kong.

The Employers and Servants Ordinance (Chapter 57 of the Laws of Hong Kong, Revised Edition, 1950) was slightly amended in 1950. A copy of the amended text is appended to the report.

Leeward Islands.

Apprentices Act (Cap. 136 of the Laws).

This Act, which was passed 70 years ago, was repealed in January 1953 by the Apprentices (Repeal) Act No. 8 of 1953. As a result, there is no legislative or administrative regulation providing for the imposition of penal sanctions for breaches of contracts of employment.

Malaya.

In practice, no penal sanctions of the kind envisaged in this Convention can be invoked by a private employer, nor are they ever invoked by a public body, except when the breach of contract is a strike imperilling public health or safety and less than two weeks' notice has been given.

Sarawak.

Labour Ordinance, 1951.

This Ordinance repealed Sections 490 and 491 of the Penal Code. In consequence, there are no longer any penal sanctions for breach of contract.

Tanganyika.

The new Employment Bill is now in its final draft form.

Uganda.

For some years the annual reports on the application of Convention No. 65 to Uganda have

contained the following statement in relation to Article 2:

"The only remaining penal sanction in this territory is contained in Section 62 of the Uganda Employment Ordinance (No. 13 of 1946 as amended by No. 13 of 1947), and only applies to adults, since Section 3 of the Uganda Employment Ordinance exempts juveniles (persons apparently under the age of 16 years) from all penal provisions.

"Section 62 reads as follows: 'an employee unfits himself for work by (a) becoming intoxicated; or (b) making any brawl or disturbance on his employer's premises or land, and after being desired by his employer to desist, continues to do so'."

There has been some doubt as to whether Section 62 did in fact constitute a penal sanction for breach of contract within the meaning of the Convention. On page 13 of Report VI (1): *Penal Sanctions for Breaches of Contract of Employment*, submitted to the International Labour Conference at its 37th Session (Geneva, 1954), Uganda is included in the list of territories in which penal sanctions as defined in the Convention do not now exist in practice. Section 62 of the Uganda Employment Ordinance will therefore no longer be included in the annual report on Convention No. 65 as a penal sanction.

There are three registered trade unions in the territory.

Zanzibar.

Labour Decree, 1946, as amended by the Labour (Amendment) Decree, No. 25 of 1951. Employment of Children (Restriction) Regulations, 1953.

Article 2, paragraph 2. Non-adult persons are not expressly exempted from the liability imposed by Section 53 of the Labour Decree (which makes it an offence for a worker who has received wages in advance to abandon his work without good reason), but the application of its provisions to persons under the age of 15 is limited to contracts binding for a period of not more than one month (Regulation 4 of the Employment of Children (Restriction) Regulations, 1953).

74. Convention concerning the certification of able seamen

France.

Cameroons.

A text now being prepared requires three years' service on board ship in local home trade before an application may be made for the issue of a certificate for engagement on board a ship in offshore trade. Moreover, this certificate is only issued if the seaman can show guarantees regarding his qualifications, which must be approved by the Shipping Registration Service.

French Equatorial Africa.

See under Convention No. 9.

French Settlements in Oceania.

The Convention is not applicable in the territory.

Morocco.

There are no corresponding provisions in local law.

Tunisia.

See under Convention No. 8.

77. Convention concerning medical examination for fitness for employment in industry of children and young persons

France.

Algeria.

There are no laws or regulations to apply the provisions of the Convention in Algeria.

Cameroons (First Report).

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The labour legislation to protect children in the Cameroons makes no distinction between industrial and non-industrial work.

Children under the age of 14 years may not be employed in any undertaking, even as apprentices.

The medical examination of children and young persons concerning their fitness for employment is ensured in several ways. In the first place, Section 32 of the above-mentioned Act provides for the compulsory medical examination of any worker who has a contract of employment for a period of more than three months or which makes it necessary for him to live away from his usual place of residence. Secondly, in every undertaking employing more than 100 persons a medical examination of all workers who report that they are ill takes place every morning after the roll-call (Section 141 of the Act). Finally, in virtue of Section 119 of the Act, the Inspectorate of Labour and Social Legislation may require the medical examination of women and children by an approved medical practitioner in order to ascertain that the work on which they are employed is not beyond their strength. This examination is compulsory when requested by the persons concerned. If the work is shown to be beyond the strength of any woman or child they must be transferred to suitable employment. If this is not possible, the contract must be terminated, with compensation in lieu of notice.

French Equatorial Africa (First Report).

For legislation see under *Cameroons*.

The employment of children in various specified branches of activity is regulated at present by the Order of 8 October 1951. No contraventions of the provisions of this Order have so far been reported by the labour inspection service.

A new Order will shortly be issued in application of Section 118 of the Act of 15 December 1952, after consultation with the employers' and workers' organisations and the Technical Committee on Health and Safety, which will establish conditions of employment for children in various categories of undertakings. This Section provides that children under 14 years of age may not be employed in any undertaking, even as apprentices, unless their employment is authorised by an Order of the head of the territory, issued after consultation with the Advisory Labour Committee, due account being taken of the local circumstances and the nature of the work in question.

An Order of the head of the territory establishes the nature of the work and the categories of

undertakings in which the employment of young persons is prohibited and the age limit to which this prohibition applies.

French Establishments in India (First Report).

Section 119 of the Act of 15 December 1952 (see under *Cameroons*) provides that the Inspectorate of Labour and Social Legislation may require the examination of children by an approved doctor in order to ascertain that the work on which they are employed is not beyond their strength. This examination is compulsory when requested by the persons concerned.

A child may not be employed on work which is shown to be beyond his or her strength and must be transferred to suitable employment. If this is not possible, the contract must be terminated, with compensation in lieu of notice.

In practice, only one undertaking in every three provides for the annual medical examination of all its workers and, in particular, of the children employed.

In general, employers tend to replace children by adults.

The Convention cannot be applied in the territory.

French Settlements in Oceania (First Report).

This Convention is irrelevant in Oceania as young persons under 18 years of age are not employed in industrial or non-industrial undertakings.

Moreover, Section 32 of the Act of 15 December 1952 (see under *Cameroons*) provides for the compulsory medical examination of any worker who has a contract of employment for a period of more than three months or which makes it necessary for him to live away from his usual place of residence.

French Somaliland.

The provisions of the Convention are not applied, in the territory, in their entirety. The strict application of these provisions would give rise to considerable difficulties in view of the present economic and social structure of the territory.

However, the Act of 15 December 1952 (see under *Cameroons*) fully ensures the protection of children. Section 115 of this Act provides that an Order of the head of the territory may prohibit certain types of employment for children. Section 119 provides that the Labour Inspectorate may request the examination of children by an approved medical practitioner in order to ascertain that the work on which they are employed is not beyond their strength. This examination is compulsory when requested by the persons concerned.

On the other hand, children and young persons employed in private undertakings are entitled to the medical supervision provided for in Sections 138 and following of the Act.

French West Africa (First Report).

Decree of 18 September 1936, to ensure the protection of women and children in employment in French West Africa.

Chapter III of Book V of the Act of 15 December 1952 (see under *Cameroons*) reproduces the provisions already set out in the Decree of 18 September 1936.

In addition to prohibiting the employment of children below and above a minimum age fixed at 14 years in certain types of employment and certain industries, the legislation and regulations in force provide for two types of measures similar to those set out in the Convention : (a) Section 119 of the Act of 15 December 1952 provides that the Inspector of Labour and Social Legislation may require the examination of children by a medical practitioner in order to ascertain that the work on which they are employed is not beyond their strength. This examination is compulsory when requested by the persons concerned. (b) The child has the right to be transferred to suitable employment when it is recognised that he is employed on work which is beyond his strength (Section 119, paragraph 2).

Contraventions of these provisions are penalised under Section 222 of the Act by a fine of between 200 and 500 francs which, in the case of a repeated offence, is raised to between 400 and 4,000 francs.

The supervision of the application of the relevant provisions is entrusted to the Inspector of Labour and Social Legislation.

The standards laid down in the local regulations have always been applied in French West Africa and no observations have ever been made by the employers' or workers' organisations.

Madagascar (First Report).

Section 32 of the Act of 15 December 1952 (see under *Cameroons*) provides that all contracts of employment for a period of more than three months or which make it necessary for the worker to live away from his usual place of residence must, after the medical examination of the worker concerned, be drawn up in writing in the manpower office in the place where the worker is engaged, or in default thereof, by the

Inspector of Labour and Social Legislation or his authorised representative.

Moreover, in conformity with the provisions of Section 138 of the Act, all undertakings must ensure a medical service.

An Order of the head of the territory, which is to be issued in the near future, will specify the conditions under which medical examinations are to be carried out.

New Caledonia and Dependencies (First Report).

See under *French West Africa* as regards the provisions of Chapter III, Book V, of the Act of 15 December 1952.

It should be noted also that, in virtue of Section 32 of this Act, all workers employed under a written contract of employment for a period of three months or more or on work which makes it necessary for them to live away from their usual place of residence must undergo a medical examination.

The above-mentioned provisions of the Act apply to all workers regardless of the nature of their employment (commercial, industrial or agricultural). The other sections of this Act have not been applied in the territory. The Labour Inspector is responsible for ensuring the application of the regulations.

See also under *Cameroons*.

St. Pierre and Miquelon (First Report).

The medical examination of young persons under 18 years of age before their admission to employment in industry is not required by any local legislation. Nevertheless, in conformity with Section 119 of the Act of 15 December 1952 (see under *Cameroons*), this examination may be requested by the labour inspector in order to ascertain that the work on which young persons are employed is not beyond their strength.

Togoland (First Report).

The report refers to Sections 32, 119 and 138 of the Act of 15 December 1952 (see under *Cameroons* and *French West Africa*) and adds that these new legislative provisions will enable the Convention to be extended to the territory in the near future.

78. Convention concerning medical examination of children and young persons for fitness for employment in non-industrial occupations

*France.**Algeria.*

There are no laws or regulations to apply the provisions of the Convention in Algeria.

Cameroons (First Report).

See under Convention No. 77.

French Equatorial Africa (First Report).

See under Convention No. 77.

French Establishments in India (First Report).

See the first two paragraphs of the report on Convention No. 77.

No local text deals with the medical examination for the fitness of children and young persons for employment in non-industrial work. In practice, there are very few types of non-industrial work requiring the employment of children and young persons. Consequently, the Convention cannot be applied in the territory.

French Settlements in Oceania (First Report).

See under Convention No. 77.

French Somaliland.

See under Convention No. 77.

French West Africa (First Report).

See under Convention No. 77.

Madagascar (First Report).

There are no special regulations concerning the medical examination of young persons for fitness for employment in non-industrial occupations.

See also under Convention No. 77.

New Caledonia and Dependencies (First Report).

See under Convention No. 77.

St. Pierre and Miquelon (First Report).

See under Convention No. 77.

Togoland (First Report).

See under Convention No. 77.

81. Convention concerning labour inspection in industry and commerce

France.

Algeria.

There are in all 70 labour inspectors and supervisors, including six women.

The Labour Inspectorate functions at present under the authority of the Governor-General who is entrusted, *inter alia*, with the organisation of this service, the determination of the remuneration and indemnities to be paid to inspectors and the conditions under which they are recruited and promoted.

The labour regulations are patterned after those of metropolitan France and the functions of the inspectors are the same as those of metropolitan inspectors.

The number of undertakings under the supervision of the Labour Inspectorate is 34,022, employing 248,937 persons. In 1952, 13,464 undertakings employing 208,315 persons were visited ; 7,344 infringements were reported.

Cameroons.

See under *French West Africa*.

French Equatorial Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The duties of the Labour Inspectorate, which were already set out in the Decree of 17 August 1944, have been defined once again in Book VII of the above-mentioned Act.

The supervisory duties of the Inspectorate of Labour and Social Legislation are not limited to the industrial and commercial branches but also extend to all branches of activity of whatever nature.

French Establishments in India.

See under *French West Africa*.

French Settlements in Oceania.

The Act of 15 December 1952 (see under *French Equatorial Africa*) governs from now on the organisation of the Labour Inspectorate in Oceania.

In conformity with the provisions of the Act, two local Orders were issued on 22 May 1953 to set up an advisory labour committee and to determine the number and distribution of representatives of the occupational organisations represented on the committee.

French Somaliland.

See under *French West Africa*.

French West Africa.

A special chapter of the Act of 15 December 1952 (see under *French Equatorial Africa*) deals with the duties, powers and organisation of the Inspectorate of Labour and Social Legislation for Overseas France. This text modifies to a considerable degree the former system which was based on the Decree of 17 August 1944.

The above-mentioned Inspectorate is responsible for all matters relating to the condition of workers, industrial relations and employment (movements of labour, vocational guidance and training, placing). The Act of 1952 provides that the Inspectorate will ensure the application of the provisions enacted in the field of labour and workers' protection ; assist employers and workers with advice and recommendations ; co-ordinate and supervise the services and bodies which assist in giving effect to the social legislation ; and carry out all studies and enquiries bearing on the various social problems affecting the Overseas Territories with the exception of those which are within the province of the technical services, with which the Inspectorate may be called upon to collaborate.

Within the framework of the above-mentioned duties, the competence of the Labour Inspectorate covers all public and private undertakings whether they come within the scope of agriculture, industry or commerce.

In accordance with Section 158 of the Act, in mines and quarries and in establishments and workplaces where the work is subject to supervision by a technical service, the officials entrusted with such supervision shall see that the plant is arranged in such a way as to ensure the workers' safety. They shall also ensure that such special regulations as may be made in this respect are observed and shall have the powers of Inspectors of Labour and Social Legislation.

In the military establishments or parts thereof employing civilian labour in which the interest of national defence precludes the administration of officials from outside, the duty of supervising the execution of the provisions applying in labour matters is ensured by officials or military officers appointed for this purpose.

The Inspectors of Labour and Social Legislation have a number of powers, the principal ones being as follows : the right at any hour of the day to enter freely and without warning any establishment subject to their inspection and to enter at

night any premises where it is known that collective night work is carried out; they may call upon medical practitioners and technicians for advice and consultation on matters relating to hygiene and safety; they may undertake any investigations, examinations or enquiries which they deem necessary in order to ensure the effective application of the relevant provisions; and they may issue summonses and draft reports on contraventions noted by them (Section 153).

The Inspectorate of Labour and Social Legislation for Overseas France comprises: (1) Under the Minister: a general inspectorate. The head of the service co-ordinates, directs and supervises the work of the inspectors and reports thereon to the Minister. (2) Overseas: general inspectorates and territorial and regional inspection services. The Inspectorate of Labour and Social Legislation for Overseas France comes under the Inspector-General's office at the Ministry for Overseas France with which it corresponds directly under the cover of the head of the territory or group of territories, who must forward such correspondence without delay (Section 147).

The Labour and Social Legislation Inspectors are assisted in the work of the service by a newly created body, the labour supervisors (Section 156).

The Act also provides that medical labour inspectors may be attached to the labour inspectors. Their functions and conditions of appointment are determined by an Order of the Minister for Overseas France.

In accordance with Section 159, the chief officer of the administrative area is, in his area, the lawful substitute of the Inspector of Labour and Social Legislation when the latter is absent or unable to act.

The conditions of appointment of the labour inspectors are defined by a Decree in the form of public administrative regulations, issued on the proposal of the Ministry for Overseas France and the Secretary of State for Public Affairs.

The position of the labour supervision officers is established by a Decree of the Minister for Overseas France. The two Decrees in question have not as yet been promulgated.

Madagascar.

The staff of the labour inspection service in Madagascar consists of a general inspector in Tananarive and six inspectors stationed in the

provinces of Tananarive, Tamatave, Fianarantsoa, Majunga and Tuléar.

See also under *French West Africa*.

New Caledonia and Dependencies.

See under *French West Africa*.

St. Pierre and Miquelon.

See under *French West Africa*.

Togoland.

See under *French West Africa*.

Tunisia.

Within the framework of the tasks entrusted to it the Labour Inspectorate in Tunisia is organised in the same way as in France.

In addition, the inspectors are under instructions to make preliminary attempts at conciliating labour disputes.

Mining and transport undertakings are not exempted from the over-all system. However, labour inspection in these branches is carried out by the mining engineers under the authority of the Director of Public Works.

The Labour Inspectorate is placed under the supervision and control of a central authority: the Minister of Labour, the Director of Public Works (for mines, transport undertakings, harbour undertakings), the Minister of Territorial Defence (for military work sites and undertakings).

Undertakings in the liberal professions are also subject to the supervision of the Labour Inspectorate.

Labour inspectors (men and women) are recruited through competitive examination. The diploma required is a degree in law, sciences or letters or an equivalent diploma. The inspectors are public officials within the definition given in Article 6 of the Convention. They are required to serve a one-year probationary period during which they are supervised and trained by a colleague under the over-all supervision of the 'divisional inspector.

A Decree of 6 August 1953 (a copy of which is appended to the report) lays down the conditions under which labour inspection is carried out in commercial and industrial undertakings and in the liberal professions, taking into account the administrative organisation of the Regency.

84. Convention concerning the right of association and the settlement of labour disputes in non-metropolitan territories

New Zealand.

Cook Islands (Voluntary Report).

In reply to the observations made by the Committee of Experts, the report states that as the Cook Islands Industrial Union of Workers

is affiliated to the New Zealand Federation of Labour, whose officers assisted in its formation and gave advice and assistance to the local executive on request, the requirements of the Convention are satisfied.

87. Convention concerning freedom of association and protection of the right to organise

Denmark.

Faroe Islands and Greenland.

The Convention is applicable.

France.

Algeria (First Report).

Titles I and III (industrial associations) of Book III of the Labour Code, made applicable to Algeria by Decree No. 46-1720 of 3 August 1946.

Any person engaging in an occupation has the right to join the industrial association of his choice; on the other hand, he has a strict right to refrain from joining any industrial organisation whatsoever.

Industrial associations may consist only of persons engaged in the same occupation, similar trades or allied occupations.

When an industrial association is set up, the only formality to be observed in connection with its constitution is that of registering at the mayor's office its rules and the names of those responsible for its administration and of notifying any subsequent changes in the rules or names. Industrial associations are registered with the mayor's office for the locality in which the association is established according to its rules.

The founders of an industrial association have full liberty in the drafting of its rules, subject to the few restrictions which the law prescribes. The rules usually specify the name, head office and territorial competence of the association, its purpose, the period for which it is established (generally unlimited), the occupations and categories (employers or wage earners) of its members, the conditions of admission, the rates of contribution, disciplinary penalties, the type of administration (council, board or officers elected by the general meeting), the convocation and powers of the annual general meeting, amendments to the rules, voluntary dissolution and the winding-up of the association by an extraordinary meeting.

The Labour Code is very liberal on the subject of admission to industrial associations. Aliens may join on the same footing as French nationals. Persons who cannot exercise their civil rights may join an association without prior permission. Minors may also join an association from the age of 16 years, provided that their fathers, mothers or guardians do not object.

Any member of an association may resign at any time, without notice, notwithstanding any clause in the rules to the contrary. In addition, members so resigning are required to pay only their subscription for the six months following their resignation.

The persons responsible for administering an association must be chosen from among its members, be of French nationality, and of age. They must also possess their civil rights.

The persons responsible for administering an association may be dismissed from office by the general meeting as a disciplinary measure. They also incur criminal liability for any irregularities

occurring in the constitution and operation of the association.

The activities of an association must be devoted exclusively to occupational interests. It may have no other purpose than the study and defence of economic interests.

Article 4. For any failure to comply with the above rules relating to the membership and purposes of an association, the formalities to be observed in its constitution and the qualities required of persons responsible for its administration, the courts may fine the administrators or order the association to be dissolved (Book III of the Labour Code, Section 54).

Article 6. The provisions of Book III of the Labour Code regulating the constitution of associations, their administration, rights and dissolution also apply to federations of industrial associations (Sections 24, 25 and 26).

Article 7. Industrial associations enjoy legal personality. They can sue and be sued, and have the right to acquire, without authorisation, movable or immovable property either as a free gift or in return for consideration (Sections 10 to 18 of Book III of the Labour Code).

Article 9. The principle of freedom of association is applicable, except in the army.

Cameroons (First Report).

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Title II of the above Act deals with the question of industrial trade unions.

Freedom of association is emphasised in two ways: on the one hand, all persons carrying on the same trade, similar crafts or associated trades, are free to form an industrial trade union; on the other hand, every worker or employer is free to join a trade union selected by him within his trade or profession (Section 4) and to withdraw at any time notwithstanding any provision to the contrary (Section 10). No distinction is made which would restrict agricultural trade unions and Section 3 of the Act indicates that industrial trade unions are exclusively set up for the study and defence of economic, industrial, commercial and agricultural interests.

Prior to the setting up of the trade unions the statutes should be deposited at the mayor's office or at the principal office of the administrative area.

Members responsible for the management or direction of a trade union must have certain qualifications. Industrial trade unions enjoy civil personality. They have the power to sue and be sued and to acquire, without authorisation, movable or immovable property either as a free gift or in return for consideration. They represent their members at court as regards facts which prejudice the collective interest of the profession that they represent.

They may set up workers' dwellings, and sports grounds for the use of their members; administer occupational institutions; and subsidise co-operative societies. Finally, they may sign collective agreements.

The scope of freedom of association as set forth in the Act is very wide since it applies even to industrial associations of a customary nature when they have been recognised by an Order promulgated by the head of the territory.

The Labour Inspectorate and the judicial and administrative authorities ensure the free exercise of trade union rights. No court decisions were given in this respect as no contraventions were reported.

French Equatorial Africa (First Report).

Freedom of association, which was recognised for overseas workers and employers in virtue of the Act of 1884 and the Decree of 7 August 1944, has been affirmed for the third time in the Act of 15 December 1952 (see under *Cameroons*), Section 4 of which provides that persons carrying on the same trade or allied trades are free to form a trade union. All workers and employers are free to join a trade union within the framework of their occupation.

Since December 1952 the number of workers' trade unions has increased from 35 to 66; the number of employers' organisations has remained fixed at 16. However, it should be noted that only approximately 7 per cent. of the workers of the Federation are members of trade unions.

French Establishments in India (First Report).

Act of 15 December 1952, Book II (see under *Cameroons*).

See also under *French West Africa*.

French Settlements in Oceania (First Report).

Book II of the Act of 15 December 1952 (see under *Cameroons*) contains the principles laid down in the Convention.

See also under *French West Africa*.

French Somaliland.

Freedom of association, which already exists in French Somaliland in virtue of the system of 22 May 1936, has been reinforced by the provisions of Sections 3 and 28 of the Act of 15 December 1952 (see under *Cameroons*).

French West Africa (First Report).

Decree of 7 August 1944 to set up trade unions in French West Africa, the Cameroons, Togoland and French Somaliland.

Act of 15 December 1952, Book II (see under *Cameroons*).

The legislation lays down the principle of freedom of association by providing for the right to join a trade union, to form a trade union and to form territorial trade union federations.

The only formal or basic conditions for the setting up of trade unions are as follows: basic conditions: the persons must be employed in the same trade, similar crafts or allied trades associated in the preparation of specific products, or in the same profession (Section 4); formal conditions: the founders of every trade union must register the rules and the names of those who are responsible in any capacity for its administration or direction. Registration must be carried out at the mayor's office or the principal

office of the administrative area and copies of the rules must be sent to the Inspector of Labour and Social Legislation and the Public Prosecutor for the area.

Within the framework provided for in the Act, that is, the study and defence of economic, industrial, commercial and agricultural interests (Section 3), trade union organisations enjoy full freedom in the administration, management and direction of the trade union. Apart from voluntary winding-up and dissolution in accordance with the regulations, the only possible dissolution is that ordered by a court of law.

Trade unions which have been legally set up are free to associate for the study and defence of their interests.

Trade unions enjoy full legal personality provided they have been set up in accordance with the regulations.

Trade unions are required to respect the law in the same way as other persons or bodies. There is no provision for any special penalty in the case of any violation of the law for which they may be responsible. As they enjoy legal personality they may be brought before the courts.

Section 42 of the Act provides that dismissal on account of the worker's opinions, his trade union activity, his membership or non-membership of a particular union are examples of the wrongful breaking of a contract. As such, dismissals are liable to damages. Collective agreements also lay down similar provisions.

Madagascar (First Report).

The report refers to Book II of the Act of 15 December 1952 (see under *Cameroons*).

There are no legislative provisions concerning the affiliation of workers' and employers' organisations to international workers' and employers' organisations.

The guarantees set out with regard to the constitution, working and winding-up of workers' and employers' organisations also apply to federations and confederations.

The workers' and employers' organisations which have been set up in accordance with the law have full legal personality.

The Decree of 23 October 1935 to issue regulations concerning public order has been made applicable to Madagascar by the Decree of 24 May 1947.

The guarantees set out in the Convention apply to members of the police force.

New Caledonia and Dependencies (First Report).

Act of 15 December 1952 (see under *Cameroons*).

See also under *French West Africa*.

St. Pierre and Miquelon (First Report).

Freedom of association and protection of the right to organise are guaranteed by Sections 3 and following of the Act of 15 December 1952 (see under *Cameroons*).

See also under *French West Africa*.

Togoland (First Report).

Act of 15 December 1952 (see under *Cameroons*).

The extension of the Convention to the territory would not give rise to any difficulties.

See also under *French West Africa*.

94. Convention concerning labour clauses in public contracts

*France.**Algeria (First Report).*

Decree of 10 August 1899.

Decree of 10 April 1937, to amend the Decree of 10 August 1899.

Decree of 13 April 1938 applying the provisions of the Decree of 10 April 1937 to Algeria.

Article 1, paragraph 1. This paragraph is applied by Section 1 of the Decree of 10 April 1937 which is applied to Algeria by the Decree of 13 April 1938.

Paragraph 2. This paragraph is applied by the Decree of 13 April 1938 applying to Algeria the Decree of 10 April 1937, to revise the Decree of 10 August 1899 concerning labour clauses in contracts awarded by public departments and public welfare institutions.

Paragraph 3. Section 2 of the Decree of 10 April 1937 applied to Algeria by the Decree of 13 April 1938 gives effect to this paragraph.

The contractor may not sublet any portion of his contract to subcontractors except with the specific authorisation of the Administration and on condition that he remains personally responsible towards the Administration, the workers and third parties.

Article 2, paragraph 1 (*a*). This provision is applied by Section 1, paragraphs 2 and 3, of the Decree of 10 April 1937.

Paragraph 1 (*b*). This is applied in Algeria by the Decree of 13 April 1938.

Paragraph 2 (*a*). Section 1, paragraphs 2 and 3, of the Decree of 10 April 1937 gives effect to these provisions.

Paragraph 2 (*b*). This is applied in Algeria by the Decree of 13 April 1938.

Paragraph 3. This is applied by Section 1, paragraph 1, of the Decree of 10 April 1937.

Paragraph 4. Section 1 of the Decree of 10 April 1937 gives effect to this paragraph.

Article 3. The report refers to the health and safety provisions of the Labour Code.

Article 4. This Article is applied by Section 4 of the Decree of 8 March 1940.

Clause (*a*) (i). Section 1, paragraph 1, of the Decree of 10 April 1937 gives effect to these provisions.

Clause (*a*) (ii). The authorities responsible for compliance with the laws and regulations giving effect to these provisions are: the Prefect (Section 3 of the last-named Decree); the Labour Inspectorate (Section 4); and the Department which awards the contract.

Clause (*a*) (iii). This provision is applied by Section 4 of the Decree of 8 March 1940.

Clause (*b*) (i). Sections 1, 3 and 4 of the Decree of 10 April 1937 give effect to these provisions.

Clause (*b*) (ii). Sections 3 and 4 of the Decree of 10 April 1937 give effect to these provisions.

Article 5, paragraph 1. Section 5 of the Decree of 10 April 1937 gives effect to this provision.

Paragraph 2. Section 4 of the Decree of 10 April 1937 applies this paragraph.

The application of the legislation and administrative regulations is entrusted to the Labour Inspectorate, the Employment Service and the Prefect.

Cameroons (First Report).

The Convention is fully applied in the Cameroons as all workers, irrespective of sex or nationality, are covered by the same provisions of the Act of 15 December 1952 (see under *French West Africa*), as soon as they undertake to place their gainful activity in return for remuneration under the control and direction of another person (including a public or private corporation).

French Equatorial Africa (First Report).

The Ministerial Order of 16 October 1946 promulgated in French Equatorial Africa by Order of 28 January 1947 contains (Sections 13, 14 and 15) provisions similar to those of the Convention.

Section 13 provides that the manpower required for carrying out the work will be recruited by the employer on his own responsibility under the conditions provided for by the regulations in force.

For that portion of the contract which is carried out in metropolitan France the contractor will indicate—at least eight days before the opening of the work sites or workshops—to the manpower office competent for the place where the work is to be carried out, his labour requirements by trades, together with all the necessary information concerning wages and conditions of work and all other data of interest in connection with applications for employment. He must revise these data whenever he recruits new workers, in particular following an extension of the work in question. He must receive the applicants sent to him by the manpower office. However, he is not required to engage workers who do not possess the necessary qualifications. In case of refusal, he must indicate the reason on the card issued by the manpower office, which is returned to that office either by the worker or by the contractor.

As regards that portion of the contract which is carried out in the colony, the contractor must, within the period required by the regulations in force, indicate to the local manpower administration for the place where the work is to be performed, his manpower requirements by trades, including all relevant data concerning wages and conditions of work. He must revise these data whenever he recruits new workers. He is not required to engage workers who do not possess the necessary qualifications.

In all cases the contractor may only engage as clerks or foremen of work sites or workshops persons who are capable of assisting him or, if necessary, replacing him as surveyor or superintendent.

The engineer or his deputy have the right to demand the transfer or dismissal of the contrac-

tor's agents or workers in case of insubordination, incapacity or dishonesty. Moreover, the contractor remains responsible for any fraud or defect imputed to these persons as regards the supply and use of materials.

Section 14 stipulates that the number of workers in every trade is always in proportion to the amount of work to be done, taking into account the method of procedure adopted.

The number of foreign workers may not exceed a proportion specifically laid down.

The contractor will keep at the disposal of the engineer a list of the names of the workers employed by him at the work site or in the workshop.

In cases where the contractor is authorised to subcontract a part of the work he must impose the same obligations on the subcontractors.

In virtue of Section 15, contractors are required to apply to the whole of their staff, regardless of origin and qualifications, the labour regulations and social legislation in force in the territory where the work is being carried out.

French Establishments in India (First Report).

Section 81 of the Act of 15 December 1952 (see under *French West Africa*) provides that collective agreements may be concluded in all cases where the staff of any public service, undertaking or establishment is not covered by special legislation or statutory regulations.

Section 82 of the same text provides that in cases where a collective agreement has been extended by an Order, made under Section 76, this agreement applies, unless otherwise provided, to any public services, undertakings and establishments which by reason of their nature and activity fall within the scope of such agreement.

In practice the local administration merely recruits workers for the construction and repair of buildings, bridges, roads and irrigation ditches. The workers concerned, who are not covered by any statute, are treated on the whole as occasional workers. Their conditions of work are those in force in the region in respect of private undertakings.

The temporary nature of the work sites does not favour the application of the Convention in the territory.

French Settlements in Oceania (First Report).

The provisions of the Act of 15 December 1952 (see under *French West Africa*) apply to all labour contracts without distinction.

French Somaliland (First Report).

Act of 15 December 1952 (see under *French West Africa*) (in particular, Sections 81, 82 and 95.)

Article 1. The Act provides that, in all cases where the staff of public services, undertakings and establishments is not covered by special legislation or statutory regulations, collective agreements may be concluded in respect of such staff.

On the other hand, public undertakings and establishments coming within the scope of a collective agreement concluded for private undertakings may, by virtue of an extending Order, be covered by the provisions of the collective agreement. The provisions of this agreement give practical effect to the requirements of the Conven-

tion, although the latter has not been made applicable.

No exceptions are provided for as regards the provisions of collective agreements except in respect of officials permanently employed and belonging to the establishment of a public administrative service.

Article 2. The provisions of this Article apply automatically to contracts awarded by a public authority under the Act of 15 December 1952, as well as under the collective agreements concluded for the application of the Act.

Article 3. The provisions of this Article, which are dealt with in Title VI of the Act, are being applied.

The supervision of the application of the legislation and regulations is the responsibility of the Inspectorate of Labour and Social Legislation.

During the period under review no decisions were given by courts of law, and no observations were made by the employers' or workers' organisations concerned.

French West Africa (First Report).

Decree of 14 October 1936 "to regulate hiring by contract".

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The Act of 15 December 1952 applies to all wage earners and therefore to all public and private undertakings.

In the public administrative service all persons who are not officials are covered by the Act. In view of this very general application of the Act the ratification of this Convention has no practical meaning.

Madagascar (First Report).

Section 1 of the Act of 15 December 1952 (see under *French West Africa*) provides that: " 'Worker' means any person irrespective of sex or nationality who has undertaken to place his gainful activity in return for remuneration under the direction and control of another person (including any public or private corporation). For the purpose of determining whether or not a person is to be recruited as a worker no account shall be taken of the legal status of the employer or of the employee.

Persons appointed to permanent posts on the establishment of a public administrative service shall not be subject to this Act. "

Article 1. Workers who do not have the status of officials, and who are bound by a labour contract with a public administrative service or with an employer who has concluded a contract for supplies with the public authorities, benefit from all the provisions of the Act of 15 December 1952.

There are no exceptions to this rule.

Article 2. The contracts guarantee to the workers concerned conditions which are as favourable as those laid down for work of the same character in the trade or industry concerned in the same district.

This guarantee is given by the national legislation (Act of 15 December 1952).

The terms of the clauses to be included in contracts will be determined by a legislative text.

Article 3. Workers in the public sector of the economy benefit from the same provisions concerning health, safety and welfare as workers in the private sector.

Article 4. The compulsory approval by the Labour Inspectorate of labour contracts of a specified duration concluded for a period of more than three months (Section 32 of the Act of 15 December 1952) ensures the application of the legislative provisions and regulations. In addition, the above Act was published in the Official Gazette of Madagascar and copies of it were distributed separately on a large scale.

Article 5. Specifications provide that a contractor must apply to his workers the Regulations in force, in particular as regards wages.

Article 7. No region is exempted from the application of the above legislative provisions.

New Caledonia and Dependencies (First Report).

The subject matter is governed by Sections 13 to 15 of the Decree of 16 October 1946 (see under *French Equatorial Africa*).

The public works engineers and the Labour Inspector are entrusted with the application of the legislation.

No judicial decisions were given and no observations were made by employers' or workers' organisations.

St. Pierre and Miquelon (First Report).

There is no text in the territory to apply the Convention.

Togoland (First Report).

The Convention could be applied to the territory without difficulty; the workers covered by it are at present protected by the same provisions as those relating to all other workers in the private sector of the economy.

The Act of 15 December 1952 (see under *French West Africa*) excludes only one category of workers from the scope of its provisions—those belonging to the establishment of a public administrative service.

98. Convention concerning the application of the principles of the right to organise and to bargain collectively

France.

Algeria (First Report).

Act of 11 February 1950, respecting collective agreements, made applicable to Algeria in accordance with Section 22 thereof.

Ordinance of 27 July 1944 respecting the restoration of freedom of association.

Article 1. The principle of freedom of association is enforced.

Paragraph 1 is applied under the Ordinance of 27 July 1944 respecting the restoration of freedom of association, as amended and supplemented by an Ordinance of 26 September 1944 and the Act of 25 February 1946.

Article 4. This Article is applied under the Act of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes.

Article 5, paragraph 1. The principle of freedom of association is applicable, except in the army.

The provisions of the Act of 11 February 1950 do not apply to establishments and undertakings whose employees are subject to the same special laws or regulations as those of public undertakings.

The Act of 11 February 1950 was followed by a number of decentralisation measures: a Higher Collective Agreements Committee operates in Algeria.

Cameroons (First Report).

The observations on Convention No. 87 apply in part to this Convention.

As regards the more specific question of the measures taken to encourage and promote the development and utilisation of machinery for the voluntary negotiation of collective agreements, it should be noted that the possibility of con-

cluding collective agreements was already reserved for occupational associations by a Decree of 23 August 1945 respecting the work of Europeans and assimilated persons in the Cameroons.

The Act of 15 December 1952 (see under *French West Africa*) offers all occupational associations every opportunity of concluding collective agreements.

French Establishments in India (First Report).

See the first paragraph of the report for *French West Africa*.

The right to bargain collectively is recognised by Section 17 of the Act of 15 December 1952 (see under *French West Africa*), which states that "they [the trade unions] may make contracts or agreements with all other trade unions, companies, undertakings or persons".

The Act indicates the procedure to be followed in concluding collective agreements. No local regulations have been considered for the armed forces or police.

In practice, workers are protected against any violation of the freedom of association, and this protection is clearly embodied in all the collective agreements which have so far been concluded.

The Convention is partially applied in the territory.

French Guiana.

See under *Guadeloupe*.

French Settlements in Oceania (First Report).

The principles of the Convention are safeguarded by the Act of 15 December 1952 (see under *French West Africa*).

French Somaliland.

The right to organise and bargain collectively has been regulated by Sections 3 to 28 and 68 to 86 of the Act of 15 December 1952 (see under *French West Africa*).

Freedom of association had already been fully recognised before the promulgation of the Act of 15 December 1952, which gave force of law to the practices already current.

Article 1. Workers are protected against acts of anti-union discrimination by Sections 4 and 10 of the Act, which provide in particular for: (a) freedom of union membership; (b) the possibility of withdrawal from a union; and (c) the free conclusion of contracts of employment.

Article 2. Effective protection is afforded in the conditions specified in Article 2 by the penal provisions of Section 228 of the Act.

Article 4. The Act is calculated to facilitate the negotiation of collective agreements to the utmost. Negotiations begin at the request of the trade union organisation concerned.

Article 5. The Act of 15 December 1952 does not apply to the armed forces nor does it cover permanent members of the police force. Contractual or auxiliary police officials nevertheless enjoy the rights and safeguards indicated above.

During the period under review no decisions were required of courts of law.

For the future the Act of 15 December 1952 seems to afford workers very comprehensive protection in the conditions provided for in the Convention. No observations were submitted by trade union organisations.

French West Africa (First Report).

Decree of 20 March 1937 respecting collective labour agreements in French West Africa.

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Section 42 of the Act lays down that "dismissal on account of the worker's opinions, trade union activity or membership or non-membership of a particular trade union are examples of wrongful breaking of contract" and, as such, afford grounds for damages.

Section 74 states that collective agreements must contain provisions regarding "freedom of association and freedom of opinion for the workers".

The various collective agreements concluded in French West Africa all include provisions on freedom of association.

No act of interference of the type prohibited by Article 2 of the Convention has been recorded by the Inspectorate of Labour and Social Legislation or reported by employers' or workers' organisations.

The Inspectorate of Labour and Social Legislation and the courts are responsible in their respective spheres for ensuring that freedom of association is respected.

Some collective agreements also make provision for a joint committee under the chairmanship of the labour inspector. A collective agreement of 12 December 1946, for example, states (Section 22) that: "Any breach of the above provisions by one of the contracting parties may, at the request of either party, be noted by a joint

committee under the chairmanship of the labour inspector. This committee shall give its ruling as rapidly as possible. Pending the ruling, no dismissals, transfers or demotions may be ordered."

Sections 68 to 81 of the Act accord employers' and workers' organisations the right to conclude collective agreements freely. When these agreements are concluded in specified conditions by organisations deemed to be most representative of the employers and workers concerned and they contain clauses on all the points listed in Section 74 of the Act, they may be extended to all undertakings and all workers in the area and trades covered by the agreement.

In French West Africa, collective bargaining has long existed both *de jure* and *de facto*. Until the Act of 15 December 1952 was published, occupational regulations were, in fact, the only legal foundation as regards contracts for the hiring of services.

A considerable number of collective agreements have been concluded in the Federation under the Decree of 20 March 1937, and some of them have been extended to all undertakings in the areas and trades they cover.

Guadeloupe.

The Act of 11 February 1950 is applicable in the territory.

Madagascar (First Report).

The right of collective bargaining is covered by Title III, Chapter IV, of the Act of 15 December 1952 (see under *French West Africa*). Title II of the Act covers the right of association.

Article 1. No act of anti-union discrimination in respect of employment has been noted. Any act of this kind would, moreover, render the offender liable to the penalties laid down in Sections 223 and 232 of the Act of 15 December 1952.

Articles 2 to 6. No acts of interference on the part of trade union organisations have occurred.

The Inspectors of Labour and Social Legislation ensure that the right of association is respected.

No collective agreements have so far been negotiated in Madagascar but, with the new legislation (the Act of 15 December 1952), machinery for the voluntary negotiation of such agreements may possibly be set up.

Martinique.

See under *Guadeloupe*.

New Caledonia and Dependencies (First Report).

The Convention is applied by the Act of 15 December 1952 (see under *French West Africa*), notably by Title II (trade unions and occupational associations, including those of a customary character), and Title III, Chapter IV (collective agreements).

Articles 1 and 2. Freedom of association is one of the fundamental principles both of the French Constitution and of French law. Any violation of this freedom is punished as a criminal offence and damages are also payable.

In French law freedom of association has three aspects: freedom to join a union, freedom to withdraw from a union and freedom to refrain from joining a union, the freedom of employment being an absolute right.

Articles 3 and 4. Title III, Chapter IV, of the Act of 15 December 1952 carefully regulates the procedure to be followed in collective agreements and provides for such agreements to be very widely used. In fact, it merely recognises an existing situation, for since 1936 the main occupations in the territory (e.g., commerce, industry and mining) have been governed by collective agreements giving wage earners considerable advantages not actually required by law, such as the sliding wage scale and the right to remuneration in the event of illness unconnected with their work.

Articles 5 and 6. These Articles are not applicable in the territory.

No decisions were given by courts of law.

No observations were made by employers' or workers' organisations.

Réunion.

See under *Guadeloupe*.

St. Pierre and Miquelon (First Report).

Although there are no local regulations on the subject, the principles of the right to organise and bargain collectively are fully respected in the territory.

Togoland (First Report).

After quoting Sections 42 and 68 to 87 of the Act of 15 December 1952 (see under *French West Africa*) and noting that several collective agreements are in operation in Togoland, the report states that the Convention could easily be extended to the territory.

99. Convention concerning minimum wage fixing machinery in agriculture

New Zealand.

Cook Islands (Voluntary Report).

Minimum wage fixing in agriculture is covered by the Cook Islands Industrial Unions Regulations, 1947.

The report states that the Resident Commissioner appoints a member of the public service to act as industrial relations officer. This officer ensures that minimum wage fixing agreements are concluded between the employers' and workers' organisations concerned. If agreement is not reached, the officer endeavours to secure it; if, despite his efforts to conciliate the parties, it is impossible to reach agreement, he acts as referee and gives a ruling.

There is one trade union which concludes minimum wage agreements for all types of labour, including agricultural workers.

The report states that wage rates are always fixed in cash.

The trade union organisations concerned are always consulted, since they are responsible for preparing the agreements. Employers and workers are always represented in equal numbers.

Such minimum wage rates as may be fixed will be obligatory.

No decisions were given by courts of law. The employers' and workers' organisations concerned have been consulted.

101. Convention concerning holidays with pay in agriculture

New Zealand.

Cook Islands (Voluntary Report).

Under the basic system of land tenure and ownership, practically the entire population are engaged in working their own land or that of the family group. Outside the Administration relatively few people are engaged continuously in agricultural employment and the eligibility requirement of continuous service would not be fulfilled. Application of the Convention is, therefore, impracticable. In the case of the Administration a collective agreement provides for an annual paid holiday of two weeks in respect of workers with twelve months' continuous service and there

weeks in respect of workers with ten years' continuous service. However, consideration is being given to the question of applying the Convention to that section of agricultural labour employed by the Administration, in accordance with the modifications permitted under Article 4.

Western Samoa.

The principal form of agriculture is subsistence agriculture, carried on by the villagers working communally, wage-earning employment existing only in private or government-operated agricultural undertakings, and usually on a casual daily basis. Paid annual holidays are not customary.

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 Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia and Dependencies, St. Pierre and Miquelon and 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.

Italy: Trust Territory of Somaliland. There are no employers' organisations in the territory.

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*, employers' and workers' organisations have been informed that the reports are

available for inspection in the Labour Department. In *British Guiana* the possibility of communicating the reports to local organisations of employers and workers will receive early consideration by the Government.

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 Somaliland, Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands, Swaziland.*

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.*

United States. Copies of the reports have been communicated to the organisations in the United States.

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REPORT III

(PART II)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-SEVENTH SESSION

GENEVA, 1954

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE

GENEVA, 1954

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INTERNATIONAL LABOUR CONFERENCE

THIRTY-SEVENTH SESSION

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SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

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**INTERNATIONAL LABOUR OFFICE
GENEVA, 1954**

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that 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 in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations and paragraphs 7 (*a*) and (*b*) deal with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the Conventions and Recommendations on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern one Convention and one Recommendation dealing with labour clauses in public contracts, and one Convention and one Recommendation dealing with the protection of wages. The governments of Members were requested to send in their reports before 1 July 1953. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 1 January 1954.

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 Conference at its 37th Session, will include general remarks made by the Committee on these reports.

Labour Clauses (Public Contracts) Convention, 1949: C. 94¹

Afghanistan.

The matters dealt with in the Convention are not covered by legislative, administrative or other provisions.

Argentina.

Act No. 13064 concerning the construction of national public works.

Act No. 11744 concerning the drainage of rain water in the federal capital.

Act No. 12786 concerning the execution of works in various provinces.

Regulations concerning tender and award of contract for, and execution of, public works under the General Directorate of State Electricity Centres.

Act No. 13064 defines as national public works any construction, work or industrial service carried out with state funds, with the exception of works effected with state subsidies and of military construction works. Under section 36 of this Act the contractor is obliged to pay wages regularly, and any deductions other than those set out in the legal provisions relating to this matter or in the labour legislation are prohibited. Any infringement of this obligation will entail the termination of the contract, the contractor being at fault, and the suspension of payment for works in course of execution.

Act No. 11744 relates to conditions of work; section 5 of this Act provides for a maximum of eight working hours per day, that the Directorate of Sanitary Works shall fix the minimum wages to be paid, and that all unskilled persons employed in these works shall be engaged through the National Employment Service Directorate. Section 6 provides for the compulsory publication of labour clauses; failure to apply this provision may entail a fine of 5,000 pesos, to be doubled in the case of a repeated offence.

Part VI of the regulations adopted by the General Directorate of State Electricity Centres concerning tender and award of contract for, and execution of, public works contains provisions compelling the contractor to apply strictly the laws and regulations relating to hours of work, Sunday rest, public holidays, minimum wages, etc.

The report states that the legislation is in conformity with the spirit of the Convention and that the Government is at present examining the possibility of ratification.

The Government considers that the matter dealt with in the Convention is more appropriate

for federal action, particularly in view of the fact that the authorities responsible for the enforcement of labour clauses in public contracts are of a national character.

Canada.

Fair Wages and Hours of Labour Act, 1935.

Order in Council, P.C. 5547 of 3 November 1949.

The matters dealt with by this Convention are wholly within the authority of the Parliament of Canada, being in relation to labour clauses in public contracts entered into by the Central Authority.

Article 1 of the Convention. The Act deals with contracts made with the Government of Canada and the Order specifies that its provisions shall be observed by "all Departments" with respect to all contracts made on behalf of the Canadian Government; this appears to be compatible with paragraph 1 (a) of this Article of the Convention. The law also appears to be substantially compatible with paragraph 1 (b) (i).

With reference to the workers covered the Government states that the Act goes further than the Convention in that its provisions on fair wages and the eight-hour day are applicable to all workmen employed by the Government of Canada who are excluded from the operation of the Civil Service Act.

Section 5 of the Act, dealing with cases where the grant or payment of public funds is made by contribution, subsidy, loan, advance or guarantee, contemplates a situation in which agreements entered into by the Government of Canada with a province or municipal body or with any agency or person might be "excepted from the operation of this section". The report states that, while this might appear to afford a loophole from provisions in this section specifying that every such agreement shall contain clauses with regard to fair wages and the eight-hour day and 44-hour week in such terms as the Governor in Council may approve, there has never been an occasion within the knowledge of the present administrators on which any agreement was reached that did not fulfil the letter and spirit of the Act.

There is a minor discrepancy between the Act and paragraph 1 (c) (i) of this Article in that the Act uses the term "remodelling" instead of "alteration". The provisions of Schedule A of P.C. 5547 apply to all contracts made on behalf of the Government for the construction or remodeling (but not specifically for repair or demolition) of public buildings and numerous other specified public works. The scope of this schedule seems sufficiently broad to be compatible with the term

¹ This Convention came into force on 20 September 1952. Eleven ratifications have been registered up to 1 January 1954. 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 37th Session of the Conference (*Summary of Reports on Ratified Conventions*).

"public works" as used in the Convention; in practice the Act and the provisions of the schedule are widely interpreted.

The provisions of Schedule B of P.C. 5547 apply to all contracts for the manufacture and supply to the Government of Canada of a limited list of materials, supplies and equipment; but in practice the Order is applied to all contracts for the manufacture of supplies and equipment. However, the Order falls short of fulfilling the Convention to the extent that it is not all-inclusive with regard to materials, supplies or equipment manufactured or assembled on contract for the Government.

Federal legislation does not cover contracts for the handling or shipment of materials, supplies or equipment. It also does not cover contracts for the performance or supply of services, but in practice many such contracts contain the labour conditions called for in the legislation.

As regards paragraph 1 (*d*), federal legislation applies to the Government of Canada or Departments of the Government; it covers agencies of the Government only to the extent that they fall under section 5 of the Act.

As regards paragraph 2, the Canadian authorities other than central authorities consist of provincial governments, their departments and agencies, and municipalities and their agencies. The provincial governments are the competent authorities in respect of contracts awarded by authorities other than central authorities.

Under paragraph 3 the report states that federal legislation deals adequately with subcontracting but that it does not apply specifically to assignees of contracts. However, the main contractor is held responsible for the strict observance of all contract conditions on the part of subcontractors.

As paragraph 4 is permissive, it provides no difficulty in the matter of compatibility. Federal legislation does not provide for consultation with the organisations of employers and workers concerned (as required in this and a number of other Articles of the Convention), but the principle is observed as a matter of administrative policy.

The report mentions the persons covered by the Act and the Order, and states that there is no incompatibility with paragraph 5, which is permissive. In practice the federal authority does not apply the labour conditions specified by the Act and the Order to managers or to other persons exercising management functions.

Article 2. As regards paragraph 1, the Act ensures for the workers concerned such wages as are generally accepted as current for competent workmen in the district in which the work is being performed, for the character or class of work in which such workmen are respectively engaged; and in all cases such wages as are fair and reasonable. Working hours are not to exceed eight per day or 44 per week, except as the Governor in Council may provide or except in certain emergencies. The Order provides that the terms "current wages" and "hours of labour fixed by the custom of trade" mean the standard wage rates and working hours either recognised by signed agreements between employers and workers in the district from which the labour required is necessarily drawn, or actually prevailing though not necessarily recognised by signed agreements. Neither the Act nor the Order refers to wages or hours fixed by arbitration award, but the report

states that such an award would presumably be considered as being incorporated in a collective agreement.

The conditions in Schedule B of the Order applying to contracts for the manufacture and supply of certain supplies and equipment stipulate that the wages shall be not less than those established by statute or regulation of the province in which the work is performed. This fulfils the requirements of paragraph 1 (*c*) although there is no reference in the conditions in Schedule A to the observance of national or provincial laws or regulations.

Federal legislation does not deal with matters other than wages, working hours and overtime payments, except to forbid the performance of work at the homes of the workmen and, in the conditions in Schedule B, to say that the contractors' premises shall be kept in sanitary condition.

There are no provisions in federal legislation in Canada corresponding to paragraph 2, except the provision which permits wage schedules to be based on signed agreements in the district from which the labour required is necessarily drawn. However, the principles are observed by indicating to contractors that they are expected to conform thereto.

The Act does not require consultation with organisations of employers and workers as provided in paragraph 3. However, in making wage surveys the administrative authority does consult with such organisations to ascertain what wage rates are being paid and how they are established and, in practice, there is consultation with respect to definitive amendments to the legislation.

The Government considers that the measures taken by its federal Departments are sufficient to ensure that persons tendering for contracts are aware of the labour conditions, as required in paragraph 4.

Article 3. In Canada, only the provinces have the power to enact legislation relating to the health, safety and welfare of workers.

Article 4. The Government considers that the federal regulations are compatible with this Article. The Order provides for inspection with a view to ensuring the effective enforcement of its requirements. Until 1952, *ad hoc* inspections were made following complaints but recent additions to administrative staff have made it possible to establish an effective system of inspection capable of ensuring enforcement even in the absence of complaints. The report also mentions other arrangements to ensure effective enforcement, such as regulations with regard to the filing of affidavits as to wage rates, working hours and full payment to workers.

Article 5. Federal legislation does not contain any provision for the application of sanctions. There are appropriate measures enabling the workers concerned to obtain the wages and overtime to which they are entitled, providing wage claims are brought to the attention of the competent authority, as well as for obtaining compliance with legislation on hours of work.

Article 7. The Government states that if Canada were able to ratify the Convention, it might be desirable to take advantage of this Article in regard to the Yukon and North-West Territories; in this

case also the principle of consultation is followed only to a limited degree under present administrative policy.

Ceylon.

Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinance No. 40 of 1943 and Amendment Act No. 5 of 1953.

Factories Ordinance, No. 45 of 1942.

Industrial Disputes Act, No. 43 of 1950 (L.S. ¹ 1950—Cey. 1).

There is no specific legislation in Ceylon relating to the manner in which labour clauses in public contracts may be drawn up. Legislation exists covering the payment of wages and allowances, minimum hours of work, holidays and provisions on workers' health, safety and welfare.

The Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinance No. 40 of 1943 and Amendment Act No. 5 of 1953, provides that decisions of wages boards may deal with payment of wages and allowances, minimum hours of work and holidays. The Industrial Disputes Act, No. 43 of 1950, provides that conditions of employment for workmen employed in a trade, business, manufacturing or agricultural undertaking shall be made the subject of collective agreements and arbitration awards. The Factories Ordinance, No. 45 of 1942, makes provision for the health, safety and welfare of workers in factories.

The administration of this legislation is vested in the Commissioner of Labour. Wages boards consist of representatives of employers and of employees, as well as representatives nominated by the Government. In trades to which wages board decisions do not apply, agreements can be reached through collective bargaining in which employers' and workers' representatives participate.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention; some of these provisions cannot be fully implemented in the framework of existing laws in Ceylon. It is proposed to place the issues arising from the Convention before the competent authorities with a view to considering whether measures should be taken to give effect to its provisions and, if so, what measures.

Denmark.

The matters dealt with in the Convention are not regulated in Denmark by laws, regulations, or other provisions (including collective agreements). However, Danish legal provisions and principles of law do not seem to be at variance with the provisions of the Convention, which in all essentials are applied in practice.

No modifications have been made in the national legislation and practice with a view to giving effect to any of the provisions of the Convention. The ratification of the Convention is being considered.

Dominican Republic.

Act No. 2920 of 11 June 1951 to promulgate the Labour Code (L.S. 1951—Dom. 1).

Acts Nos. 1226 of 15 December 1936, 2059 of 22 July 1949, and 3143 of 11 December 1951.

In conformity with section 3 of the Labour Code, the employment relations between officials

and public employees and the State, the District of Santo Domingo, the communes and the official autonomous bodies are regulated by special laws, i.e., the provisions of the Code are not applicable to them. However, in virtue of Act No. 2059 of 22 July 1949, workers employed in undertakings or services of the State, the District of Santo Domingo, the communes, municipal districts, public national or municipal undertakings of an industrial, commercial or transport nature, or who are employed in public works effected by these bodies, are governed, as regards their labour relations with these undertakings, whether services or of other types, by laws and regulations respecting social security, industrial accidents and labour in general; thus, the provisions of the Labour Code, together with all legislative provisions and regulations relating to labour, are applicable to the above-mentioned workers.

It is the Government's constant rule to include, in contracts drawn up in relation to the carrying out of the construction plan, provision for wages not lower than the most favourable of those established in agreements between private persons.

Sections 2 and 3 of Act No. 1226 of 15 December 1936 provide that the wages of workers shall have priority over the payment for material and that the relevant administrative department may pay directly, in the name of the subcontractors or assignees of contracts, the wages of workers and the cost of materials employed in the carrying out of public works, even though no express provision has been made for this in the contract conditions or in the contract itself.

There are no specific legal provisions, but Article 2 of the Convention is enforced. In all works undertaken by the public administration, whether for the State, a municipality or other public law body, clauses are included among the principal provisions, guaranteeing for the workers a fair wage, hours of work and other conditions of employment not less favourable than those established for workers employed on similar work carried out by private undertakings.

In addition to the sanctions prescribed for failure to implement these clauses, all persons who have committed breaches of these clauses or have fulfilled them in an unsatisfactory manner are excluded from the adjudication of works carried out for the account of the public authorities.

The application of the legislative provisions guaranteeing wages, as well as conditions of work in general, is entrusted to the Secretary of State for Labour, Economy and Commerce. No exception is made in the case of workers employed in the construction, alteration, repair or demolition of public works.

The provisions which guarantee the priority payment of wages of workers employed by contractors of public works have not been modified.

Act No. 3143 of 11 December 1951 provides for imprisonment or fines, in conformity with section 401 of the Penal Code, in the case of failure to pay wages in the manner laid down or at the end of the service if the employer has received payment for this work, even if no clause relating to the payment of workers has been included in the contract. This Act aims chiefly at protecting workers employed in public works who are bound by contract to the contractors or subcontractors of such works.

It can be stated that the provisions of the Convention are included in the national legislation

¹ Throughout this summary the abbreviation L.S. is used for the *Legislative Series* of the International Labour Office.

in virtue of the Labour Code, the provisions of which are applicable to all subordinate workers, of Act No. 2059 of 22 July 1949 and of Act No. 1226 of 15 December 1936, which deal specifically with the provisions of Article 5 of the Convention.

Consideration is being given to the possibility of ratifying the Convention, the provisions of which are applied in practice.

Federal Republic of Germany.

There are no federal legislative, administrative or other provisions relating to the matters dealt with in the Convention, hence no information is given under Point II of the report form, relating to existing legislation and practice and the responsible authorities.

No modifications have been made in the legislation or practice with a view to giving effect to the Convention, and none is contemplated, for the reasons set out below.

The requirements of the Convention relating to the supervision by the public authorities of provisions concerning wages in the case of undertakings bound by contract with the public authorities are not in harmony with the existing system in the Republic. According to this system, the employers' and workers' organisations are responsible for fixing and applying themselves the wages and other conditions of work, subject to some supervision by the courts. In addition, supervision by the State of conditions of work, which exists at present only in the case of homeworkers, would involve a considerable increase in administrative work; it would in fact be necessary to supervise the undertakings in question, both when tenders are made and when contracts have been carried out, in regard to the fulfilment of their obligations relating to wages and other conditions of work fixed by collective agreement.

The Government fully approves the object of the Convention, but considers that it is fulfilled or can be largely fulfilled through various institutions, such as the labour courts, trade unions and labour inspection services. In accordance with a decision of the competent authority, tenders for construction works are accepted on the basis of established wages, although the relevant prescriptions do not expressly provide that orders should be granted only to those undertakings paying the fixed wages.

The Federal Government, and also the employers' organisations, hesitate to propose the ratification of the Convention. The trade unions are not opposed in principle to such a measure; however, they are not unaware of the difficulties which would result therefrom.

Greece.

Decree of 12 July 1932 concerning the construction of public works.

Act No. 6321 of 16 December 1934 concerning Royal Navy workshops.

Act No. 1846 of 17 July 1939 concerning the civilian personnel in general of state aircraft factories.

Act No. 347 of 25 August 1939 concerning army technicians.

Decree of 30 December 1939 concerning the construction of military works.

Act No. 2275 of 1 April 1940 concerning Royal Navy shipyards.

Act No. 192 of March 1945 concerning the worker-employees of the state aircraft factory.

Act No. 775 of 29 December 1945 concerning the insurance against unemployment of salaried persons employed by K.E.A. (state aircraft factories).

Act No. 5121 of 10 July 1951 concerning the organisation of state civil aviation.

The legislation concerning the protection of workers in general also applies to workers employed in the construction of public works on behalf of the State. The legislation listed above, some of whose provisions have been amplified or amended, explicitly excludes workers employed in public works from the protection of certain laws.

The construction of works on behalf of the State is carried out either under the direct supervision of state officials in cases where the persons employed are working under the direction of a representative of a public authority, or by a contractor who, as a private employer, engages the necessary workers in accordance with an agreement signed between him and the relevant public authority. In certain cases special provisions are applied to ensure for the workers fixed wages and certain other labour conditions; in principle these provisions fulfil the objectives of the Convention, but in some cases, such as compensation in lieu of dismissal, the workers are not protected in the same manner as workers in general. Where public works are carried out by a contractor all labour laws are fully applied.

The present procedure conforms with the general lines of the Convention as the administrative authorities may amplify the provisions of labour laws by applying Award No. 579/305 of the Legal Council of State; this Award lays down that collective agreements are applied to workers and technicians employed on behalf of the State and/or of legal bodies of public or private law. The general regulations concerning workers (dealing with hours of work, payment of wages, insurance against the risks of employment, weekly rest, labour accidents, compensation, etc.), are applied equally to workers employed on public works or in private undertakings. In cases where there are special regulations, more favourable or equally favourable conditions are ensured to the persons employed in public works.

The application of the relevant provisions is entrusted to the Minister of Labour or to other Ministries responsible for the construction of public works.

The ratification of the Convention will be considered at a later date, as certain Acts, for instance No. 2112 concerning the denunciation of labour contracts in the case of dismissal, will have to be amended; the large number of services concerned in the construction of public works creates certain difficulties.

Iceland.

There is no specific legislation or regulation on the subject dealt with by the Convention, but it is an established custom that workers employed by any public authority undertaking enjoy the same terms as those fixed by the agreements between employers' and workers' organisations in the locality where the work is done. In specific classes of undertakings, such as roadmaking, which are operated only by public authorities, agreements relating to wages and other terms of the contract are made directly with the Federation of Labour, and terms are then fixed in conformity, as far as possible, with those prevailing at the time and in the locality concerned.

No steps have been taken to adopt legislation on this subject, as this is deemed to be unnecessary in view of the fact that the same rules apply

whether a public authority or an ordinary employer is concerned, and the workers are free to resort to a strike if the rules are violated.

India.

The standard form of contract in force in the Central Public Works Department includes a fair wage clause requiring the contractor to pay labour directly or indirectly engaged on the work a fair wage, that is, the wage notified at the time of inviting tenders for the work or, where not so notified, the wages prescribed by the Central Public Works Department for the district in which the work is done. The clause also requires the contractor to comply with the labour regulations made by the Government in regard to the payment of wages, wage period, deductions from wages, etc.

The Central Public Works Department contractors' labour regulations providing for the payment of wages, fixation of wage periods, deductions from wages, recovery of wages not paid and of unauthorised deductions, maintenance of wage registers and wage cards, inspection and submission of periodical returns, notification of wage rates and hours of work, etc., also form part of the contract, and the contractor is required to comply with these regulations in respect of all labour directly or indirectly employed on the works.

The conditions of contract attached to the Central Public Works Department contract form for works on item-rate tender include provisions regarding maternity benefit, work on Sundays, hutting for labour, sanitary arrangements in the labour camp and minimum age of admission to work.

The model rules for the protection of health and sanitary arrangements for workers employed by the Central Public Works Department or its contractors also provide for welfare facilities for labour. These rules form an integral part of the contracts.

Some of the state governments incorporate in their contract forms a fair wage clause, the contractors' model regulations, etc.

The enforcement of the fair wage clause, the conditions of contract and the model rules mentioned above is entrusted to the executive engineer or subdivisional officer in charge of the works. The Central Public Works Department contractors' labour regulations are enforced by the labour welfare officers, and the appellate authority in the case of complaints against them is the regional labour commissioner (central). In Bombay the executive engineer in charge of the work, and in Madhya Pradesh the Chief Inspector of Factories, is entrusted with the administration of the contractors' labour regulations. In Punjab the implementation of the fair wage clause is ensured by the officers of the Labour Department in conjunction with the officers of the Public Works Department. In Hyderabad the executive engineer and the labour commissioner and labour officers are entrusted with the supervision of the enforcement of the fair wage clause and the contractors' labour regulations.

Employers' and workers' organisations are not associated with the enforcement of these regulations.

No modifications have been made in the above-mentioned regulations with a view to giving effect to the provisions of the Convention. The scope of the Convention is too wide to permit ratification.

It is not intended at present to adopt measures giving effect to those provisions of the Convention not yet covered by the national legislation or practice.

Both the central and the state governments are competent to deal with the subject-matter of the Convention.

Indonesia.

There are no laws or regulations dealing with the provisions of the Convention.

Ireland.

Factory and Workshop Acts, 1901-1920.

Conditions of Employment Act, 1936 (L.S. 1936—I.F.S. 1).
Shops (Conditions of Employment) Act, 1938 (L.S. 1938—Ire. 1).

Holidays (Employees) Act, 1939 (L.S. 1939—Ire. 1).

Housing (Amendment) Act, 1950.

There is no general legislation providing that public contracts shall include clauses ensuring that workers' wages, hours of work and other conditions of labour shall be not less favourable than those established for work of the same character in the trade or industry concerned in the district where work is carried on. However, if the work performed under contract is industrial work there is no necessity for any such special provision as regards hours of work and holidays, since the workers automatically have the same rights as other industrial workers under the Conditions of Employment Act, 1936, and the Holidays (Employees) Act, 1939. In addition the hours of work and holidays of any worker employed on a public contract who comes within the scope of the Shops (Conditions of Employment) Act, 1938, are regulated by that Act.

The Housing (Amendment) Act, 1950, precludes the Minister for Local Government from making a housing grant where it is shown that the wages and conditions of labour have not been at least as favourable as those generally recognised from time to time by trade unions in the area.

The health, safety and welfare of industrial workers engaged by virtue of public contracts are safeguarded by the Factory and Workshop Acts, 1901-1920.

For over 25 years a fair wages clause has been inserted in all contracts placed by the Departments of State for the supply of goods, the execution of works, etc. The standard form of this clause is as follows: "The contractor shall pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district, those prevailing or recognised in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of labour generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of the fair wages clause are being observed. . . . The contractor shall be prohibited from transferring or assigning directly or indirectly to any person or persons whatever any portion of his contract without the written permission of the Department. Sub-letting other than that which may be customary in the trade concerned shall be

prohibited. The contractor shall be responsible for the observance of the fair wages clause by the subcontractor."

Contractors must, under the terms of the contract, keep exhibited in a place where it can be read easily by the workers concerned a copy of the terms of the fair wages clause. They must also keep wages books and time sheets and produce them for inspection by a representative of the authority which has placed the contract. The contract may be terminated if there is a breach of any of these conditions.

In the event of a complaint being made that there has been a breach on the part of a contractor in the observance of the fair wages clause, the complaint is dealt with by the Government Department or the local authority which has placed the contract. Prosecutions for breaches of the fair wages clause or the above-mentioned Acts may be instituted in a court of justice.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention which are not already fully observed.

The Convention is fully applied both in spirit and in practice. However, it seems that additional administrative provisions would be required to comply with the detailed conditions of Articles 3 and 4 of the Convention. Thus, as regards Article 3, there is no legislation affording protection for the health, safety and welfare of workers who do not come under the Factory and Workshop Acts or the Shops (Conditions of Employment) Act. As regards Article 4 (b) (ii), there is no supervisory system of inspection of wage sheets and records.

It is not intended to adopt additional measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice, as it is not considered that such additional measures are necessary. The abuses which the Convention is designed to correct do not exist in Ireland and workers are well organised and generally fully aware of their rights and of the standard conditions prevailing in their employment.

Japan.

Law No. 171 of 1947 concerning the protection of the Government against unjust claims and other matters.

Notification No. 8 of 1947 concerning prevailing wages by industry.

Labor Standards Law, No. 49 of 5 April 1947 (L.S. 1947—Jap. 3). Regulations for the enforcement of the Labor Standards Law (Ministry of Welfare Ordinance, No. 23 of 30 August 1947). Ordinance No. 9 of 1947 respecting industrial hygiene and safety.

Although Law No. 171 of 1947, which was an anti-inflationary measure, was abolished by Law No. 190 of 1950 with the cessation of inflation, its provisions concerning the fixing of prevailing wages by occupation and the payment of wages to workers employed on public works in accordance with such prevailing wages are to remain in force until the enactment of legislation concerning labour clauses in public contracts which is at present under consideration.

Prevailing wages by occupation and by locality are based on the result of a survey made by the Ministry of Labour and notified in the Official Gazette. The purpose of these wage-fixing provisions is to ensure a government control of labour costs, and in practice they provide the minimum guarantee of wages for the workers concerned. The minimum standards of working

hours and other labour conditions for general workers laid down in the Labor Standards Law apply also to public contract workers. This is also the case with regard to the provisions concerning health, safety and welfare laid down in the ordinance on industrial hygiene and safety.

Employers in enterprises which carry out public contracts are subject to the provisions of the Labor Law which require employers to inform workers of the law and ordinances and rules thereunder and to keep records of wages and other important matters concerning labour relations for a period of three years. These employers are also subject to the general measures taken in pursuance of the Labor Law to ensure the enforcement of the working conditions laid down.

Provisions relating to the application of the relevant legislation have not been established as the law in question has not yet been enacted.

National legislation to enforce the provisions of the Convention is now under consideration by virtue of the proposed Law referred to above concerning labour clauses in public contracts. Various matters are still being examined in connection with the proposed Law, thus delaying the ratification of the Convention; these relate to the determination of responsibility in the case of subcontractors and to relief measures for wages which are below statutory standards.

New Zealand.

Explosives and Dangerous Goods Act, 1908.

Public Contracts Act, 1908.

Counties Act, 1920.

Scaffolding and Excavation Act, 1922 and Regulations issued thereunder.

Industrial Conciliation and Arbitration Acts, 1925 and 1936 (L.S. 1925—N.Z. 1; L.S. 1936—N.Z. 1).

Public Works Act, 1928.

Municipal Corporations Act, 1933.

General Harbours Regulations, 1935.

Wages Protection and Contractors' Liens Act, 1939.

Factories Act of 12 October 1946 (L.S. 1946—N.Z. 4).

Boilers, Lifts and Cranes Act, 1950.

Machinery Act, 1950.

Public contracts are governed by the Public Contracts Act and, in the case of the two main forms of local government, by the Counties Act and the Municipal Corporations Act. Further provisions are found under the Public Works Act and the Wages Protection and Contractors' Liens Act.

Article 1 of the Convention. With regard to paragraph 1 the report states that the Public Contracts Act defines "public contract" as every contract entered into by the Government or any education board, harbour board or local authority with any contractor for the construction, extension or repair of any public or other work or the supply or performance of any service involving the employment of skilled or unskilled manual labour.

As regards paragraph 2 the legislation applies to some authorities other than central authorities. With regard to paragraph 3 reference is made to the definition of the term "contractor" in attached contract forms; while a public authority may permit work to be carried out by subcontractors or assignees, the contract lays down that the contractor himself will remain responsible. As regards paragraph 4 the Public Contracts Act provides that the only contracts to which the Act applies are those exceeding a value of £20. Consultation with employers' and workers' organisations

is inapplicable, as the Act came into existence before the Convention. With regard to paragraph 5 the legislation applies only in respect of the employment of skilled or unskilled *manual* labour.

Article 2. As regards paragraph 1 the legislation ensures only that hours of work, wages or other remuneration and overtime are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on.

Reference is made under paragraph 2 to the above information; practically all forms of manual labour are covered by an award or industrial agreement, and a contractor having engaged some form of unregulated labour would in practice undoubtedly have to observe the "other conditions" in line with the requirements of this Article in order to keep such labour.

With regard to paragraph 3 the terms of clauses to be included in contracts are regulated by statute; as the relevant legislation existed prior to the adoption of the Convention, the necessity to consult employers' and workers' organisations has not arisen.

With regard to paragraph 4 public contracts are advertised and tenders invited on the basis of plans and specifications to be seen or obtained from the public authority concerned.

Article 3. Provisions for the health, safety and welfare of manual workers are contained in the Scaffolding and Excavation Act, the Machinery Act, the Boilers, Lifts and Cranes Act, the Factories Act, the Explosives and Dangerous Goods Act and the General Harbours Regulations.

Article 4. With regard to clause (a) in so far as the requirements in question are covered by statute all persons are deemed to be aware of such law. The Public Contracts Act and the Municipal Corporations Act contain provisions relating to the definition of the persons responsible for compliance. The Industrial Conciliation and Arbitration Acts require the posting of awards or agreements relating to the factory or shop in question. Similar provisions are set out in the builders' labourers, quarry workers', tunnellers' and general labourers' awards and in the fourth schedule to the Municipal Corporations Act.

With regard to clause (b) the Industrial Conciliation and Arbitration Act of 1925 requires employers to keep a wages and overtime book and the fourth schedule to the Municipal Corporations Act contains provisions relating to the inspection of employers' wages books, time lists and records of wages paid. Apart from the system of inspection maintained by the public authorities themselves there is coverage by the inspectorate of the Department of Labour and Employment; the Industrial Conciliation and Arbitration Act of 1936 also contains provisions relating to inspection.

Article 5. With regard to paragraph 1 the Public Contracts Act, the fourth schedule to the Municipal Corporations Act, the Industrial Conciliation and Arbitration Act, 1925, and the Wages Protection and Contractors' Liens Act contain provisions relating to breaches of the relevant requirements under these Acts. The general conditions of contract provide for the deduction of a sum not exceeding £50 in the case of a breach

of the wages provision and for a remedy in the case of any breach of the contract conditions.

With regard to paragraph 2 workers themselves have a lien for unpaid wages under the Wages Protection and Contractors' Liens Act. Preferential payment of wages is granted under the Bankruptcy Act and the Companies Act and provision is made under the fourth schedule that the Council may recover or deduct any sum due for the payment of the stipulated wages from moneys due to the contractor under the contract.

The Department of Labour and Employment is responsible for the application of the relevant provisions.

No modifications have been made in the national legislation or practice with a view to giving effect to the Convention.

The main obstacle to ratification is that, while the Convention applies to all conditions of work, the national legislation is confined to the question of wages and hours of work as mentioned above. Practically all forms of the relevant type of skilled and unskilled manual labour are covered by some form of award or collective agreement. In the preamble to awards, it is stated that the terms, conditions and provisions set out in the schedule are binding on the union and all its members and on the employers and that these terms and conditions are deemed to be incorporated in the award. It is also stated that all workers and employers shall respect the award and its conditions. In practice, therefore, a contractor must provide conditions of the standard required under the Convention. However, the Convention itself cannot be ratified for a technical reason, namely that there is no existing legislation or other provision which makes it mandatory to include in the actual contract clauses—other than those deemed to be incorporated in every public contract in respect of wages and hours of work—requiring such conditions to be observed.

It is possible that the Convention is not fully complied with in relation to the requirements of Article 3, but regulations under the Scaffolding and Excavation Act are being drafted which will help to rectify this matter.

Norway.

Workers' Protection Act of 19 June 1936 (L.S. 1936—Nor. 1).

No legislative, administrative or other provisions exist as regards the inclusion in public contracts of labour clauses as required under Article 2, paragraph 1, of the Convention. The Workers' Protection Act concerning working hours, rest periods, protection against accidents, etc., applies to all workers in undertakings which may become a party to contracts covered by the Convention. Further, it is assumed that Norwegian trade unions are strong enough to protect the workers' interests without intervention from public authorities.

The Norwegian Joint Committee on International Social Policy discussed this Convention on 20 January 1950 and agreed that, while the requirements of the Convention are in practice complied with in Norway, ratification would, under present conditions, result in considerable administrative work without enabling the workers to derive any additional benefit from it. After another discussion on 12 March 1953 the Committee came to the conclusion that it was not advisable

to undertake the comprehensive and expensive administrative measures which ratification of the Convention would entail. The Government agrees with this recommendation of the Committee.

Pakistan.

Most of the provisions laid down by the Convention are covered by the Public Works Department contractors' labour regulations and fair wage clause.

Article 1 of the Convention. The contracts awarded by the Public Works Department comply with the provisions contained in paragraph 1 of this Article, but they relate chiefly to the construction, alteration, repair or demolition of public works. The regulations do not apply at present to contracts awarded by authorities other than central authorities.

Article 2. Under the fair wage clause the contractor is required to pay not less than the fair wage to labourers. "Fair wage" means the wage, whether for time or piecework, notified at the time of inviting tenders for the work or, where neither tenders nor wages have been so notified, the wages prescribed by the Public Works Department for the district in which the work is done. In addition the regulations lay down provisions relating to the payment of wages, fixation of a wage period, wage register and wage cards, etc. The contractor is required to display notices in conspicuous places regarding the rates of wages and relevant hours of work. Persons tendering for contracts are required to comply with the regulations.

Article 3. The regulations do not provide for the matters dealt with in this Article.

Article 4. In respect to clause (a) the rules and regulations are brought to the notice of the contractors by the competent authority; it is not specifically provided that these regulations should also be displayed so that workers may be aware of them. The regulations define the persons responsible for compliance therewith. The regulations also require that the contractor should display and correctly maintain in a clear and legible condition in conspicuous places at the workplaces notices giving the rates of wages certified as "fair wages" and the relevant hours of work.

As regards clause (b) the regulations provide for the maintenance of a wage register in respect of each worker employed, showing particulars of wage rates, the nature of work on which employed, total number of days worked, deductions made from wages, together with the grounds for such deductions, and the wage actually paid for each wage period. The Labour Welfare Officer, or any other person authorised by the Government, may make inquiries with a view to ascertaining and enforcing the observance of the fair wage clause and the conditions of the regulations. Such a person shall investigate any complaints as to defaults made by the contractor or subcontractor.

Article 5. The Labour Welfare Officer or other authorised person is required to submit reports on the results of any investigation or other inquiry to the executive engineer concerned, together with a note showing what deductions, if any, should be

made from the contractor's bill and what wages and other dues should be paid to the labourers concerned. Under the fair wage clause the executive engineer or subdivisional officer concerned may deduct from the money due to the contractor any sum required for making good losses suffered by workers by reason of non-fulfilment of the conditions of the contract.

The Public Works Department is responsible for the supervision of the application of the relevant regulations. No provision is made relating to the co-operation of workers' and employers' organisations in the application of the regulations.

The Government is actively examining the Convention with a view to its ratification.

The Constitution of Pakistan is still in preparation, and for the present the subject dealt with in the Convention calls for action by both the central and provincial governments.

Philippines.

Act No. 3688 of 7 November 1930 for the protection of persons furnishing material and labour for the construction of public works.

Commonwealth Act No. 444 (eight-hour labour law).

Act of the Republic, No. 602 of 6 April 1951, to establish a minimum wage law, and for other purposes (L.S. 1951—Phil. 1).

The principal requirements of the Convention are substantially covered by Act No. 3688, which requires any person or corporation entering into a formal contract with the Government for the construction, repair or carrying out of any public work to execute a penal bond with the obligation to make payment promptly to all persons supplying materials and labour. If such payment is not made the supplier may intervene and be made a party to any action instituted by the Government on the bond of the contractor or bring suit in the name of the Government should the latter waive its right to institute action on the contractor's bond.

As regards wages and hours of work Act of the Republic No. 602 and Commonwealth Act No. 444 are of universal application and are therefore incorporated by implication in, and enforceable for, all public works contracts entered into with the Government.

The wage administration service of the Department of Labour is entrusted with the enforcement of the two above laws.

The Senate approved the ratification of the Convention in a resolution of 21 May 1953; the instrument of ratification is being prepared.

Sweden.

The Social Board, the Delegation for International Co-operation in Social Policy and the employers' and workers' central organisations are agreed that the technical contents of the Convention and of the related Recommendation (No. 84) are not of interest to Sweden, as the provisions of both are laid down mainly by collective agreement in the country. Furthermore, as the Convention contains certain formal provisions which are foreign to national conditions (in particular, Article 4) it is not considered appropriate for Sweden to ratify the instrument. Similarly, it is considered that no action should be taken in respect of the Recommendation.

Switzerland.

Order of the Federal Council of 4 March 1924.

The adjudication of contracts relating to works and supplies by the federal administration, with the exception of federal railways, is regulated by the above-mentioned Order. Paragraph 10 of the Order prescribes the clauses to be respected with regard to conditions of work, hours of work and wages for the workers concerned. In September 1925 the federal construction administration laid down principles concerning certain provisions of this Order.

On 5 September 1924 the federal railways drew up general clauses concerning the award and execution of works; these clauses will probably be replaced by those of 22 December 1950. The rules established by the federal railways on 23 February 1928 with regard to the adjudication of works and supplies are more restrictive than the general clauses, and paragraph 9 (*d*) thereof provides that tenders will be refused where the employer imposes conditions of work or wages less favourable than those existing in similar trades or industries.

Most of the cantons, as well as the large communes, have regulations concerning the adjudication by their administrative services of works and supplies. In the first place regulations were approved in 1933 by the cantonal directors of public works; these regulations are not compulsory in character but have provided the basis of many cantonal orders or regulations. The cantonal regulations include, for example, the regulations of 30 November 1934 of the canton of Vaud, concerning the adjudication of state supplies, the specifications of the canton of Geneva concerning the request for tenders and the adjudication of public works, and the Ordinance of 18 July 1931 concerning the adjudication of works and supplies for the commune of Berne and its administrative services. These three documents contain the usual labour clauses.

The administrative service responsible for accepting tenders ensures that the obligations imposed on contracting undertakings are conscientiously carried out. Employers' and workers' organisations co-operate in the application of the legislative provisions or regulations in view of the fact that wages, hours of work and other conditions of work laid down are generally those fixed by collective agreements.

No modifications have been made in the national legislation or practice with a view to giving effect to all or part of the provisions of the Convention.

The large number of federal, cantonal and communal provisions relating to the adjudication of works include labour clauses similar to those contained in collective agreements. It may therefore be stated that the main objects of the Convention are given effect to in the country. The Federal Council set out its reasons for opposing the ratification of the Convention in the report submitted to the Federal Assembly concerning the 32nd Session of the International Labour Conference.

The federal authorities do not intend to take steps to give effect to those provisions of the Convention which are not yet covered by the national legislation or practice.

In view of the present system of adjudicating work and supplies, the federal authorities are not in a position to lay down conditions to be observed

by the cantons and communes in this matter. Consequently federal action is not considered appropriate. Moreover, action by the cantons would also appear inadvisable in view of the large diversity of cantonal and communal provisions in this field.

Turkey.

Labour Code (Act No. 3008) of 8 June 1936 and regulations concerning the health of workers and industrial safety (L.S. 1936—Tur. 2).

The Labour Code and above-mentioned regulations govern the question of labour clauses in public contracts. In accordance with section 1, paragraph 4 of the Labour Code the employer is liable for carrying out the terms of the contract even if the employees have not been engaged by the employer or his representative but through a third party with whom they have entered into a contract. The provisions relating to wages, hours of work, health and safety are covered by the national legislation. In undertakings subject to the Labour Code (undertakings employing ten or more workers, or four or more workers in localities with a population of over 50,000 inhabitants) labour contracts are governed by the above-mentioned provisions whether the work in question is in the public or the private sector.

The Ministry of Labour is responsible for the application of the above-mentioned legislative provisions and regulations. Account is also taken of the observations received from employers' and workers' organisations.

The examination of the possibility of ratifying the Convention has not yet been undertaken.

Union of South Africa.

Shops and Offices Act, 1939.

Factories, Machinery and Building Work Act, No. 22 of 10 April 1941 (L.S. 1941—S.A. 3) and Regulations published thereunder.

Wage, Industrial Conciliation and Native Building Workers Acts.

The Factories, Machinery and Building Work Act governs the position regarding the health, safety and welfare of workers as referred to in Article 3 of the Convention, and the keeping of records in the terms of Article 4 in so far as its scope and the regulations published under it extend; otherwise no national laws apply and the remaining matters dealt with in the Convention are handled administratively.

It should be noted, however, that all wage-fixing enactments drawn up in the terms of the Wage, Industrial Conciliation and Native Building Workers Acts are enforceable under criminal law, and the labour clauses in public contracts are only of importance in those cases where no such enactment is applicable.

The Factories, Machinery and Building Work Act is the main national law governing the question of the health, safety and welfare of workers, and it ensures good conditions for the majority of workers, although it has not yet been possible to implement the Act fully, partly because of the shortage of trained staff. No regulations have been promulgated under the Shops and Offices Act, and no national law therefore regulates the conditions of workers in the commercial field. Laws administered by local authorities do in fact ensure that all workers enjoy fair and reasonable conditions, but no direct control is exercised by

the central authority over the activities of local authorities. As regards safety in the building industry, all the industrial councils administering collective agreements have incorporated some safety rules in their agreements, and one has adopted a complete code based on the relevant international labour Recommendations.

The form used by the Department of Public Works sets out the conditions attaching to all contracts given out by that Department, and the report states that the conditions in the relevant sections are in complete conformity with the corresponding Articles of the Convention.¹ The Department of Public Works is responsible for all building work done on behalf of the Union Government, and it is hoped to bring the conditions of contract of other bodies accepting tenders on behalf of the Government into conformity also.

As regards Article 5, paragraph 1 of the Convention, it is the practice to "black-list" contractors guilty of flagrant failure to apply the provisions of labour clauses in public contracts and, unless reinstated, such contractors may not tender.

Several government departments, as well as the Union Tender and Supplies Board, whose membership includes employers' and employees' representatives, are concerned with the issuing of contracts. The Department of Labour administers the Factories, Machinery and Building Work Act.

Certain modifications in the practice in the Union are necessary in order to give effect to the provisions of the Convention, and these are still under discussion. The necessity for securing uniformity in the conditions imposed by the various bodies concerned will delay ratification of the Convention, but the main difficulty is that complete enforcement of the necessary laws and regulations cannot be accomplished at present. Where the practice can be brought into conformity with the Convention this will be done, but expansion of the appropriate national laws is not contemplated until there is a reasonable possibility that the necessary facilities will be available to enforce them.

United States.

Davis-Bacon Act, as amended (United States Code, Title 40, sections 276 (a) et seq.).

Walsh-Healey Public Contracts Act (U.S.C., Title 41, sections 35 to 45).

Eight-Hour Act, as amended (U.S.C., Title 40, sections 1703 et seq.).

Tennessee Valley Authority Act (U.S.C., Title 16, section 831).

¹ Section 14 of the conditions of contract issued by the Public Works Department provides that the conditions and terms of employment of skilled labour shall be as defined in any agreement, award or determination made under the Industrial Conciliation Act and/or the Wage Act, etc., in operation in any area where such labour is performed. It also provides that where any such agreement, award or determination ceases to operate the rates of wages shall be fixed by the engineer and shall not exceed those laid down in the said agreement, award or determination; where no such agreement exists the terms of employment shall be as set out in the bills of quantities or in the specification. This section also provides that in the case of failure on the part of the contractor to pay the rate of wages, a sum equal to the balance due may be deducted from any payment due to the contractor and that such sums shall be paid to the workmen who have not received full wages. Finally, this section prescribes that all men engaged under subcontractors shall be considered to be employees of the contractor himself, who shall be held responsible for the payment of all their wages and claims. Section 16 of the conditions of contract provides that no subcontract shall be allowed involving piecework or departure from the conditions of employment set out in the contract.

Defense Housing and Community Facilities and Services Act of 1951 (U.S.C., Title 42, section 1591).

National Housing Act, as amended (U.S.C., Title 12, sections 1703 et seq.).

Hospital Survey and Construction Act (U.S.C., Title 42, sections 291 et seq.).

Federal Airport Act, as amended (U.S.C., Title 49, sections 1101 et seq.).

School Survey and Construction Act of 1950 (U.S.C., Title 20, sections 251 et seq.).

The provisions of the Convention are considered, under the constitutional system, as appropriate in part for federal action and in part for action by the states. The Davis-Bacon Act, the Walsh-Healey Public Contracts Act, the Eight-Hour Act, the Tennessee Valley Authority Act and the Defense Housing and Community Facilities and Services Act provide for labour clauses in contracts awarded by the federal government and its agencies. In addition, labour clauses are prescribed by the federal government in certain contracts awarded by the central authorities of states in the case of construction, where financial grants are made by the federal government in connection with such construction; this is in virtue of the National Housing Act, as amended, the Hospital Survey and Construction Act, the Federal Airport Act, the Housing Act of 1949 and the School Survey and Construction Act of 1950.

Article 1 of the Convention. The federal statutes conform to paragraph 1 except with regard to sub-clause (c) (iii), as the Public Contracts Act does not apply to contracts exclusively for personal services; the Act, however, is applicable to contracts in which services are incidental to or are an integral part of the manufacturing or furnishing of materials, supplies, articles or equipment. The Government states that no report is necessary on paragraph 2. As regards paragraph 3, the labour standards of the Act also apply to "substitute manufacturers", who produce all or some of the commodities called for by a contract, but they do not apply to a party who sells to a contracting manufacturer materials, supplies, articles or equipment to be used in manufacturing the commodities required by the government contract. The provisions of the Eight-Hour Act are applicable to all labourers and mechanics employed by any contractor or subcontractor on a public work of the United States. The provisions of the other statutes listed above are applicable to workers employed by contractors or subcontractors in the performance of covered work.

Where appropriate, the federal statutes provide that contracts involving the expenditure of public funds of an amount not exceeding a fixed limit shall be exempt from the relevant provisions, in accordance with paragraph 4. Representatives of the employers and workers were consulted before and during the enactment of these Acts. As regards paragraph 5, persons employed in the performance of a contract in "executive", "administrative" and "professional" capacities have been excluded from the application of the Public Contracts Act; in such cases, the employers' and workers' representatives concerned were duly consulted. Persons occupying positions of management or of a technical, professional or scientific character who do not perform manual work are excluded from the application of the other Acts cited above.

Article 2. Under paragraph 1 the report states that federal legislation is in conformity with this Article with respect to contracts for the construction, repair or alteration of public works. The Davis-Bacon Act and related statutes provide that the minimum wages in the case of the work covered shall be based on prevailing rates for the corresponding classes of workers employed on similar work in the locality where the work is performed. Similar standards are applicable to demolition work incidental to construction, repair or alteration operations, and to demolition work, as such, approved under the Housing Act of 1949. All persons employed under federal contracts for materials, supplies or equipment are required under the Public Contracts Act to be paid rates of wages not less than the minimum wages prevailing for persons employed on similar work in the locality. Allowances granted under employer-employee agreements are only included in certain cases in the determined wages but, where overtime premium payments are required by statute, the rate of wages upon which overtime premiums are calculable includes allowances as part of the wages.

The Eight-Hour Act provides for payment at the rate of not less than one and one-half times the basic wage rate for hours worked in excess of eight per day. A similar overtime rate applies under the Public Contracts Act for hours worked in excess of eight per day or 40 per week, whichever method of calculation results in the greater compensation.

With regard to "other conditions of work", the interdepartmental Safety Council, which includes federal agencies carrying on the major part of the Government's construction work, has prepared a safety manual for construction jobs. It is a common practice of federal authorities letting contracts to incorporate in the "general conditions" attached to construction contracts a "specification for accident prevention" issued by the Public Buildings Administration. The Public Contracts Act forbids the performance of contract work in places or under working conditions which are insanitary or hazardous or dangerous to the health and safety of the workers. Compliance with the safety, sanitary and factory inspection laws of the state in which the work is to be performed is considered *prima facie* evidence of compliance with this requirement.

Under paragraph 2 the report states that the scope of inquiry in predetermining prevailing rates of wages under the Davis-Bacon Act and related statutes includes the rates paid at projects outside the civil subdivision in which the work is to be performed. The general level observed in the trade or industry is not used as a basis for fixing wages. The word "locality" as used in the Public Contracts Act has, however, been given a very wide interpretation, sometimes construed to be the whole of the United States.

Consultation with the organisations of employers and workers concerned, provided for under paragraph 3 of this Article, takes place in connection with the enactment or amendment of public contract legislation or the promulgation of regulations thereunder.

As regards paragraph 4, appropriate measures are taken by the competent authority to ensure that persons tendering for contracts are aware of the terms of the contractual labour clauses.

Article 3. See under Article 2, paragraph 1. Where appropriate, the federal government takes adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

Article 4. There is compliance with clause (a). The laws, regulations or other instruments giving effect to the provisions of the Convention are brought to the notice of all persons concerned by publication prior to their becoming effective, and clearly define the persons responsible for compliance. Contractors are required under the Davis-Bacon Act and the Public Contracts Act to post contract conditions prominently in an easily accessible place at the site of the work.

As regards clause (b), regulations promulgated under the above-mentioned Acts require that public contracts should include provisions that pay-roll records pertaining to the workers concerned be maintained during the course of the work and be preserved for a period of three years. The regulations also provide for adequate inspection and effective enforcement measures.

Article 5. Paragraphs 1 and 2 are complied with. Adequate sanctions are applied for failure to observe and apply the provisions of labour clauses in public contracts. Appropriate measures are taken, by the withholding of payments under the contract or otherwise, for the purpose of enabling the workers concerned to obtain the wages to which they are entitled.

The Secretary of Labor is entrusted with the supervision of the application of the legislation and regulations reported on above. In formulating legislation in the field of employment under public contracts and related fields covered by this Convention, representatives of employers and workers are consulted and make their views known at congressional hearings held in this connection. Similarly, the Secretary of Labor or his authorised representative consults with and considers the views of representatives of employers and workers when formulating or amending pertinent regulations.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention up to the present time. The Convention is considered to be appropriate for handling in conformity with the provisions of paragraph 7 (b) of article 19 of the Constitution of the I.L.O.

As regards the federal position, the Convention is considered, at least in part, appropriate for action by the several states rather than for federal action. It is not considered feasible to furnish full information on the position of the states which, in short, is as follows. Provisions designed to prevent industrial accidents are in practically all cases incorporated into the general conditions of public contracts. Generally, workers on public contracts are protected by various laws relating to employees' compensation. As a rule, also, the states require contractors to insure their workers against industrial accidents and to comply with various state laws on safety, hygiene and labour inspection.

With regard to Article 2 of the Convention, 39 states, the District of Columbia and two territories of the United States have enacted state laws which provide for minimum wage clauses in public contracts. In addition, 31 states, the

District of Columbia and two territories have enacted laws which provide for maximum hour clauses in public contracts.

With but few exceptions, the minimum wage rates which prevail in such public contracts are determined after open hearings in which representatives of employers and workers have been given the opportunity to be heard. Appropriate measures are taken by the competent authorities of the states to ensure that persons tendering for contracts are aware of the terms of the clauses and the states uniformly apply adequate sanctions for failure to observe the provisions of their contractual labour clauses.

As regards Article 4 of the Convention, the laws relating to public contracts in the states and territories having legislation under Articles 2 and 3, define the persons responsible for compliance with those laws. Only 14 of the states require the posting up of notices concerning minimum wage rates, while 26 require the posting up of notices concerning maximum hours of work; 23 states require the maintaining of adequate records relating to minimum wage rates and 18 states and the District of Columbia require the maintaining of adequate records relating to maximum hours of work; 25 of the states and the District of Columbia provide for a system of inspection adequate to ensure effective enforcement.

As regards Article 5, 20 of the states' laws and regulations relating to public contracts provide for the applying of adequate sanctions by the withholding of contracts or otherwise in the case of failure to observe or apply the provisions of the state laws to public contracts.

Uruguay.

Act No. 10459 of 14 December 1943.

The provisions of the Convention have been applied in Uruguay for some years, as the national legislation is general in character and applies equally to commerce, industry, the construction industry, pavement and road work, etc., and, in consequence, amply protects all persons engaged in public works. In addition, Act No. 10459 of 14 December 1943 provides for the equitable distribution of work among workers engaged in public works. Moreover, some decrees assimilate state employees engaged in public works with persons employed in private undertakings working under contract on such works, since the wages of the latter are constantly being increased by the wages boards.

Viet-Nam.

Ordinance No. 15 of 8 July 1952 to promulgate the Labour Code.

On the whole the provisions of the Convention are covered by the Ordinance promulgating the Labour Code.

Work coming under contracts signed by the public authorities is regulated by the same legislative provisions as are laid down for work of the same kind in a private undertaking, as the Labour Code applies equally to all undertakings whether engaged in work on their own account or for the State. All work carried out by subcontractors or assignees comes under the Labour Code. It follows that all workers employed in the execution of the contracts defined in Article 1 of the Convention enjoy exactly the same conditions of work as those for a similar trade or industry. This is the case,

in particular, with regard to the provisions relating to the protection of wages, hours of work, weekly rest, holidays with pay, health, safety and industrial injuries. In addition special measures concerning wages are set out in sections 117 and 126 of the Code in the case of the above-mentioned types of work. The provisions of the ordinance relating to the keeping of records by the employers and the posting up of notices relating to certain conditions of work apply also in the case of work carried out in virtue of public contracts. This is the case also with regard to the system of sanctions laid down in Chapter XV of the Code.

On the national level the Ministry of Labour and the general labour inspection service are responsible for the application of the above-mentioned legislation; on the regional and provincial level the regional and provincial labour inspection services are responsible. The employers and workers collaborate in the supervision of the application of the relevant provisions, in accordance with section 318 of the ordinance and, in the case of undertakings where more than 100 persons are employed, the workers co-operate through the representatives of the staff.

The Convention, together with several others, is at present being carefully examined by the competent services with a view to its possible ratification.

Yugoslavia.

Act of 1946 respecting the Public Prosecutor's Office.
Constitutional Act of 13 January 1953.

The questions dealt with in the Convention are not regulated by special provisions.

All the provisions on wages (including allowances), hours of work and other conditions of work applicable to workers employed in state economic undertakings are also applied to workers carrying out for the public authorities public works or other works mentioned in Article 1 of the Convention. The types of work referred to in Article 1 of the Convention, in regard to contracts issued by a public authority, are carried out by state economic undertakings.

The new Constitutional Act of 13 January 1953 (sections 15 (b) and 16) provides that labour legislation comes within the competence of basic federal legislation; the provisions of the Convention are thus appropriate for federal action.

In view of the fact that the provisions of the general labour legislation are applicable in the execution of contracts coming under the Convention, the supervision of the implementation of these provisions is carried out by the labour inspection services. These services co-operate closely with the trade union organisations, which also participate in the drawing up of all provisions concerning labour relations and in the supervision of their application. In addition, under section 1 of the Act respecting the Public Prosecutor's Office, this Office, which is competent for the protection of legislation in general, supervises the application of all provisions, including those giving effect to the Convention.

No modifications have been made in the national legislation or practice relating to matters dealt with in this Convention, as the application of the general labour legislation ensures full compliance with the Convention. Consequently, the competent authorities consider that there are no material obstacles likely to prevent the ratification of the Convention.

Labour Clauses (Public Contracts) Recommendation, 1949: R. 84

Afghanistan.

There are no legislative, administrative or other provisions relating to the Recommendation.

Argentina.

See under Convention No. 94.

Austria.

Agricultural Labour Act of 2 June 1948.

Government Order of 16 January 1951 concerning Public Works Contracts.

Decree of the Ministry of Social Affairs of 19 March 1951 to implement the above Order.

Standards of the Austrian Standards Committee, in particular Standard B. 2110 which contains general conditions for contracts in the building industry.

In addition to the above-mentioned legislation relating, in particular, to public contracts, the general labour legislation is applicable to all workers subject to it, including those employed in undertakings carried out under contracts with public authorities. This is also the case where private employers are in receipt of subsidies or permits for the operation of public services. Wage rates for the categories of workers concerned are invariably fixed by collective agreement (made under the Collective Agreement Act of 26 February 1947), which are of general scope and apply equally to workers in private undertakings and to public contract workers.

Working hours of public contract employees must comply with the regulations generally applicable under the Hours of Work Order of 30 April 1938 and the Federal Act of 1 July 1948 concerning the employment of children and young persons.

The supervision of the application of the regulations in general is a duty of the labour inspectorate. Supervision in mining undertakings is carried out by District Mines Offices, in transport undertakings by the transport inspectorate, and in agricultural and forestry undertakings by the agricultural and forestry inspectorate.

Under clause 4 of Standard B. 2110 referred to above, a public contract employer is alone responsible for the observance of the statutory protective regulations. All Bills and all important draft regulations are sent to the workers' and employers' organisations concerned for approval.

The Government considers that the present measures are sufficient to cover the provisions of the Recommendation. The Recommendation was accepted by the Austrian Government on 6 February 1951.

Belgium.

Labour clauses in public contracts are regulated by the general specifications (*cahier général des*

charges) which contain the conditions laid down for work in state undertakings, and by general social legislation.

Working conditions in private undertakings receiving a subsidy or holding a licence to operate a public utility service are governed by the general social legislation in force. The general specifications are at present under general revision by a committee established for this purpose. They contain certain provisions relating to the payment of wages, family allowances and compensation for industrial injuries, but none of these refers directly or indirectly to appropriate provisions contained in the legislation, collective agreements, arbitration awards, etc., relating to wage rates, hours of work, holidays and sick leave. However, in this connection the employers must conform to the prevailing legislation and regulations.

The application of the various labour laws is supervised by the labour inspectorate. The administration also exercises control over such matters as the failure of an employer to pay wages; in these cases the administration reserves the right to pay back wages against sums due to the employer.

Canada.

The Government states that the subject dealt with by Recommendation No. 84 is partly within the authority of the Parliament of Canada and partly within the authority of the provincial legislatures.

Federal Law and Practice.

The report mentions the Fair Wages and Hours of Labour Act, 1935, and Order in Council P.C. 5547 as federal legislation giving effect to the provisions of the Recommendation.

Paragraph 1 of the Recommendation. In cases where employers are granted subsidies federal legislation in Canada appears to be compatible with the provisions of the Recommendation, as both the Act and the Order state that their provisions concerning wages and working hours shall, as far as practicable, be observed with respect to all agreements made by the Government of Canada involving the grant of public funds in the form of subsidy or guarantee. There are, however, no provisions in federal legislation in Canada by which labour conditions are prescribed for employers operating public utilities. Some public utilities are regulated by the central authority, e.g., telephone companies serving more than one province, but the type of regulation takes the form of fixing of tolls and does not extend to labour conditions.

Paragraph 2. The Act provides that every contract with the Government of Canada for construction, remodelling, repair or demolition of any work shall be subject to prescribed conditions respecting fair wages and the eight-hour day or 44-hour week. The Act does not cover industrial undertakings requiring work in successive shifts on continuous processes and in practice it has not been necessary to calculate hours of work as an average. The Act does not prescribe holiday or sick leave provisions.

The Order mentioned above provides schedules of labour conditions which must be observed with respect to all contracts made on behalf of the Government of Canada for (a) the construction or remodelling of public buildings and other specified public works of all kinds and (b) the manufacture and supply to the Government of Canada of fittings for public buildings and various other equipment and supplies. The schedule for group (a) provides, for such contracts, for current wages and working hours fixed by the custom of the trade, i.e., the standard rates of wages and working hours recognised by collective agreements in the district from which the labour is drawn, or actually prevailing although not necessarily recognised by signed agreements. The schedule for contracts falling within group (b) states that all persons performing labour under such contracts shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed. If there are no current rates, a fair and reasonable rate shall be paid; in no event shall the wages be less than those established by statute or regulation in the province in which the work is being performed. This schedule provides that working hours shall, with certain specified exceptions, be those fixed by the custom of the trade in the district where the work is performed, or if there is no such custom, then fair and reasonable hours.

The Minister of Labour is empowered by both the Act and the Order to decide what are the current or fair and reasonable rates of wages for overtime.

Provincial Law and Practice.

In seven of the ten provinces of Canada there are laws which require the insertion of labour conditions in certain public contracts. There is no legislation relating to labour clauses in public contracts in the provinces of Newfoundland, Prince Edward Island and Nova Scotia. There is considerable variation in the existing provincial legislation.

In the province of Saskatchewan the Public Works Act applies only to the Department of Public Works and provides that where public works, as defined by the Act, are carried out, whether by contract or by order or commission, or under the direction of the Department, all mechanics, labourers or other persons who perform labour on such works shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and, if there is no current rate, they shall be paid wages at a fair and reasonable rate. In the event of disputes the fair wage officer of the Government is empowered to make the final decision as to what is the current rate or a fair and reasonable rate. The Saskatchewan Highways and Transportation Act provides that the Minister of Highways and Transportation shall

determine the labour conditions for various specified categories of employed persons, and it makes provision for fair wages in the same way as the Public Works Act. Similar provisions for fair wages are contained in the Saskatchewan Railway Act. There are no provisions in Saskatchewan legislation relating to labour clauses in public contracts which have to do with the operation of public utilities and none which specifically deals with overtime, the average number of hours worked in successive shifts on continuous processes, holidays or sick leave.

The report states that there are very few instances in Saskatchewan where private employers are granted subsidies or where they are licensed to operate public utilities. In any event there is no special legislation providing that labour clauses similar to those in public contracts shall be applied. However, such employers are covered by various statutes which provide for working conditions as follows: overtime is paid at the rate of time-and-a-half in respect of hours worked in excess of specified hours in all but very few classes of employment. Normal rates, however, are usually determined by union agreement. A weekly rest of 24 consecutive hours is required by the One-Day-Rest-in-Seven Act, except in certain cases of employment of women or young persons, where shift hours are controlled through overtime requirements by statute. Where working hours are calculated as an average, control is exercised by granting conditional exemption under the hours of work legislation. Two weeks' holidays with pay is provided for by legislation, but there is no provision for sick leave, which is determined by union agreement or by the employer.

Inasmuch as all the provinces have legislation similar to that summarised in the preceding paragraphs, a publication entitled *Provincial Labour Standards* was appended to the report.

None of the other provinces which have legislation relating to labour clauses in public contracts has statutes making such clauses applicable to private employers licensed to operate public utilities, nor does such legislation contain provisions dealing with the average number of hours that may be worked on continuous processes, or with holidays or sick leave.

In New Brunswick the Fair Wages and Hours of Labour Act, 1953, includes provisions relating to fair wages and normal and overtime wage rates, but does not apply to cases where private employers are guaranteed subsidies.

In Quebec Order in Council No. 800 prescribes the insertion of a fair wage clause in all contracts entered into on behalf of the provincial government for the building or repair of public buildings and other specified works.

In Ontario the Government Contracts Hours and Wages Act prescribes conditions for fair wages, maximum hours and overtime in respect of every contract entered into with the Government of Ontario for the construction, remodelling, renewal, repair or demolition of any building or work. Provision is also made to cover cases where a grant or payment of public funds is made by way of contribution, subsidy, loan, advance or guarantee.

In Manitoba the Fair Wage Act of 1916 applies not only to public works but also to private building in cities and towns of over 2,000 population. A schedule of wages and hours for such contracts is drawn up every year on the basis of collective

agreements or in accordance with prevailing conditions. The schedule provides that time worked in excess of standard weekly hours shall be paid at not less than time-and-a-half and that work on Sunday shall be paid at double time.

In Alberta, apart from the Railway Act, there is no statute relating particularly to labour clauses in public contracts. There is, however, a section on fair wages in the Alberta Labour Act.

In British Columbia the Public Works Fair Wages and Conditions of Employment Act, 1951, prescribes fair wages and maximum daily and weekly hours for every public contract for construction, remodelling, repair or demolition of any public work. The Act also provides that similar labour conditions shall be inserted in agreements with the Government whenever the grant or payment of public funds is in the form of contribution, subsidy, etc. The Act does not regulate overtime.

The Railway Acts of Ontario, Saskatchewan, Alberta and British Columbia all contain provisions to the effect that where the legislator grants financial aid by way of guarantee or subsidy to the cost of railway construction all mechanics and labourers shall be paid fair wages.

Ceylon.

For information relating to the legislation, the Government refers to its report on Convention No. 94 and adds that there is no legislation to apply the provisions of labour contracts specifically to cases where private employers are granted subsidies or are licensed to operate a public utility. However, employers who are engaged in a trade or business for which a wages board has been established will be bound by the decisions of such a board as regards wages, hours of work and holidays.

Cuba.

Section 5 of Decree No. 798 of 1938 provides that the State, provinces and municipalities have the legal status of employers in public works and services carried out directly by the administration.

Article 61 of the Constitution lays down that all workers in public or private undertakings of the State, provinces or municipalities shall be entitled to a guaranteed minimum wage which shall be fixed to take into account the conditions prevailing in each region and the normal requirements of the worker—material, moral and cultural—as the head of a family.

The accident compensation legislation (Decree No. 2687 of 1933) is applicable to workers employed in the construction, repair, maintenance and operation of railways, tramways, roads and highways owned by the State, provinces, municipalities or private bodies, as well as to any other system of communication.

In conformity with resolution No. 845 of 1945, whenever the Government acts as an employer it is required to comply with the general standards laid down in labour legislation.

The Ministry of Public Works is responsible for ensuring compliance with the above-mentioned provisions.

Article 66 of the Constitution, which limits hours of work to eight a day and 44 a week (corresponding to wages for 48 hours), as well as Article 67 of the Constitution, which provides for

one month's holiday with pay after 11 months' employment, is applied in all cases.

Act No. 22 of 1935 (section 5), which lays down the methods for fixing minimum wages, provides that minimum wages shall be paid not only in industrial, commercial and agricultural undertakings but also in any undertaking, establishment or service which is carried on for purposes of gain or from which the persons concerned derive any material gain whatever.

In view of the existing legislation and practice the Government does not contemplate introducing any modifications designed to ensure fuller compliance with the measures laid down in the Recommendation.

Denmark.

Under Act No. 169 of 30 March 1946, which provides for state subsidies to public work carried out with a view to the reduction of unemployment, hours of work and wage rates must be fixed in conformity with regulations governing similar private works. Where collective agreements exist, working conditions are governed by such agreements.

See also under Convention No. 94.

The Minister of Labour and Social Affairs is entrusted with the supervision of the application of the provisions of the above-mentioned Act concerning working hours and wage rates.

No modifications have been made in Danish law with a view to giving effect to any of the provisions of the Recommendation.

Dominican Republic.

For legislation, see under Convention No. 94.

Under the existing legislation and practice the Government requires private employers who are granted licences to operate public utility services, to comply with conditions which are substantially similar to those contained in contracts concluded by the public authorities—the State, the district of Santo Domingo, the communes, the municipal districts, public, national or municipal establishments and their branches.

The Secretariat of State for Labour, Economy and Commerce, with the co-operation of the department or body responsible for carrying out the work, is entrusted with the application of the relevant legislative provisions. However, under Act No. 3143, the public attorney may, on the request of the person concerned, issue an order requiring the defaulting party to comply with his obligations.

The above-mentioned Secretariat, under the control of the Department of Labour, maintains a special service for labour contracts on the lines of those dealt with in the Recommendation.

The working day is fixed by agreement between the parties but must be in keeping with the provisions of the Labour Code. This also applies to wages. All Orders issued by the Director of the Department of Labour respecting additional hours of work must indicate the rates of overtime which must be paid in accordance with the Labour Code.

The Government intends to take all appropriate measures to give effect to those provisions of the Recommendation which are not yet covered by the national law or practice.

Finland.

The Government refers to the report submitted in connection with Convention No. 94¹ and adds that omnibus services are considered as public services, licences for which are granted by the Minister of Communications and Public Works. Wages and conditions of employment in omnibus services are fixed by collective agreements made between the employers' and workers' organisations concerned. In order to assure the same conditions of employment to the employees of employers who are not members of the employers' organisation which made the collective agreement, the Minister of Communications and Public Works has decided to include in future licences a clause which requires that the wages and conditions of employment must agree with the terms of the collective agreement in force for the branch of the service concerned and, where there is no collective agreement in force, they must agree with the general level of wages and conditions of employment.

It is considered that these provisions, together with those described in connection with Convention No. 94, cover the matters dealt with by the Recommendation.

France.

Decrees of 10 April 1937 and Decree of 8 March 1940, concerning the conditions of work to be specified in public contracts.

The above-mentioned decrees establish the conditions of work to be included in specifications for public contracts issued in the name of the State, departments, communes and public charitable societies. These decrees lay down conditions which are at least as favourable as those ensured by common law.

The decrees of 1937 provide that a contractor of public works must pay his workers a wage at least as favourable, with regard to each occupation and each category of each occupation, as that usually paid in the locality where the work is carried out. Overtime payment for hours worked beyond the normal working hours or on non-working days within the limits laid down in the laws and regulations, is paid in accordance with the increased rate established in the specification. If the administration finds that there is a difference between the wage paid to workers and the current wages it will compensate the workers itself and deduct the amount in question from the moneys due to the contractor. These decrees also provide for the obligation to apply any other conditions of work which may be established by collective agreement or by custom in each occupation.

As a rule the labour clauses and the general conditions in force in public contracts do not specify the rates of wages and the hours of work but merely refer to the legislative provisions and regulations or to the collective agreements in force. Consequently, the specifications and the general conditions applicable to contractors carrying out work for communes and charitable and assistance societies provide that the wages to be paid to workers may not be less favourable in respect of each occupation and each category of each occupation than those established in application of a decree of 16 April 1937.

¹ Finland having ratified this Convention the report in question is summarised in Part I of Report III to the 37th Session of the Conference (*Summary of Reports on Ratified Conventions*). See footnote on p. 3.

The contractor must post up in the place of work a notice showing the authority or service for which the work is being effected, together with the name, occupation and address of the representative of the administration or service and the name and address of the labour inspector responsible for the supervision of the undertaking to whom the workers may have recourse. Certain contracts include a special clause requiring the contractors to apply the national, regional or local agreements, where such exist, in conformity with the Act of 11 February 1950.

The Government states that as the provisions of the Recommendation are applied in public contracts there does not seem to be any necessity to modify these provisions.

Federal Republic of Germany.

See under Convention No. 94.

Greece.

The Government refers to its report on Convention No. 94 and adds that, as a rule, contracts for the construction of public works do not include detailed provisions relating to conditions of work such as hours, wages, holidays with pay, etc. However, the general labour laws—with the exception of texts concerning the denunciation of labour contracts, dismissal, etc.—are fully applied to persons employed in public construction works.

Iceland.

See under Convention No. 94.

India.

The Government refers to the report on Convention No. 94. The fair wage clause which is enforced in the case of works undertaken by the Central Public Works Department or by some of the state governments requires a contractor to pay fair wages to labour directly or indirectly engaged on the work. Provision for overtime rates and hours of work is not covered by the fair wage clause.

The supervision of the application of the fair wage clause, in the case of Central Department contracts, is entrusted to the executive engineer or the subdivisional officer in charge of the works. The organisations of employers and workers are not associated with the enforcement of the clause.

It is not proposed to take measures to amend the relevant national law and practice. The scope of the Recommendation is considered to be too wide to be applied; for instance, as stated above, overtime rates and hours of work are not covered by the fair wage clause.

Both the central and the state governments are competent to deal with the subject-matter of the Recommendation.

Indonesia.

See under Convention No. 94.

Ireland.

The report reproduces a large part of the information submitted in relation to Convention No. 94 and adds that employees of railway and transport undertakings enjoy similar rights under the relevant legislation, which provides for the regulation of wages, hours and other working conditions through agreements between the trade unions and the transport undertakings concerned.

The protection of workers by the Acts concerning factories and workshops, conditions of employment, holidays, etc., extends to workers who, by nature of their employment on public contracts, come within the scope of these Acts (for example, industrial workers enjoy the benefits of the Factory and Workshop Act).

Any breach of the fair wages clause or of the above-mentioned Acts may be prosecuted in a court of justice.

It is not intended to take additional measures to give effect to the provisions of the Recommendation which are not covered by national legislation.

Italy.

Ministerial Decree of 28 May 1895 giving approval to the general specifications for contracts.

Circulars Nos. 11907 of 9 November 1948, 9711 of 26 August 1949, 9810/15G of 12 April 1951 and 22589/15G of 1 June 1953.

The general specifications approved by the above-mentioned decree are a compulsory part of contracts awarded by the public authorities. Section 22 of the decree provides that the employer shall pay the workers every 14 days at least and gives the public authorities the option of making these payments instead of and on behalf of the employer in case of delay; section 23 obliges the employer to furnish proof that he has observed the standards concerning accidents at work; finally section 37 lays down standards concerning night work and the length of shifts.

Other obligations of the employer are provided in special specifications. For example, the specifications for building work provide that standards fixed by legislation or by collective agreement must be observed. Each individual set of specifications also includes, in an appendix, a list of rates including rates of pay for overtime work, special allowances, night work, etc.

By circulars Nos. 11907 of 9 November 1948 and 9711 of 26 August 1949 strict instructions have been given to the services under the Ministry of Public Works concerning supervision of the application of social security legislation which must be carried out in close collaboration with the labour inspection services and the national social security institutions; in the case of infringements on the part of employers, the public authorities are authorised, in the most serious cases, to suspend payments to the undertaking.

By circular No. 9810/15G of 12 April 1951, the Ministry of Labour and Social Welfare, after consultation with the Ministries and the employers' and workers' organisations concerned, requested public authorities to include in their specifications a clause obliging employers to apply, under penalty of suspension of payment orders, conditions of work and remuneration not inferior to those provided in collective agreements in force, whether or not the parties concerned belong to the organisations which have signed the agreements in question. By circular No. 22589/15G of 1 June 1953 the same Ministry defined the contents and gave an interpretation of the previous circular, pointing out, in particular, what standards should be applied in cases where there was more than one set of regulations or in cases where no relevant collective agreement was in existence.

Private employers who receive subsidies or licences to carry on services in the public interest are generally members of the trade association

concerned, and as such apply in practice the provisions of the collective agreements signed by the association. Employers licensed to carry on a service of public interest, in particular a transport service, must also observe the legislative provisions in force on conditions of work in these services. The Minister of Transport has informed the Ministry of Labour and Social Welfare that he will take into account the suggestions made in the Recommendation, particularly when granting licences to carry on transport services, in which, in the absence of a united trade union organisation, infringements of standards negotiated by collective agreement are especially liable to occur.

The authorities entrusted with the supervision of the application of the provisions in force are the labour inspection service of the Ministry of Labour and Social Welfare and the inspection service for civil road transport and transport subsidised or licensed by the Ministry of Transport. These services make the greatest possible use of the collaboration of all concerned, including employers' and workers' organisations.

Complete application to public contracts of the standards set by collective agreements, as indicated by the Recommendation, will be assured if Parliament adopts a Bill concerning trade unions, which has been presented by the Government and which provides that collective agreements signed by registered trade union organisations shall be given compulsory force in relation to all members of the trade concerned without distinction, whether or not they are members of the organisations which were parties to the agreements.

Japan.

See under Convention No. 94.

Netherlands.

Labour Act of 1919.

Safety Act of 1934.

Wage Regulations established by the Government Conciliation Board.

The points set out in Paragraph 1 of the Recommendation have been put into practice to a considerable extent. The conditions of work of the large majority of workers in private industry are regulated by collective agreements and the wage regulations established by the Government Conciliation Board. In addition other laws, such as the Safety Act, contain provisions relating to the health and safety of workers. No exceptions are authorised in the case of employers subsidised by the Government or who have been authorised to exploit public utility services.

The Government fully accepts Paragraph 2 of the Recommendation. The provisions relating to wages and other conditions of work established by collective agreements and by the wage regulations drawn up by the Government Conciliation Board are applicable to all public contracts. The provisions set out in Paragraph 2 are included in these wage regulations.

New Zealand.

Public Contracts Act, 1908.

Wages Protection and Contractors' Liens Act, 1939.

Municipal Corporations Act, 1933.

Counties Act, 1920.

Practically all workers who perform the type of work required in connection with public contracts

are covered by awards or collective agreements, the provisions of which apply whether or not special clauses to that effect are included in the actual contract form. This position remains the same whoever operates the public utility or under whatever financial arrangements it is operated. The legislation does not require specific inclusion in the contract of provisions in respect of Paragraph 2 (a) and (b) of the Recommendation, but under the Public Contracts Act provisions for the usual and fair rates of wages and for ordinary hours not exceeding eight per day are deemed to be incorporated in every public contract; and similarly, under the Municipal Corporations Act, a contractor is bound by the prevailing hours, wages and overtime rates. The hours must be those generally considered in the locality to be usual and fair for the type of labour to which they relate, and at no time may be greater than those fixed for the same type of labour under any award or order of the Court of Arbitration existing at the time the contract was entered into, whether or not the contractor was bound thereby. The Annual Holidays Act, 1944, ensures to every worker the right to a holiday for every period of his employment, no matter how short, with an employer. Similarly, every worker is covered by the sickness benefits provisions of the Social Security Act, 1938.

The Department of Labour and Employment is responsible for the supervision of the legislation.

Modification of the legislation to require written incorporation of clauses applying the provisions of the Recommendation is not considered practicable and is not at present contemplated. The purposes of the Recommendation are in fact attained by other means.

Norway.

No legislative, administrative or other provisions exist in Norway as regards the inclusion of labour clauses in public contracts.

The Workers' Protection Act concerning hours of work, rest periods, protection against accidents, etc., applies to all workers in undertakings which become a party to contracts covered by Convention No. 94 and by Recommendation No. 84. Further, it is generally assumed that Norwegian trade unions are strong enough to protect the workers' wage interests without intervention from the public authorities.

See also under Convention No. 94.

Pakistan.

The report refers to the information submitted for Convention No. 94 and adds that the provisions contained in Paragraph 2 (b) (ii) and (iii), and (c) of the Recommendation are not covered by the Public Works Department contractors' labour regulations.

Both the Recommendation and Convention No. 94 are being actively examined by the Government with a view to their acceptance. The Constitution of Pakistan is still in the making and the subject-matter of the Recommendation at present calls for action both by the central and the provincial governments in their respective spheres.

Philippines.

See under Convention No. 94.

Sweden.

See under Convention No. 94.

Switzerland.

The Government refers to the report on Convention No. 94 and adds that private employers are rarely granted subsidies of the type envisaged by the Recommendation. There are, however, a number of undertakings which operate a public utility service, organised in accordance with private law. The public authorities are financially engaged in many of these undertakings, owning the majority of, or all, the shares in certain cases. From the point of view of private law it follows automatically that the authorities may control the administration of such undertakings. It may be stated that, as a rule, the normal labour clauses which are generally based on collective agreements, are applied.

As regards Paragraph 2 of the Recommendation, the report states that the labour clauses in public contracts do not, as a rule, contain the detailed provisions set out in clauses (a), (b) and (c).

Turkey.

Section 9 of the Labour Code of 1936 requires that contracts of employment for a period of one year or more should be in writing and should indicate clearly the wage to be paid and the duration of the contract, as well as any special conditions agreed between the contracting parties. Regulations issued under the Code provide for the payment of overtime rates at 25 to 50 per cent. above the normal wages. Section 35 of the Code establishes hours of work at 48 per week and the sections following fix the place and circumstances in which hours of work either over or under the legal hours of work may be authorised. There is no legislation providing for annual holidays, but the Government states that in practice some employers, more particularly in state undertakings, recognise the right of workers to annual holidays. The question of holidays and sick leave is being studied at present.

The Ministry of Labour is responsible for the application of the legislation; observations made by employers' and workers' organisations are taken into account.

Union of South Africa.

The Government refers to its report on Convention No. 94 and adds that with a widespread system of wage legislation backed by criminal sanctions, enforcement of wages and other conditions of employment in terms of wage determinations, industrial (collective) agreements, arbitration awards, etc., is not dependent on any secondary means, but is carried out directly by the Department of Labour and, when necessary, through the criminal courts which are empowered to make orders concerning underpayment of wages, etc. All the matters mentioned in Paragraph 2 of the Recommendation are normally covered by such wage enactments, and are, therefore, enforced in the industries to which they are applicable, whether or not the employer is operating a public utility undertaking or holds a Government contract. The means of enforcement mentioned in the report on Convention No. 94

apply also in cases covered by the Recommendation.

In practice, the Government does not grant private employers subsidies or licences to operate public utilities. There are no provisions on this matter and none is contemplated to give effect to the Recommendation.

There is no objection to the terms of the Recommendation and no modifications are suggested.

United Kingdom.

Great Britain.

Road Traffic Act, 1930 (section 93), as amended by the Road and Rail Traffic Act, 1933 (section 31 (1)).
London Passenger Transport (Agreement) Act, 1935.
Sugar Industry (Reorganisation) Act, 1936 (section 23).
Bacon Industry Act, 1938.
Cinematograph Films Acts, 1938 (section 34) and 1948.
Fair Wages Resolution, passed by the House of Commons on 14 October 1942.
Civil Aviation Act, 1949 (section 15).

Northern Ireland.

Fair Wages Resolution, passed by the House of Commons of Northern Ireland on 11 February 1947.

Law and practice in *Great Britain* are substantially in accordance with the provisions of Paragraph 1 of the Recommendation. The principle of the Fair Wages Resolution applies specifically to government contracts and extends in practice also to those placed by local authorities and by the nationalised industries. It also applies, through a number of Acts, to private employers in industries which may be given assistance by wages grant or subsidy or licensed to operate a public utility.

The matters referred to in Paragraph 2 of the Recommendation are regarded as appropriate for settlement by negotiation between representatives of employers and workers, and are therefore not directly prescribed in public contracts. The Fair Wages Resolution prescribes the rates of wages, hours and conditions of labour to be observed by the contractor by reference to those established by the appropriate machinery of negotiation or arbitration. In the absence of wages, hours and conditions so established, the criterion is the general level observed by other employers whose general circumstances in the trade or industry concerned are similar.

A trade union on behalf of an aggrieved worker or an aggrieved worker himself may complain either to the Minister of Labour or to the appropriate Minister. Under some of the Acts, the appropriate Minister must refer the matter, if not otherwise disposed of, direct to the industrial court. The procedure for applying the Fair Wages Resolution is as follows: before a contract or is placed on a government department's list of firms invited to tender he must give an assurance that he has complied with the terms of the resolution for at least the previous three months. If, subsequently, it is alleged that the terms of the resolution are not being observed, a trade union on behalf of an aggrieved worker or a worker himself may complain either direct to the Minister of Labour or to the contracting department, which may refer the matter to the Minister of Labour.

It is not intended to take further measures to extend the application of the Recommendation.

The Government of *Northern Ireland* is of the opinion that if the matters dealt with in Paragraph 2 of the Recommendation were not covered by collective agreement it would not be appropriate to provide directly for them in the clauses of a public contract.

United States.

The Government refers to its report on Convention No. 94.

The provisions of the Recommendation are regarded by the Government as appropriate under its constitutional system in part for federal action and in part for action by the states.

Existing legislation requires specific clauses relating to wages and working conditions in cases where private employers are granted subsidies. These provisions are similar to those which apply for public contracts; examples of such provisions are contained in section 1131 of the Merchant Marine Act of 1936, as amended, and section 1131 of the Sugar Act of 1937, as amended.

Labour clauses in federal public contracts prescribe provisions in respect of Paragraph 2 (a) and (b) of the Recommendation but do not include holiday and sick leave provisions.

The supervision of the enforcement of the relevant statutory provisions is entrusted to the executive heads (or their designated representatives) of the departments and agencies of the federal government which are responsible for contracts involving federally granted subsidies, loans or grants. Representatives of employers and workers are consulted in the formulation of legislation by Congress in the matters dealt with in the Recommendation; they are also consulted by the executive heads of the departments concerned in the formulation of regulations.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Recommendation.

Uruguay.

See under Convention No. 94.

Viet-Nam.

The Government refers to its report on Convention No. 94, and adds that under existing legislation no contract between the Government and private employers can lay down conditions of employment, as employer-worker relations are governed by the statutory regulations in force for workers in private establishments.

With this exception the provisions of the Recommendation are applied by Ordinance No. 15 of 8 July 1952.

Yugoslavia.

See under Convention No. 94.

Protection of Wages Convention, 1949: C. 95¹

Afghanistan.

There are some legal provisions relating to some of the matters dealt with by the Convention.

The Labour and Employment Act (section 11) provides that the wages of workers and employees shall be determined by agreement between them and the employer and duly specified in the contract of employment. The employer is required to pay wages in full and at the times fixed. According to section 12 of the above Act, wages shall be paid in the currency of the country and it shall be unlawful to pay them in kind or by means of vouchers exchangeable for products. An exception is made as regards employees or officials of foreign nationality whose employment is regulated by a special contract.

The Act also provides (section 13) that wages shall be paid monthly, or in case of urgent need fortnightly whenever possible.

Under section 14 of the Act an employer may open a canteen in his undertaking provided that he does not employ his workers or employees in such canteen and that no profit is made from the provision of meals in the canteen, which shall be placed under the control of a committee of which not less than one-third of the members are chosen by the workers and employees of the undertaking.

Section 15 of the Act requires that wages shall be paid directly to the person concerned. The employer is forbidden to withhold payment of wages for the purpose of paying the creditors of a worker or employee, except where authorised by a court order.

Where a worker or employee owes a sum of money to his employer, the latter is entitled, under section 16 of the Act, to deduct the amount from wages during a period varying from six months to one year.

The Act provides (section 17) that where an establishment becomes insolvent all wages owing to workers and employees shall be paid in accordance with Bankruptcy Regulations.

Under section 18 of the Act if a contractor refuses to pay the remuneration of any person employed on works of public interest or if he breaks the contract with the State, an institution or private individual, the person concerned may obtain payment from any sums owing to the contractor by the State, institution or private individual when the sums have been paid to the contractor.

The Ministry of National Economy is entrusted with the supervision of the application of the legis-

lation and the regulations. At present there are no organisations of employers and workers to co-operate in this respect.

No modifications have been made in the national law or practice with a view to giving effect to some or all of the provisions of the Convention. The matter has been submitted to the competent authorities for detailed consideration but these authorities have not yet made known their decision. The Government intends to adopt measures to give effect to those provisions of the Convention which are not yet covered by the national law or practice; the competent authorities have not yet taken a decision in this connection.

Argentina.

Act No. 9511 of 2 October 1914 concerning the non-attachment of wages and salaries.

Act No. 11278 of 5 August 1925 respecting the payment of wages in national currency (L.S. 1925—Arg. 3) as extended by Act No. 11337 promulgated on 9 September 1926.

Decree No. 16312/44 of 30 June 1944 (Act No. 12921) concerning deductions from wages or salaries.

Decree No. 33302/45 (Act No. 12921).

Commercial Code of the Argentine Republic.

Article 1 of the Convention. According to the report the definition of the term "wages" given in the Convention substantially coincides with the principle established in section 2 of Decree No. 33302/45 (Act No. 12921).

Article 2. The Government states that section 1 of Act No. 11278 fully covers the provisions of the first paragraph of this Article.

Article 3. Under section 1 of Act No. 11278 all wages and salaries of workers or employees must be paid exclusively in national currency recognised as legal tender, otherwise such payment is void. However, section 1 (a) of Act No. 11337 authorises the payment of wages by bank cheque on condition that the amount corresponds to a full period of remuneration and is not less than 300 pesos.

Article 4. The principle of the partial payment of wages in kind provided for in the Convention is prohibited by Argentine legislation, which states that the wages must be paid exclusively in national currency. This provision of Argentine legislation must be interpreted as laying down that once the nominal wage has been fixed in national currency it is prohibited to make any deductions on account of allowances in kind, such as lodging, board, etc.

Articles 8 and 9. Section 4 of Act No. 11278 provides that the amount of wages or salary may in no case be reduced through deduction, withholding or compensation and that the payment of wages or salary may not be retarded in any way.

¹ This Convention came into force on 24 September 1952. 9 ratifications were registered up to 1 January 1954. 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 37th Session of the Conference (Summary of Reports on Ratified Conventions).

This prohibition relates in particular to any deductions or compensation imposed as fines or for the supply of merchandise, food, rent, use of tools or any other payment in kind or in money. In addition to the penalties provided for, any violation of these provisions makes the employers liable for payment of overdue interest.

Decree No. 16312/44 (Act No. 12921) provides for a series of exceptions concerning deductions or compensation for group-payment of fees, life or old-age insurance, assistance or pension premiums approved by the competent authorities; deposits in state savings banks; the payment of periodical fees owed by employees or workers as members of co-operative or friendly societies; the reimbursement of the price of goods, rent or other services supplied by the above societies; payment for goods purchased in the undertaking of the employer, on condition that these goods were limited to goods sold or manufactured by the latter or that they were of the same character as the goods which are traded by him in his establishment.

The same Act lays down the measures to be taken to ensure that the basic price of the merchandise is not higher than the current market price, that a reasonable rebate is given on this merchandise, and that the sale is real and not a fictitious one intended to provide legal cover for deductions or compensation prohibited by the Act.

The authorities entrusted with the enforcement of the Act are empowered to set up compulsory supervisory machinery for employers engaged in this type of operation.

Article 10. Section 1 of Act No. 9511 provides that wages, salaries, pensions, and retirement pay not exceeding 100 pesos per month may in no case be attached or assigned. Salaries, pensions, etc., exceeding 100 pesos may only be attached within the proportionate limits laid down in section 2 of the above Act.

Article 11. Section 1507 of the Commercial Code and section 129 of the Bankruptcy Act consider the wages of workers in bankrupt undertakings as privileged debts if these wages are owed in respect of services rendered before bankruptcy took place.

Articles 12 and 13. Section 2 of Act No. 11278 fixes the intervals at which wages should be paid; these intervals vary according to the nature of the work and the type of the remuneration. Section 3 provides that the payment of wages must be made during working days and hours and at the place of work and also prohibits the payment of wages in establishments selling merchandise or alcoholic beverages except to persons employed in these establishments.

Article 15. Section 9 of the same Act provides that persons who violate its provisions are liable to a fine of from 20 to 100 pesos.

The Government states that Argentine legislation is in accordance with the provisions of the Convention and that the competent authorities are studying the possibility of ratifying it.

The federal Government considers that, under the constitutional system of Argentina, the provisions of the Convention are more appropriate for federal action as the matters dealt with are regulated by basic legislation.

The texts of certain of the Acts referred to by the Government are appended to its report.

Belgium.

Act of 16 December 1851 concerning preferential rights and mortgages (section 19).

Act of 16 August 1887 concerning the payment of wages, as supplemented by the Acts of 15 and 17 June 1896 and 31 July 1901 (L.S. 1934—Bel. 7B) and the Legislative Decree of 20 September 1945.

Act of 18 August 1887 concerning the non-attachment and non-assignment of wages, as modified and supplemented by the Acts of 25 May 1920 and 7 August 1922 (L.S. 1922—Bel. 2) and the Legislative Decree of 28 February 1947.

Act of 15 June 1896 concerning works regulations.

Act of 26 January 1951 and Royal Order of 10 June 1952 concerning the simplification of documents which must be kept in accordance with social legislation.

Article 1 of the Convention. There is no definition of the word "wages" in the above-mentioned legislation.

Article 2. The Act of 16 August 1887 is applicable to workmen only and excludes agricultural labourers, salaried employees, domestic servants and workers who are lodged and boarded by their employers.

The Acts of 18 August 1887 and 16 December 1851 are applicable to workmen, servants (*gens de service*) and salaried employees.

The Act of 15 June 1896 is applicable only to workers in industrial and commercial establishments and in provincial and communal services.

The Act of 26 January 1951 is applicable, in practice, to workers in general.

Article 3. Wages must be paid in legal tender; payments in other media are null and void (section 1 of Act of 16 August 1887). There is no legislative provision permitting payment by bank cheque, postal order or money order but, in practice, this form of payment is generally used.

Article 4. Sections 2 and 3 of the Act of 16 August 1887 authorise the payment of wages in kind in certain specified cases and under conditions such that the goods are only for the personal use of the worker and his family; these goods may not be charged to the worker at more than cost price. The Government states that, in order to conform to the Convention, this Act should specify that these payments in kind may not be more than partial.

Article 5. In virtue of the contract of employment and the general principles of civil law wages are paid directly to the worker, except where otherwise provided for by the Act of 18 August 1887 or other legislative provisions relating to food allowances and income tax.

Article 6. The freedom of the worker to dispose of his wages is guaranteed by section 6 of the Act of 16 August 1887.

Article 7. Section 6 of the Act of 16 August 1887 provides that employers must obtain authorisation in advance in order to supply goods to workers on the basis of wage deductions. In addition, section 6 of this Act prohibits any coercion on workers to make use of works stores or services. The management of works stores established by the undertaking is entrusted to the works councils in virtue of the Act of 20 September 1948 to make provision for the organisation of the economic life of the country.

Article 8. The question has arisen whether deductions from wages for social services supplementary to those provided for under social security legislation are considered as deductions in the sense of Article 8 of the Convention. If the reply is in the affirmative, such charges should be authorised by law. Belgian legislation does not make it a general obligation on employers to inform workers of the conditions and limitations of deductions, but this is largely provided for in the above-mentioned Acts and in works regulations.

Article 9. The report states that deductions from wages for the purpose of obtaining or retaining employment are prohibited under section 7 of the Act of 16 August 1887.

Article 10. The conditions and limits for the attachment or assignment of wages and salaries are determined by the Act of 18 August 1887.

Article 11. Section 19 of the Act of 16 December 1851 gives effect to the provisions of the Convention which relate to workers' privileges in the case of the bankruptcy or judicial liquidation of an undertaking.

Article 12. Section 5 of the Act of 16 August 1887 prescribes the payment at regular intervals of wages of not more than 100 francs per day. Existing arrangements for the payment of wages exceeding this amount are considered satisfactory. Upon the termination of a contract the final settlement of wages is a contractual obligation.

Article 13. The report states that the existing arrangements concerning the place and date for the payment of wages are considered satisfactory and do not give rise to abuses; section 4 of the Act of 16 August 1887 prohibits the payment of wages in taverns, etc.

Article 14. The works regulations give the manner in which wages are fixed (Act of 15 June 1896). In addition, in virtue of section 10 (*bis*) of the Act of 16 August 1887, the worker has the right to check the manner in which his wages are fixed. Finally, the provisions of this Article are applied in virtue of the Royal Decree of 10 June 1952.

Article 15. According to the report, the legislation, which is published in the *Moniteur belge*, contains all the provisions set out in paragraphs (b) to (d) of this Article.

An Act of 11 April 1896 entrusts the labour inspectorate with the supervision of the application of the Act of 16 August 1887. Moreover, in accordance with the Royal Decree of 9 June 1945, joint councils composed of equal numbers of employers' and workers' representatives may be called upon to prevent or conciliate all disputes arising out of the application of this Act.

Questions concerning the extension of the scope of the legislation as well as its adaptation to certain provisions of the Convention (e.g., paragraph 2 of Article 3, Article 4, and paragraph 1 of Article 12, and Article 14) are being studied. The text of the Convention has been submitted for information to the National Joint Councils for salaried employees, agricultural establishments, horticulture and forestry. Some of these Councils have already advised the Government of their wish to see extended to the workers concerned the provisions of Belgian

legislation, thereby making possible the ratification of the Convention.

Burma.

Payment of Wages Act of 23 April 1936 (L.S. 1936—Ind. 1), as amended in 1941.
Payment of Wages Rules, 1937.

The national legislation covers most of the items dealt with in the Convention.

The Payment of Wages Act applies, in the first instance, to persons employed on railways, in factories, mines, quarries and oilfields and whose wages average less than 400 kyats a month. The Act has been extended to include persons employed in warehouses, restaurants, hotels, cinemas and theatres. The Act also fixes responsibility for the payment of wages and prescribes the wage periods, the time and form of payment and the nature of deductions. It provides for enforcement, penalties for infringements of the law, a court for dealing with claims and a procedure for presenting claims.

The definition of the term "wages" given in the legislation is similar to that given in the Convention. All wages are payable direct to the worker in legal tender only; payment in kind is prohibited. Wages must be paid regularly for each wage period, which should not exceed one month; all payments must be made on a working day.

The Chief Inspector of Factories is entrusted with the supervision of the application of the legislation. Inspectors appointed under the Act are responsible for the enforcement of its provisions.

No modifications have been made in the national legislation, as the principles of the Convention are already contained therein. Steps will be taken at a later date to extend the provisions of the Payment of Wages Act to cover additional categories of workers. The Government hopes that in this way the ratification of the Convention will become possible in time.

Under the constitutional system of the Union of Burma the provisions of the Convention are regarded as appropriate for federal action.

A summary of legislative texts and regulations concerning the payment of wages was attached to the report.

Canada.

General Wages Acts.

British Columbia: Truck Act (Revised Statutes, 1948, chapter 344); Semi-monthly Payment of Wages Act (R.S. 1948, c. 358).
Newfoundland: Workmen's Wages Act, No. 17 of 1944.
Saskatchewan: Workmen's Wages Act (R.S. 1940, c. 311).

Minimum Wages Acts.

Alberta: Alberta Labour Act, 1947, c. 8, as amended in 1948, c. 76 and 1950, c. 34.
British Columbia: Male Minimum Wage Act (R.S. 1948, c. 220); Female Minimum Wage Act (R.S. 1948, c. 221).
Manitoba: Minimum Wage Act (R.S. 1940, c. 138).
New Brunswick: Minimum Wage Act (R.S. 1952, c. 145).
Newfoundland: Minimum Wage Act, No. 6 of 1950.
Nova Scotia: Women's Minimum Wage Act, 1951, c. 14.
Ontario: Minimum Wage Act (R.S. 1950, c. 235).
Quebec: Minimum Wage Act (R.S. 1941, c. 164).
Saskatchewan: Minimum Wage Act (R.S. 1940, c. 10), as amended in 1944, c. 93; 1944 (2nd session), c. 67; 1945, c. 107; 1947, c. 104; 1949, cc. 115, 116; 1950, c. 94; 1951, c. 94.

Laws Governing Attachment of Wages.

British Columbia: Attachment of Debts Act (R.S. 1948, c. 20, section 3).
Small Debts Courts Act (R.S. 1948, c. 79, s. 38).

Manitoba: Garnishment Act (R.S. 1940, c. 84, s. 4), as amended in 1952, c. 26.
New Brunswick: Garnishee Act (R.S. 1951, c. 159, s. 33).
Ontario: Wages Act (R.S. 1950, c. 415, s. 7).
Prince Edward Island: Garnishee Act (R.S. 1951, c. 68, s. 17).
Quebec: Code of Civil Procedure, Article 599.
Saskatchewan: Attachment of Debts Act (R.S. 1940, c. 85, s. 19).

Laws Governing Wage Claims in Bankruptcy, etc.

Canada: Bankruptcy Act, 1949, c. 7.
Alberta: Companies Act (R.S. 1942, c. 240, s. 235); Execution Creditors Act (R.S. 1942, c. 122, s. 16).
British Columbia: Companies Act (R.S. 1948, c. 58, s. 145); Execution Act (R.S. 1948, c. 114, s. 6); Creditors' Relief Act (R.S. 1948, c. 81, s. 33).
Manitoba: Companies Act (R.S. 1940, c. 36, s. 407); Assignments Act (R.S. 1940, c. 11, s. 28); Executions Act (R.S. 1940, c. 66, ss. 9 and 10).
New Brunswick: Wage Earners Protection Act (R.S. 1951, c. 232, ss. 1 to 5).
Newfoundland: Companies Act (R.S. 1916, c. 127, ss. 216, 217).
Nova Scotia: Assignments Act (R.S. 1923, c. 200, s. 22); Creditors' Relief Act (R.S. 1923, c. 237, s. 24).
Ontario: Companies Act (R.S. 1950, c. 59, s. 179); Wages Act (R.S. 1950, c. 415, ss. 1 to 4).
Prince Edward Island: Winding Up Act (R.S. 1951, c. 176, s. 9).
Saskatchewan: Companies Act (R.S. 1940, c. 113, s. 233); Companies Winding Up Act (R.S. 1940, c. 119, s. 10); Creditors' Relief Act (R.S. 1940, c. 82, s. 14).

The matters dealt with by the Convention are partly within the authority of the Parliament of Canada and partly within the authority of the Legislatures of the provinces.

The report states that legislation does not in all provinces implement all the Articles of the Convention but, in common practice in Canada, the main provisions of the Convention are observed.

Three provinces have special statutes regulating deductions and how wages are to be paid. In British Columbia an Act covering the main industries of the province requires wages to be paid semi-monthly.

Minimum Wage Acts or orders regulate such matters as pay frequency, payment in cash, deductions, pay statements, etc. There are also some regulations on these matters in Acts relating to specific industries, e.g., some of the mining Acts.

Legislation exists in most provinces protecting a portion of a worker's wages from attachment or assignment. Under the federal Bankruptcy Act and various statutes, wages are treated as a privileged debt.

The worker's right to receive his pay in full promptly after it is earned is also protected by common law, in that wages are regarded as a just debt. This is particularly significant in provinces where statutes do not contain provisions for wage protection.

Some collective agreements include provisions regarding method and periodicity of payments.

Article 1 of the Convention.

"Wages" are commonly defined in Canada in much the same terms as in the Convention.

Article 2.

The British Columbia Truck Act applies to all workmen employed in undertakings in incorporated cities, municipalities or villages or within a three-mile radius, except domestic servants and farm labourers. The provisions regarding deductions, however, apply throughout the province. The Newfoundland Workmen's Wages Act applies to all workmen except domestic servants, loggers and sharemen in the fishing industry. The

Saskatchewan Workmen's Wage Act covers persons on hourly, daily or weekly wages employed by contractors in construction work or in any undertaking which comes under the Factories Act or the Minimum Wage Act, that is, most employees except agricultural workers and domestic workers.

Article 3.

The British Columbia Truck Act, the Newfoundland Workmen's Wages Act, and the Saskatchewan Workmen's Wage Act provide that wages must be paid in full by cash or by cheque, and that any agreement to the contrary or any payment by the delivery of goods is illegal and void.

The Ontario Minimum Wage Act, under which one order is in effect covering almost all women in the province, requires minimum wages to be paid in cash or by cheque. In Manitoba Minimum Wage Orders, which apply generally to both men and women, provide for the payment of wages by cash, cheque, or other method approved by the Minister. In Nova Scotia Minimum Wage Orders, which are applicable to women workers only, also require payment in cash.

In some provinces statutes applying to particular groups of workers require the payment of wages in cash or by cheque. The Newfoundland Logging Act, for instance, requires all wages to be paid in cash or, at the option of the logger, by cheque. Cheques must be payable at par at an office of the employer within reach of the lumber camp. This Act covers all woodsmen, including cooks and helpers in lumber camps. Under the Nova Scotia Coal Mines Regulation Act, the wages or salary of every employee in or about a mine must be paid "in money current in the Dominion of Canada".

Article 4.

Payment in kind is not customary in Canada. The point is dealt with only in the three general Wages Acts (in British Columbia, Newfoundland and Saskatchewan) which prohibit the payment of wages by goods.

Article 5.

The three general Wages Acts mentioned above and the Nova Scotia Coal Mines Regulation Act all provide that wages must be paid to the workman concerned.

Article 6.

The three general Wages Acts all provide that a contract between a workman and his employer is null and void if it makes any provision respecting the place where, the manner in which, or the person or persons with whom, the whole or any part of the workman's wages is to be spent. The British Columbia and Newfoundland Acts further provide that no employer may dismiss a workman on account of the way he spends or fails to spend his wages.

Article 7.

Implicit in the provisions guaranteeing the freedom of an employee to dispose of his wages, described under Article 6, is a prohibition of any coercion to make use of company stores or other such services provided by the company. There is also some limitation in all three Acts upon the right of an employer to sue a workman for the recovery of debts incurred through the provision of goods supplied through a company store.

There is no legislation in Canada specifically designed to ensure that goods sold or services provided by an employer are sold or provided at reasonable prices.

Article 8.

Deductions from wages for personal income tax and unemployment insurance contributions are authorised and regulated under federal statutes of general application. Certain provincial laws require employers to make deductions for such purposes as pension funds, hospital insurance, medical care, etc.

The three general Wages Acts (in British Columbia, Newfoundland and Saskatchewan) set out permissible deductions.

Under Minimum Wage Acts in eight provinces maximum deductions which may be made for board and lodging have been fixed.

The report enumerates various other deductions permitted under provincial legislation, in particular the mining Acts which authorise certain other deductions, for example, deductions for rent, coal, power, medical and hospital services, etc.

The report gives a detailed analysis of the deductions permitted in the various provinces; these details are summarised below.

Alberta. The Alberta Labour Act, which applies to all employed persons except farm labourers and domestic servants in private homes, states that every Minimum Wage Order may provide for making or prohibiting deductions from the minimum wage. Where meals or lodgings are furnished by an employer to an employee, the competent Board may investigate and may make an order fixing a maximum price to be charged.

British Columbia. The Truck Act provides that no deduction from wages in respect of any goods, board or lodging, or housing shall exceed their "real and true value". The Act specifically sets out the deductions which are authorised or prohibited.

Under the Minimum Wage Acts, the Board entrusted with the enforcement of this legislation has power to make orders regulating "conditions of labour and employment", which include charges for board, lodging, accommodation, light, water, fuel, uniforms, etc., and may, if it considers that the price charged is excessive, make an order fixing a maximum price to be charged.

Where in any industry under the Minimum Wage Acts the employer requires the wearing of a uniform, it must be supplied and maintained free of cost to the employee, unless a different arrangement, agreed upon by employer and employee, is approved by the Board.

Manitoba. The Minimum Wage Act empowers the Lieutenant-Governor in Council, on the recommendation of the competent Board, to make orders fixing the maximum amount which may be deducted from the prescribed minimum wage in cases where the employer furnishes to the employee board, lodging, uniforms, laundry or other services, subject, however, to a prior agreement between the employer and employee on the subject.

New Brunswick. The Minimum Wage Board is authorised to fix the rate which an employer may charge an employee for board and/or lodging. The order fixing a minimum rate for women in hotels and restaurants sets the maximum rates

which an employer may charge a female employee for board and lodging.

Newfoundland. The Workmen's Wages Act sets out certain goods and services which an employer may supply to workmen, and for which he may make deductions, such as medical care, tools, working clothes, etc., and provides that the amount deducted may not exceed the "real and true value" of the articles supplied, and that no such deduction may be made without a written agreement signed by the workman.

The Logging Act also permits an employer to make deductions from wages for board, medical fees, cost of tools, etc., and any other advances specifically permitted by the Minister of Natural Resources.

Finally, under the Minimum Wage Act, the Lieutenant-Governor in Council may make orders covering the conditions under which deductions may be made from the prescribed minimum wage for time lost by employees through illness, holidays, absence from duty, etc., and for the supply of various services.

Nova Scotia. The deductions which may be made from wages are specified by the Minimum Wage Board and in the General Order affecting women.

Ontario. The Industry and Labour Board may by order specify when and under what condition deductions may be made from the minimum wage. The Minimum Wage Order for women workers contains similar provisions.

Quebec. The Quebec Minimum Wage Commission has set out by order the maximum amount that may be deducted for board and lodging. No other deductions may be made from the minimum wage except those which may be permitted by an Act or court order.

Saskatchewan. The Workmen's Wage Act permits an employer to deduct from a workman's wages any amount due for goods voluntarily purchased by the workman from the employer. An employer is also permitted to make deductions from wages authorised by any other Act or regulations for the purpose of supplying a workman with medicine or medical, surgical or hospital services.

Under the Minimum Wage Act the maximum deductions to be made from wages for board and/or lodging are laid down.

Employers are required to post up minimum wage orders in a conspicuous place so that the workers may see them. Under some Acts a pay statement setting out, among other things, wages earned, deductions and take-home pay is required.

Article 9.

There are no specific provisions in the applicable legislation forbidding deductions as payment for obtaining or retaining employment, but in effect the general Wages Acts, which require that a workman receive his entire pay, with certain exceptions, would prevent deductions for such purposes.

Article 10.

There is legislation in seven provinces which limits in varying degree the amount of a worker's wages which is exempt from attachment. In some provinces the amount exempted is a percentage of wages (Ontario); in others only the wages in excess of a fixed sum may be attached (British Columbia,

Saskatchewan). Usually the exemption does not apply if the debt is for board and lodging.

Article 11.

The federal Bankruptcy Act, re-enacted in 1949, provides that wages and salaries of workmen for services performed during the three months preceding the bankruptcy, to the extent of \$500 in each case, are preferred claims, ranking after funeral expenses of a deceased bankrupt and costs of administration. This Act is applied generally throughout Canada.

In addition there is legislation in most provinces providing that, in the event of the voluntary winding-up of a company, the wage claims of workmen are given priority over the claims of other creditors. Where a winding-up comes under federal jurisdiction, federal legislation makes similar provision. In two provinces a limit (\$250) is set on the amount of wages which may rank as a preferred claim.

Article 12.

In eight provinces there are statutory provisions requiring wages to be paid at certain intervals. These requirements are of general application in some provinces; in others they apply only to special groups.

Under the Alberta Labour Act the pay period may not be greater than a month and the competent Board may fix a shorter period for any industry. On termination of employment an employee must be paid all wages owing to him.

The British Columbia Semi-monthly Payment of Wages Act, applying to mining, manufacturing, construction and the fishing industry, requires wages to be paid at least as often as semi-monthly, except when the yearly salary is \$4,000 or more. Almost all Minimum Wage Orders require semi-monthly payment of wages.

In Manitoba, New Brunswick, Nova Scotia and Saskatchewan the existing legislation (Minimum Wage Orders, Workmen's Wage Acts and Coal Mines Act) requires wages to be paid at intervals of one week.

The Newfoundland Workmen's Wages Act and the Logging Act require wages to be paid at intervals of not more than one month.

Article 13.

Wages are normally paid on a working day at the place of employment.

The Coal Mines Regulation Act and the Metalliferous Mines Regulation Act of British Columbia prohibit the payment of wages at any public house, beer parlour, or other house of entertainment.

Article 14.

There are no statutory provisions requiring a worker before entering employment to be informed of the conditions in respect of wages under which he is employed, but a worker is normally given all such particulars on being hired.

The Minimum Wage Acts of Alberta, British Columbia and Quebec require an employer to furnish each employee a pay statement on every pay day. In Alberta this must show any bonuses, living allowances or deductions.

Article 15.

The report states that "any laws cited above comply with Article 15".

The Workmen's Wage Act of Saskatchewan is administered by the Department of Labour. No

administrative authority is named in the Truck Act of British Columbia or the Workmen's Wages Act of Newfoundland. The remedy open to an employee is to bring action in court.

Where wage protection provisions are contained in Minimum Wage Orders, there is in every province an administrative authority (usually designated the Minimum Wage Board) in the Department of Labour, with an inspection staff, entrusted with the enforcement of this legislation.

Ceylon.

Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinances Nos. 40 of 1943 and 19 of 1945 and by Act No. 5 of 1953.

Industrial Disputes Act, No. 43 of 1950 (L.S. 1950—Ceyl. 1). Civil Procedure Code.

Parts I and III of Ordinance No. 27 as amended are of general application and cover a number of points dealt with in the Convention. It is also possible for collective agreements having force of law to be concluded and registered under the Industrial Disputes Act. Finally, the Civil Procedure Code contains provisions with regard to the attachment or assignment of wages.

Article 1 of the Convention. No definition of the term "wages" has been adopted in the main legislation which covers all workers, viz., Ordinance No. 27, and it is left for determination by reference to practice. Wages have been defined by the Estate Labour (Indian) Ordinance which applies to Indian workers employed on any agricultural undertaking not less than 10 acres in extent. It is the opinion of the Government that, broadly speaking, the definition in the Convention is adequately met.

Article 2, paragraph 1. Part I of the Wages Boards Ordinance is applicable to all trades.

Article 2, paragraph 2. No steps have been taken to exclude any category from the operation of Part I of the Ordinance. In fact, it is not legally possible to do so. Administratively, however, the provisions of the Ordinance are not applied to certain categories of workers where it has been customary to remunerate workers in kind, either in part or in whole. A prominent example of this type of administrative relaxation is the case of paddy cultivation.

Article 3, paragraph 1. Section 2 (a) of the Wages Boards Ordinance makes payment in legal tender obligatory.

Article 3, paragraph 2. There is no provision in the law to enable the competent authority to prescribe or permit the payment of wages by cheques or money orders but, in practice, no objection is raised to payment by this means. However, the legislation strictly requires that payment shall be in legal tender.

Article 4. No provision exists in the law to authorise the partial payment of wages in the form of allowances in kind.

Article 5. The requirements of this Article are provided for in section 2 (a) of the Wages Boards Ordinance.

Article 6. There is no specific provision introducing the requirements of this Article, but it is

the opinion of the Government that, by implication, compliance with this Article is clearly ensured. The employer is bound to pay wages within specified time limits; he may make none but authorised deductions, and these may only be made with the consent of the workers. The Government states that therefore an employer is unable to exercise any influence on the manner in which the worker may dispose of his wages.

Article 7, paragraph 1. No specific provision has been made to prevent coercion of workers to utilise works stores or services. However, here again, the object is to some extent indirectly achieved, as deductions for articles purchased from works stores or for services utilised may only be made on specific authorisation, and these deductions are permissible only with the consent of the worker.

Article 7, paragraph 2. As the deductions are subject to approval of stores or the services utilised, strict control is exercised on the rates and prices charged. This control is exercised by the Commissioner of Labour.

Article 8, paragraph 1. Deductions are controlled under the provisions of section 2 (a) of the Wages Boards Ordinance, as amended by the Wages Boards (Amendment) Act, No. 5 of 1953, and Regulation 2 of the Wages Boards Regulations 1943.

Article 8, paragraph 2. The giving of information to workers is provided for only in respect of trades to which Part II of the Wages Boards Ordinance has been applied, i.e., a trade for which a wages board has been established. This provision is to be found in section 37 of the Wages Boards Ordinance, as amended by the Wages Boards (Amendment) Act, No. 5 of 1953. No provision exists requiring the giving of information to workers in trades not covered by the wages boards. To this extent, the national law and practice falls short of the requirements of the Convention.

Article 9. The Wages Boards Ordinance, as amended by the Amendment Act, No. 5 of 1953, permits payment out of the wages of a worker at the instance of the worker to any person other than the employer or agent of the employer in order to discharge any obligation of the worker or for any other purpose. This provision, while preventing payments such as are contemplated by Article 9 of the Convention to an employer or his representative, does not, however, include an intermediary.

Article 10. The requirements of this Article are provided for in the Civil Procedure Code and in section 2 of the Wages Boards Ordinance. Wages of labourers are completely protected from seizure by the Civil Procedure Code.

Article 11. Section 51 (a) of the Wages Boards Ordinance provides for wages to be a first charge on the assets of a trade.

Article 12. The periodicity of payment of wages is provided for in section 2 (b) of the Wages Boards Ordinance as amended by section 2 (4) of the Amendment Act, No. 5 of 1953. In the case of a trade for which a wages board has been set up, however, the board is empowered to fix periodicity of payment, which decision of the board will operate in substitution of the provisions of sec-

tion 2 (b) (section 27 of the Wages Boards Ordinance). Under section 2 (b) of the Wages Boards Ordinance, as amended by section 2 (5) of the Amendment Act, No. 5 of 1953, where an employer terminates the services of a worker he shall, within two days, pay the wages due to the worker.

It is the opinion of the Government that Article 12 (paragraph 2) of the Convention is wider in scope in that it appears to cover cases where the employment is terminated by the worker himself. To this extent, the Wages Boards Ordinance does not give coverage.

Article 13. No provision exists in the Ordinance with regard to the requirements of this Article. In practice, however, wages are largely paid on working days and at the place of work.

Article 14. Reference is made to remarks under Article 8 (paragraph 2).

Article 15 (a). Copies of the Ordinance and Regulations are readily available for purchase by persons concerned.

Article 15 (b), (c) and (d). Provision is made in the Wages Boards Ordinance for all the matters mentioned in this Article. The Commissioner of Labour is responsible for the enforcement of the Ordinance.

Modifications have already been made in the national legislation and practice with a view to giving effect to the Convention; however, the fact that some of the provisions required by the Convention are not contained in the legislation delays ratification. No decision has so far been taken with regard to the measures to be taken to give effect to those provisions of the Convention not yet covered by the national legislation or practice.

Chile.

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

The Chilean Labour Code contains provisions concerning the matters dealt with by the Convention. The report refers, in particular, to sections 6 (paragraphs 6 and 8), 34, 36 to 42, 93 to 95, 103, 105, 120 (paragraphs 6 and 7), 123, 139, 141, 143, 153, and 178 and to Book IV, Part III, of the Labour Code and section 2472 (paragraph 4) of the Civil Code. Supervision of the application of these provisions is entrusted to the labour inspectorate mentioned in Book IV, Part III, of the Labour Code. There are no specific regulations for the co-operation of organisations of employers and workers, except in so far as section 569 of the Code provides that any person may report to the labour inspectors and other competent officials any contraventions which come to his knowledge.

No modifications have been made in national legislation and practice with a view to giving effect to all of the provisions of the Convention. The report mentions the general delay in the ratification of international labour Conventions as the reason preventing the ratification of Convention No. 95.

Denmark.

Bankruptcy Act of 25 March 1872.
Act respecting the administration of justice (Notification No. 212 of 1 October 1936).
Act of 6 June 1946 respecting civil servants.

Article 10 of the Convention. The Act of 1936 respecting the administration of justice contains provisions which determine various kinds of income and property which are not liable to distraint for debts incurred by the person concerned. The following may not be seized: personal clothes, linen, beds or bedclothes necessary to the debtor or his household, as well as certain articles of furniture of vital necessity, provided that the value of such articles does not exceed 125 kr. for single persons and 400 kr. for breadwinners. As regards distraint for taxes or other duties payable to the public authorities, these amounts are 75 and 200 kr. respectively. In addition, except in the case of taxes and other duties payable to the public authorities, the debtor may demand that no distraint is made in respect of articles which are necessary for his trade, up to an appraised value of 75 kr. for single persons and 200 kr. for breadwinners. Moreover, the debtor himself shall be entitled to except such articles from distraint by his own choice.

The legislation lays down conditions in which wages which have not yet been paid are not liable to distraint; it is provided that this does not prejudice the right to have recourse to the wages or similar income of the debtor in respect of the maintenance of illegitimate children or similar payments which are due under family law. Public salaries or similar income not paid, as well as waiting fees, retirement pensions or equivalent benefits not paid, which are incumbent on the Exchequer, are not liable to distraint.

The Act of 1946 provides for the limited right of civil servants to pledge their salaries.

Article 11. The Bankruptcy Act of 1872 provides for the priority of certain claims, including claims of workers for wages and board, normally limited to claims relating to a short period prior to bankruptcy.

Articles 12 to 14. Under section 31 of the Civil Servants Act of 1946 the wages of civil servants must be paid in advance at the beginning of each month or, when the first day of the month falls on a Sunday or a statutory holiday, on the last weekday of the preceding month.

A number of collective agreements regarding the calculation and payment of wages contain rules which in all essentials are in conformity with the provisions of the Convention.

The Government adds that, although there are no provisions corresponding to the provisions of the Convention in this respect, "a legal protection similar to that provided by the Convention is guaranteed to workers under Danish law".

The supervision of the enforcement of the national legislation and collective agreements relating to the protection of wages is entrusted to the courts or to the Permanent Court of Arbitration, as the case may be.

No modifications have been made in the national legislation with a view to giving effect to any of the provisions of the Convention. Some of the provisions of the latter are already covered by the legislation, while others refer to conditions which present no problem in Denmark. It is not intended to modify the national legislation with a view to including therein any of the provisions of the Convention.

In a letter dated 21 February 1952 the Government stated that it is not at present in a position to ratify the Convention, owing to the fact that Danish legislation does not contain any general provisions concerning the payment of wages as described in Articles 3 and 4 of the Convention. In addition, the legislation is not in full conformity with Articles 8 and 9 relating to deductions from wages.

Dominican Republic.

Act No. 2920 of 11 June 1951 to promulgate the Labour Code (L.S. 1951—Dom. 1).

The Labour Code contains provisions governing wages and the organisation and working of the National Wage Board.

Under section 184 of the Code, wages are deemed to be the remuneration payable by the employer to the employee as compensation for work carried out.

The Board has wide powers, for it can draw up minimum wage scales for persons employed in agriculture, industry, commerce, etc., and can indicate the manner in which such wages should be paid. It can also carry out such investigations into the records, books and documents of any private undertaking as are necessary for the proper discharge of its duties. It ensures genuine collaboration between employers and workers, as the Employers' Confederation of the Dominican Republic and the Confederation of Dominican Workers are each represented on the Board by a permanent member. Moreover, an employers' representative and workers' representative more directly affected by the wage scale under discussion may attend the meetings with the right to speak but not to vote.

Sections 187 and 188 of the Code lay down that all wages are to be fixed and paid in legal tender and shall be paid at the place and time agreed upon, and that the payment shall take place on working days and not later than one hour after the termination of working hours on the day when payment falls due. Section 86 (2) of the Code provides that one of the grounds on which an employee may terminate his contract is that the employer fails to pay him his total remuneration in the form and at the place agreed upon or fixed by law, subject to the deductions authorised by law.

Only domestic workers may be paid a proportion of their wages in kind; the worker's board and lodging are assessed at 50 per cent. of his total wage.

The report states that Article 5 of the Convention is applied in the Dominican Republic. Any minor who has been emancipated from parental control, any minor who has not been emancipated but who is over 16 years of age, and all married women, are fully entitled to conclude a contract of employment and to receive the agreed payment.

In agricultural undertakings and in agricultural undertakings of an industrial character wages must be paid at intervals not exceeding 14 days. Partial advances may be made to workers in such undertakings in the form of coupons, cards, certificates or other vouchers, provided that the total amount of the vouchers delivered does not exceed 60 per cent. of the remuneration due at the end of a period of 14 days.

Section 192 of the Code provides that wages are not subject to attachment, except as regards one-third for purposes of maintenance.

Section 197 provides that all payments due to employees and classed as wages enjoy priority in all cases over any other debts, with the exception of those due to the State, the district of Santo Domingo and the communes.

Under section 190, whatever the type of work, the period in respect of which wages are paid may not exceed one month; all employees paid by the hour or by the day must receive their wages weekly. In the case of piece-work, unless there is an agreement to the contrary the employer must pay the employee every week a sum proportionate to the work carried out, but he may withhold as a guarantee a sum not exceeding one-third of this amount.

The application of the legislation is entrusted to the labour authorities (Book VII of the Labour Code), mainly to the Department of Labour (sections 389 to 397) which operates as a part of the Secretariat of State for Labour and includes all local labour representatives (sections 389 and 398 and 399) and all assistant inspectors (sections 400 to 410).

Under section 390 (7) matters relating to wages are dealt with by the Department of Labour, in conformity with the laws and regulations and under the supervision of the Secretariat of State for Labour.

The report states that the labour inspection service is very efficient and devotes particular attention to the question of wages. In all labour disputes the employers and workers, or the organisations representing them, may submit to the judgment of arbitrators freely chosen by them (section 386).

No modifications have been made in the legislation relating to the provisions of the Convention and the Government is considering the possibility of ratifying the Convention, the elements of which are already to be found in the national labour legislation.

Finland.

Seizures Act of 3 December 1895, as amended by the Act of 26 May 1941.

Act of 1 June 1922 respecting contracts of work (L.S. 1922—Fin. 1).

The main provisions in Finland concerning the application of the Convention are contained in the Act of 1 June 1922 respecting contracts of work.

This Act applies to every contract whereby the worker binds himself to the employer to carry out work under his direction and supervision in return for remuneration. If remuneration is not expressly provided for, but it does not appear from the circumstances that the intention was to carry out work without remuneration, payment is made and the Act applies (section 1). Wages are paid in legal national currency, goods or privileges, as specified in the contract, and goods or credits must not be substituted for cash wages (section 18, paragraph 1). If it has been agreed that wages or any part thereof shall be paid in allowances in kind for which no general current price is available, the estimated money value thereof shall be fixed in the contract (section 11, paragraph 2). Any dwelling assigned to a worker as part of his wages shall be in good condition, adequate as regards sanitation, and sufficiently spacious for the accommodation of the family, with due regard to their number and sex and local conditions. The employer is required to provide workers boarded and lodged in his house with proper and sufficient food (section 21).

The Ministry of Social Affairs took a decision on 28 November 1952 concerning the evaluation in cash of payments in kind included in wages.

The Contracts of Work Act provides that any contract restricting the right of the worker to dispose of his wages freely shall be void, except as concerns taxes or contributions to workers' benefit funds established in accordance with laws which exist exclusively for the advantage of the workers (section 18, paragraph 3). The employer shall be entitled to deduct from the money wages not more than one-sixth on each occasion of payment, in discharge of his claims under the contract of work (provided that the worker recognises the justice thereof or that such claims are otherwise validated), or for the purpose of paying a fine imposed on the worker by virtue of a collective agreement (section 25).

The Act also provides that, in default of any agreement to the contrary, the employer shall pay the worker his wages when the work is completed. If the work lasts more than a fortnight the worker shall be entitled to draw at regular intervals, not less frequently than twice a month, instalments of his wages corresponding to the work done by him. Wages calculated at a time rate shall be paid at least once a month; those reckoned by the day or a shorter period shall be paid at least twice a month. Remuneration in kind shall be calculated in proportion to its real value according to its nature and to local custom. If the payment of wages is deferred after the conclusion of the employment without lawful hindrance, full wages shall be paid for the days spent in waiting, up to a maximum of three days. Wages shall be paid after working hours on a working day, at the workplace, or in the neighbourhood thereof, unless any stipulation has been made to the contrary (section 17).

A fine for the contravention of the Contracts of Work Act is provided only in the case where the employer fails to comply with section 18, paragraph 1, mentioned above.

The Seizures Act of 3 December 1895 and the Act of 26 May 1941 provide that seizures shall not include that part of the wages or assets of the debtor which corresponds to two-thirds of the sum of his wages for the period of seizure up to the subsequent day of payment, provided that such sum is at least that which is judged necessary for ensuring the maintenance of the debtor and his spouse, their children or adopted children or the debtor's relatives who are incapable of work and are completely dependent upon him. In reckoning the total wages of a worker account must be taken of payments in kind calculated according to their current value in the locality concerned.

According to Chapter 4 of the Decree of 9 November 1868, as amended by the Act of 1 June 1922, workers shall, in the case of bankruptcy of the undertaking, be treated as privileged creditors in respect of their wages or other claims arising out of the employment relationship for the period, including the current year and the preceding year of service.

Certain provisions concerning the protection of wages are contained in collective agreements.

No authority has been designated to supervise the application of the Contracts of Work Act. In practice the activities of the labour inspectors in this respect are of an advisory nature. In the case of contraventions of the Act the worker may bring the matter to court and obtain compensation in the form of a fine or damages. Contraventions of

collective agreements are ordinarily dealt with by means of consultations between the organisations concerned. In the last resort the labour court adjudicates in disputes connected with the application of collective agreements. The enforcement of the provisions of the Seizures Act is entrusted to the process-server and the supervision of this enforcement is entrusted to the departmental or municipal administration. The courts supervise the enforcement of the above-mentioned decree in connection with bankruptcy proceedings.

Finnish legislation conforms in the main to the provisions of the Convention. The legislature intends to revise the Contracts of Work Act and, as far as possible, will take into consideration the provisions of the Convention.

Federal Republic of Germany.

Trades Order of 21 June 1869, version of 26 July 1900, and Amending Acts.
Provisional Agricultural Labour Order of 24 January 1919.
Commercial Code of 18 August 1896.
Bankruptcy Order of 10 February 1877, version of 20 May 1898, and Amending Acts.
Wage Attachment Order of 30 October 1940 (L.S. 1940—Ger. 2), version of 22 April 1952.

Questions relating to wage protection are governed not only by the above-mentioned instruments and other legislative provisions but also by collective agreements (under the Collective Agreements Act of 9 April 1949), by works rules (under the Rules of Employment Act of 11 October 1952) or, in the case of public officials, by administrative regulations. According to the report the actual practice in the Federal Republic appears to correspond in the main to the provisions of the Convention, except as regards some conditions regarding certain of the groups of persons mentioned in Article 2, paragraph 2 of the Convention. Moreover, the protection of wages in accordance with the principles of the Convention is secured in practice in the Federal Republic by reason of the close attention devoted to this question by workers' organisations and works councils.

Article 3, paragraph 1 of the Convention. Section 115, paragraph 1 of the Trades Order requires wages in industry and commerce to be paid in cash and in legal tender. Under section 3 of the Currency Act of 20 June 1948, and under the foreign exchange regulations, a special permit is required in order to settle debts in foreign currency.

There is no prohibition of the payment of wages in the form of promissory notes, vouchers or coupons, etc. However, as regards commerce and industry, section 115, paragraph 1 of the Trades Order implies such a prohibition. Collective agreements also stipulate the payment of wages in legal tender in the Federal Republic.

Article 3, paragraph 2. German legislation does not prohibit the payment of wages by bank or postal cheque. However, in such cases the employer is considered as having discharged his wage obligations only when the transfer of the amount due has actually taken place. If the cheque cannot be cashed because it is not covered the employer is considered as not having made a payment and the employee may take legal action to obtain settlement of the debt.

Under Section 115, paragraph 1 of the Trades Order, payment by bank transfer or by postal cheque is regarded in the Federal Republic as equivalent to payment in cash.

Article 4, paragraph 1. Under section 115, paragraph 2 of the Trades Order, employers in commerce and industry are permitted to supply their employees at cost price with certain allowances in kind (housing, fuel, light, foodstuffs, etc.).

In many cases, particularly in agriculture and forestry, the partial payment of wages in the form of allowances in kind is regulated by collective agreements or by individual bargaining. The Provisional Agricultural Labour Order (section 2, paragraph 8) provides that in the case of contracts for more than six months, and in case of certain allowances in kind, the conditions must be set down in writing.

In industry and commerce, allowances in kind are specified in section 115, paragraph 2 of the Trades Order. The schedule of allowances in kind is exclusive and does not include liquor of high alcoholic content or noxious drugs.

Article 4, paragraph 2 (a). The report states that a considerable number of allowances in kind specified in section 115 of the Trades Order are naturally to be used personally by the employee and his family and are in accordance with the requirements of these persons. There are no special legislative provisions on the subject, the matter being regulated by collective agreements, works rules or individual contracts.

Article 4, paragraph 2 (b). In industry and commerce provision for a fair and a reasonable evaluation of allowances in kind is made under section 115, paragraph 2 of the Trades Order, and in agriculture and forestry under section 8 of the Provisional Agricultural Labour Order. In addition, in so far as collective agreements contain stipulations concerning the making of allowances chargeable to wages, the agreements also regulate the evaluation of such allowances, based on prices determined by the parties, or on production costs, or on the cost to the employer. On the other hand, in so far as collective agreements stipulate the payment of wages in cash, with additional allowances in kind, the evaluation of such allowances is not stipulated.

Works rules or individual contracts may also deal with this question.

Article 5. According to the provisions of the Civil Code regarding debtor-creditor relationships, any payments having the effect of discharging a debt must be made to the creditor in person (in this case to the employee), unless the latter has consented to some other procedure. In addition, section 115 (a) of the Trades Order lays down that the non-attachable part of an employee's wages may not be paid by the employer to a third party even where an agreement to that effect (for example, an assignment) has been reached between the third party and the employee.

Special provisions regarding employees who are minors provide that an employer cannot make a payment of wages to the minor without the consent of the parents or guardian (section 113, paragraph 1 of the Civil Code). A similar provision is to be found in section 119 (a), paragraph 2 of the Trades Order.

Article 6. The Government raises a certain number of questions concerning the interpretation of this provision. It adds that, with regard to present legislation in force in the Federal Republic,

a unilateral limitation of the freedom of workers to dispose, of their own free will, of wages already paid to them is illegal. With regard to agreements restricting the disposal of wages, section 117 of the Trades Order prohibits all agreements between employers and employees providing for the use of earnings for any purpose other than participation in institutions for the improvement of the position of the workers and their families. Under section 240 of the Criminal Code, it would be considered culpable constraint if an employer were to oblige an employee to accept limitations on his freedom to dispose of his wages, whether the employer acted unilaterally or in virtue of an agreement.

Article 7. Section 117, paragraph 2 of the Trades Order provides that, in industry and commerce, agreements between employers and employees in which the employee undertakes to procure goods from the employer or other specified sources of supply are null and void. Constraint of this kind would be considered culpable under section 240 of the Criminal Code.

Article 8, paragraph 1. Legislation in the Federal Republic requires an employer to pay an employee his wages in full. However, in certain cases he is permitted to withhold a part of earnings, for example, with a view to complying with certain statutory obligations on the worker's behalf (wages tax, social insurance contributions, unemployment insurance contributions, etc.).

Legislative provisions of general scope (sections 271, 273 and 394 of the Civil Code) and of a special character (section 119 (a), paragraph 1 of the Trades Order and section 10 of the Provisional Agricultural Labour Code) deal with the question of deductions from wages.

Article 8, paragraph 2. Workers are informed of the conditions under which deductions are effected by the publication of the relevant laws, the posting-up of collective agreements and works rules, by explanations by trade unions or managements, etc.

Article 9. Deduction from wages effected with a view to obtaining or retaining employment is contrary to the provisions of sections 115 (a) and 117, paragraph 2 of the Trades Order and section 138 of the Civil Code.

Article 10. This provision of the Convention is put into effect in the Federal Republic by the Wage Attachment Order. In addition, under section 400 of the Civil Code, a claim which cannot be attached is also not assignable.

Article 11. This provision of the Convention is put into effect by the Bankruptcy Act, sections 61 and 191. However, federal legislation leaves more scope for initiative by the parties and is narrower in scope than Article 11 of the Convention, in particular as regards paragraph 2 of this Article.

Claims of privileged creditors—that is, employees—do not receive consideration automatically, but only in so far as such creditors have obtained their inclusion in the bankruptcy proceedings by making application to that effect.

German law prohibits, with the exceptions specified in the report, the settlement of ordinary creditors' claims before those which are privileged.

According to the report the provisions in force in the Federal Republic have stood the test of practice and no need for their amendment has arisen.

Article 12, paragraph 1. The payment of wages at regular intervals is usual in the Federal Republic. Among the relevant legislative provisions the report refers to section 614 of the Civil Code and section 119 (a), paragraph 2 of the Trades Order (for industry and commerce), section 64 of the Commercial Code (for shop assistants), section 6 of the Provisional Agricultural Labour Order (for agriculture and forestry), and the General Service Order issued in application of section 14 of Rules of Employment "B" (for workers in the public services). In practice the intervals for the payment of wages are usually determined by collective agreements or works rules.

Article 12, paragraph 2. Although the principle of freedom of discussion as regards the contract is not affected, legislative provisions governing debts (section 614 of the Civil Code) provide that the wages due to an employee are usually payable either on the termination of the relevant work or, if payment is normally made at regular intervals, at the close of the appropriate period.

Article 13. The General Service Regulations issued in application of section 14 of Rules of Employment "B" and the Act of 31 December 1938 respecting payments from public funds, provide that, as far as possible, wages shall be paid during working hours at the place of work or service.

This question of the time and place of the payment of wages is often governed by collective agreement or works rules. There are no explicit regulations in this connection but according to the report actual practice is believed to correspond in the main to the requirements of the Convention.

The provisions of paragraph 2 are provided for in the Trades Order; however, the administrative authorities may authorise exceptionally the payment of wages in taverns and retail shops. Moreover, there is no legislative provision which specifically prohibits this method of payment for public officials.

Article 14 (a). Employees are informed of the wage conditions applying to them by the posting-up of collective agreements and works rules at appropriate places in the establishment (Collective Agreements Act, section 7; Rules of Employment Act, section 52, paragraph 2) and by explanations given by the works councils and trade unions.

Article 14 (b). In industry and commerce (establishments employing at least 20 persons) each employee is informed of the particulars of his wages by means of a written statement which must indicate the amount earned and the reasons for each deduction. The Federal Government is empowered to prescribe (for the whole of commerce and industry) wage books or slips containing the particulars specified in section 114 of the Trades Order. The General Service Order issued in application of section 14 of Rules of Employment "B" requires workers in public services to be furnished with wage statements specifying the amounts for wages and allowances as well as the deductions for wage tax, insurance contributions and allowances

in kind. Otherwise the matter is governed by collective agreement, works rules or individual contracts.

Article 15. The Government raises a certain number of questions of interpretation of this Article.

Official supervision of the application of the legislative provisions in force concerning the protection of wages occurs only to a very small extent in the Federal Republic (for example, in relation to infringements of the provisions of criminal law). If, in future, questions of the protection of wages were to be regulated under the Minimum Conditions of Work Act of 10 January 1952, supervision would lie with the supreme labour authorities of the constituent states (Länder).

In practice the main responsibility for supervision lies with the parties themselves, that is, the employees (who can appeal to the labour courts), the trade unions and the works councils. Section 54, paragraph 1 of the Rules of Employment Act requires works councils to ensure that the provisions of the laws and regulations, collective agreements and works agreements are put into practical effect.

There has been no modification of the national law or practice in order to give effect to the provisions of the Convention.

The Government intends to continue to examine the question of ratification of the Convention with due care. The difficulties impeding ratification are due not so much to discrepancies between the Convention and actual practice in the Federal Republic as to the absence in some respects of explicit statutory provisions corresponding to the terms of the Convention. As regards Article 3, paragraph 2 (payment of wages by bank cheque, postal cheque or money order), Article 11 (privileged status of wage debts in case of bankruptcy) and Article 13, paragraph 2 (payment of wages in taverns), the regulations in force in the Federal Republic are more flexible and make less provision for official supervision than is the case in the Convention. If the existing practice could be regarded as a sufficient basis for ratification, even in the absence of explicit statutory provisions; if, further, the practice in the Federal Republic with regard to the subject matter of Article 3, paragraph 2, Articles 9, 11, and 13, paragraph 2, could be regarded as in conformity with the principles and spirit of the Convention; and, finally, if the present obscurity regarding the exact meaning of Articles 6 and 15 could be clarified, the ratification of the Convention by the Federal Republic would be facilitated.

The Government does not intend at present to proceed to an amendment of the existing law and practice.

Greece.

Act No. 4030 of 1912 concerning the payment of wages and salaries to workers, domestic servants and employees, as amended and consolidated by the Royal Decree of 24 July 1920.

Act No. 4694 of 10 May 1930 to prohibit the assignment and attachment of the daily wages of wage-earning employees, etc., and the remuneration of salaried employees, etc. (L.S. 1930—Gr. 6).

Civil Code.

The above-mentioned legislation, as amended and amplified in certain respects, constitutes the basic legislation with regard to the protection of

wages. According to the report this protection is similar to that provided for in Convention No. 95.

Article 3 of the Convention. The application of this Article is ensured by the Royal Decree of 24 July 1920 (section 2) which provides that wages and salaries calculated on a piece-work or output basis shall be paid in legal tender and not in kind. In conformity with section 4 of this decree the courts may recognise as a legal voucher the statement by a recognised bank or saving fund certifying that the wage of a man or woman servant has already been deposited within the bank or fund.

Article 4. In virtue either of a recognised custom or of a collective agreement, various categories of workers may receive partial payment of wages in the form of allowances in kind. The value attributed to these payments is established under the control of the State, represented by a director of the labour inspection service, in conformity with the Emergency Act of 19 November 1945 concerning the amendment and amplification of certain labour laws.

Article 5. In virtue of various provisions of Greek legislation, and in particular of section 651 of the Civil Code, wages are paid directly to the workers. In addition other legislative provisions give implicit effect to this principle.

Article 6. In conformity with section 135 of the Civil Code persons over 14 years of age are free to dispose as they wish of the remuneration received.

Article 7. Works stores of the kind dealt with in the Convention are rare in Greece. In virtue of section 3 of the Royal Decree of 1920 an employer who sells goods must supply them at fair and reasonable prices based on the wholesale market price, plus the transport expenses incurred by him. In addition the sale of goods by an employer is subject to an authorisation issued on the basis of a report by the competent inspector of the Ministry of Labour, after consultation with the workers concerned and the Council of Labour.

Article 8. Greek legislation specifies clearly the cases in which deductions from wages are authorised. In addition section 664 of the Civil Code prohibits the employer from making deductions from wages which are absolutely essential for the upkeep of the worker and his family.

Article 9. The report states that deductions for the purpose of obtaining or retaining employment are not authorised by the legislation.

Article 10. Section 664 of the Civil Code prohibits the attachment of wages which are absolutely essential for the upkeep of the worker and his family. In addition Act No. 4694 of 1930 provides (section 1) for the prohibition of the attachment and assignment of wages and, in general, of any remuneration to workers, craftsmen and domestic servants. However, section 3 of the above-mentioned Act authorises the attachment of up to 25 per cent. of the wage of a husband with a view to paying a pension to his wife, children or parents. Similarly, authorisation is given for the assignment of up to one-fifth of the wages to co-operatives in the case of the supply of clothing, shoes, food or

medical assistance, etc. In any case where attachment is provided for by the law, this can only be effected by means of a legal decision.

Article 11. Greek legislation applies this provision of the Convention. Section 940 of the Civil Code provides, in particular, that persons employed by an undertaking which has become bankrupt shall be considered as privileged creditors as regards wages due for services supplied during the month prior to bankruptcy. In the case of shop assistants this period is six months. In addition, section 646 of the Commercial Act (in conformity with paragraph 3 of this Article) lays down the order of priority of claims for wages over other privileged debts in the event of bankruptcy.

Articles 12 and 13. The Royal Decree of 1920 provides that wages shall be paid at the end of each week, each fortnight, or each period of ten days, according to the local custom, or in accordance with an agreement, and that the payment of wages may not be effected after working hours. The legislation also provides that payment shall be effected at the workplace. The payment of wages in taverns or other similar places is prohibited except in the case of persons employed in such establishments or in cases where a special permit has been granted to this effect by the police authorities.

Articles 14 and 15. In conformity with Greek legislation, workers must be informed of their wages and of other conditions which are applicable to them. In accordance with an Act relating to labour inspection employers are required to submit to the labour inspectors, for verification, the payrolls of their staff showing the names of workers, the kind of work and the number of hours of work effected by each worker, etc. In addition, the legislation lays down penalties in case of infringements. Disputes relating to the payment of wages are referred to arbitration committees.

The Government states that the spirit of the Convention has been applied fully by Greek legislation for a considerable time. The Convention has been submitted to the Legislative Assembly in order that the necessary steps may be taken for its ratification.

Iceland.

Act No. 28 of 19 May 1930 respecting the payment of wages (L.S. 1930—Icel. 1).

The protection of wages in Iceland is regulated by the above-mentioned Act. In addition collective agreements generally include provisions on the same subject.

The Act provides that wages are payable in legal tender to specified categories of workers. Payments must be made weekly unless otherwise agreed.

The supervision of the application of the Act is not ensured by any specific authority, but cases of infringements of its provisions may be submitted to the courts and, in such cases, the labour organisations generally assist the worker concerned.

The Government states that no modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention and no steps have been taken to introduce new legislation in this field.

India.

Payment of Wages Act of 23 April 1936 (L.S. 1936—Ind. 1).
Minimum Wages Act of 15 March 1948 (L.S. 1948—Ind. 2).
Code of Civil Procedure, 1908.
Central Public Works Department Contractors' Labour Regulations.

The Payment of Wages Act, 1936, extends to the whole of India except the state of Jammu and Kashmir, and applies to all persons employed in any factory or upon any railway in receipt of wages and salaries which average below Rs.200 per month. The appropriate governments can, however, extend all or any of its provisions to any "industrial establishment" or class or group of "industrial establishments" as defined in the Act. The report lists the extensions made in various states; these extensions concern, in particular, road transport and inland water transport, mines, docks, plantations, etc.

For the purposes of the Act, the term "wages" means "all remuneration capable of being expressed in terms of money, which would, if the terms of contract of employment, expressed or implied, were fulfilled, be payable whether conditionally upon the regular attendance, good work or conduct or other behaviour of the persons employed, or otherwise, to a person employed in respect of his employment or work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of termination of his employment"; the term does not include the value of any house accommodation, the supply of light, water, medical attendance or other amenity or any service specifically excluded by the state government, any travelling allowance or employers' contributions to any pension or provident fund or any gratuity payable on discharge or any sum paid to an employee to defray special expenses entailed on him by the nature of his employment.

The Act requires the fixation of wage periods which should not exceed one month. Undertakings employing fewer than 1,000 persons must pay wages before the expiry of the seventh day and in other cases before the expiry of the tenth day after the last day of the wage period. A discharged worker has to be paid before the expiry of the second working day from the day on which his employment is terminated. All payments of wages must be made on a working day and in current legal tender.

The Act provides that the wages of an employed person shall be paid to him without deductions of any kind except those authorised by or under the Act. The authorised deductions are for (a) fines, (b) absence from work, (c) damage or loss, (d) house accommodation and amenities and services supplied by the employer, (e) recovery of advances or adjustment of over-payment of wages, (f) income tax, contributions to and repayment of advances from provident funds, payments to an approved co-operative society, and payment of insurance premiums in regard to postal insurance.

Fines can be imposed only for acts and omissions specified in notices approved by the competent authority. The total amount of fines which may be imposed in any one wage period on any employed person is not to exceed an amount equal to half an anna per rupee of the wages payable to him in respect of the wage period. All fines must be recorded in a prescribed register and credited to a

finances fund, the receipts of which are to be utilised only for such purposes beneficial to the workers as are approved by the competent authority.

The Minimum Wages Act, 1948, requires the appropriate governments to fix, within a specified period, minimum rates of wages payable to employees (defined as persons "employed for hire or reward to do any work, skilled or unskilled, manual or clerical") employed in woollen carpet-making or shawl-weaving establishments; rice, flour or *dal* mills; tobacco or *bidi* (native cigarettes) manufactories; plantations; oil mills; employment under any local authority; road construction or building operations; stone-breaking or stone-crushing; *lac* manufactories; mica works; public motor transport; tanneries and leather manufactories; and agriculture. The Act authorises the appropriate government to extend its application to any industry wherein, in the opinion of the government, statutory minimum wages should be fixed.

The Act lays down that wages shall be paid in cash, but it empowers the appropriate government to authorise the payment of minimum wages, either in whole or in part, in kind, and in the supply of essential commodities at concessional rates. The rules under the Act lay down that the cash value of wages paid in kind or of essential commodities supplied at concessional rates shall be computed on the basis of the retail prices prevailing at the nearest market.

The rules under the Act of 1948 prohibit any deduction from wages except those expressly authorised.

These rules also provide that the wage period in respect of any scheduled employment for which minimum wage rates have been fixed shall not exceed one month.

The provisions in the rules in regard to the payment of wages are the same as in the Payment of Wages Act, 1936. Under these rules the minimum wage rates shall be made known to the persons concerned. The Act and the rules made thereunder also provide for the maintenance of wage registers and records in the prescribed manner, for the appointment of inspectors for enforcement of the Act and for the appointment of competent authorities to hear and decide claims arising out of payments of less than the minimum rates of wages. They also provide for penalties for offences.

The Code of Civil Procedure provides that the wages and salary of labourers and domestic servants, whether payable in money or in kind, to the extent of the first hundred rupees and one-half the remainder of such salary, shall not be liable to attachment or sale in execution of a decree, whether such attachment or sale is decreed before or after these are actually payable. In addition the attachable portion of salary other than salary of a public officer or a servant of a railway company or local authority is exempt from attachment until it is actually payable.

The Central Public Works Department Contractors' Labour Regulations apply to labour employed directly or indirectly by the Central Public Works Department or its contractors and provide for the fixation of wage periods which shall not exceed one month. Wages are required to be paid before the expiry of ten days after the last day of the wage period and in case of termination of employment of a worker the wages must be paid before the expiry of the day succeeding the one on which his employment is terminated. Wages are

required to be paid directly to the workers on a working day in current coin or currency or in both.

The regulations require the contractor to display and maintain, correctly and legibly, notices in English and the local Indian language spoken by the majority of the workers, giving the rate of wages certified as fair wages and the hours of work for which such wages are earned. The contractor is required to maintain a wage register for each worker showing the rate of daily or monthly wages, the total number of days worked during each wage period, the total amount payable for the work during each such wage period, all deductions made from the wages, together with the reasons therefor, and the wages actually paid for each wage period. He is also required to maintain a wage card for each worker.

No deductions from wages except those prescribed are allowed. The total of fines in any one wage period is not to exceed an amount equal to half an anna per rupee of wages payable to a worker in respect of that wage period. The contractor is required to maintain a register of fines and of deductions for damage or loss.

The administration of the Payment of Wages Act, 1936, in mines and railways (other than railway workshops) is the responsibility of the Chief Labour Commissioner (Central). The state governments have the power to appoint authorities to administer the Act in respect of other industries in their respective territories. In most of the states the administration of the Act is the responsibility of the Chief Inspector of Factories. The report lists a certain number of states where this responsibility is entrusted to other officials, in particular to labour commissioners.

The state governments have also appointed authorities to hear and decide claims arising out of deductions from wages or delays in the payment of wages.

The Minimum Wages Act, 1948, provides for the appointment by the appropriate government of inspectors to enforce the payment of minimum wages. The Chief Labour Commissioner (Central) and officers under him have been appointed inspectors for central undertakings. Owing to financial considerations, no special staff has as yet been established in most of the states, except in Hyderabad and Orissa where certain labour officers or labour commissioners have been appointed as inspectors.

The Act empowers the appropriate government to appoint the authority for any specified area to hear and decide claims arising out of payment of less than the minimum rates of wages fixed under the Act.

The civil courts supervise the application of the provisions of the Civil Procedure Code relating to the attachment or assignment of wages and salaries.

Under the Central Public Works Department Contractors' Labour Regulations labour welfare officers have been made responsible for ensuring payment of wages to contractors' labour, and divisional officers are responsible for ensuring the payment of wages to departmental labour.

The organisations of employers and workers are represented in equal numbers on the advisory committees and subcommittees appointed under the Minimum Wages Act, 1948, for the fixation and revision of minimum wage rates; on the advisory boards set up for co-ordinating the work of these committees and subcommittees; and on

the Central Advisory Board set up to advise the governments in the matter of the fixation and revision of minimum wage rates and to co-ordinate the work of the advisory boards.

No modifications have been made in national legislation with a view to giving effect to the provisions of the Convention. The Government considers that the scope of the Convention is too wide to allow of its ratification in the light of existing provisions. For the present no action is contemplated to give effect to those provisions of the Convention not yet covered by national legislation or practice.

The report adds that both the central and the state governments are competent to deal with the subject matter of the Convention.

Indonesia.

Civil Code.
Ordinance on Free Labour, 1911-1940.
Regulations for Labour in Industry, 1941.

There is no special legislation to give effect to the Convention but certain of its provisions are covered by the above-mentioned laws and regulations.

Article 3 of the Convention. Section 1602 (h) of the Civil Code provides that wages shall be paid in legal tender current in Indonesia; if the wage was fixed in foreign money, it shall be calculated according to the exchange rates in force at the place where and at the time when payment is made or, if there is no exchange rate there, to the exchange rates at the nearest place of business. Exemptions from this provision have been made for certain provinces or parts of provinces. The 1941 regulations mentioned above prohibit employers from fixing, directly or indirectly, the workers' wages in forms other than money.

Article 4. Section 1601 (p) of the Civil Code provides that the wages of workers whose housing is not supplied by their employers shall include certain allowances, in particular, money, meals, light, work clothes, a certain number of goods produced and raw materials used in the industry, as well as the use of tools and instruments, etc., required by the workers. The supplying of spirituous liquors or opium is forbidden. In addition section 1601 (r) of the Civil Code contains provisions as to the settlement and calculation of wages.

Article 5. The report states that the regulations in force in Indonesia conform to this Article. Employers are required to pay wages to the worker directly unless he has authorised payment to another person.

Article 6. Section 1601 (s) of the Civil Code and section 6 (1) (d) of the Regulations for Labour in Industry prohibit and nullify any agreement obliging the workers to spend their wages in a specified manner or to buy goods from a specified person or in a specified place. This does not apply to agreements concerning participation in a fund satisfying the conditions fixed by Ordinance. Section 1601 (t) provides that an unlawful contract shall not be binding on the worker. However, the court has the right to limit the claim of the worker to the extent it deems appropriate and just. The right of appeal to the court expires after six months.

Article 7. Section 6 (1) (c) of the Regulations for Labour in Industry prohibits the employer from selling goods, directly or indirectly, to his workers at prices above local market prices.

Article 8. Section 1602 (p) of the Civil Code provides that on pay-day the employer is required to pay the wage in full, except for work paid by output for which a special procedure is prescribed. Section 1602 (r) lists the deductions which an employer is permitted to make at the end of a worker's employment. Sections 2 (2) and 2 (3) of the Ordinance on Free Labour authorise deductions agreed to by both parties to a contract or those determined by a court decision. The amount of deductions shall not exceed one-quarter of the total of the last wage payment. Section 5 (2) of the Regulations for Labour in Industry provides that deductions prescribed by the Income Tax Ordinance shall be permitted only for the payment of debts and for contributions to legal funds, and in amounts not exceeding one-quarter of the total of the last wage payment.

Article 9. There is no legislation in Indonesia corresponding to this Article, but the report states that, in practice, labour inspectors endeavour to prevent this kind of deduction.

Article 10. Section 1602 (g) of the Civil Code provides that the employer shall not be permitted, for the purpose of attachment, to withhold more than one-fifth of wages amounting to Rs.8 or less per day. In the case of wages amounting to more than Rs.8 per day, the employer may also withhold the amount exceeding Rs.8.

The transfer of wages or any other means by which a worker gives up his rights to another person is permitted only to the extent that attachment is permissible.

Article 11. Wages due in respect of services rendered during the year which precedes bankruptcy and wages due for current work are considered as privileged debts and, in the order and priority of debts, come after legal expenses.

Article 12. Section 1602 (l) of the Civil Code provides that wages, the payment of which is fixed by the week or by shorter periods, shall be paid every week. When the interval between payments is longer than a week but shorter than a month, payment shall be made after the prescribed period. Finally, if the wage period is longer than one month, payment shall be made every three months. The wages of workers living with their employer may be paid at the commonly accepted time, unless there is a written agreement or a law requiring that payment should be made at the intervals mentioned above. The period between wage payments may be shortened by agreement between the parties concerned. Section 1602 (m) provides that wages fixed in money, but without a prescribed wage period, may be paid according to the provisions of section 1602 (l).

Section 2, paragraph 1 of the Ordinance on Free Labour requires employers to pay wages in full. Section 2, paragraph 1 of the Regulations for Labour in Industry requires employers to pay wages regularly, at least once a month.

Article 13. Section 1602 (k) of the Civil Code provides that if the place of payment of wages is

not mentioned in a contract or fixed by law or custom, the payment of wages may be made (according to the amount involved) at the workplace or in the employer's office if the latter is near the majority of workers' dwellings, or even in the workers' dwellings.

The supervision of the application of the relevant legislation and regulations is entrusted to the labour inspection board.

The Ordinance on Free Labour and the Regulations for Labour in Industry are considered as integral parts of public law; infringements come under the Civil Code.

The report concludes that practice in Indonesia concerning the protection of wages is in conformity with the spirit of the Convention and that no modification has been made in the national legislation and practice with a view to giving effect to all or any of the provisions of the Convention.

Ireland.

Intoxicating Liquor (Ireland) Act, 1815.

Truck Acts, 1831-1896.

Wages Attachment Abolition Act, 1870.

Hosiery Manufacture (Wages) Act, 1874.

Metalliferous Mines Regulation Act, 1872.

Preferential Payments in Bankruptcy (Ireland) Act, 1889, as amended by the Companies Act, 1908.

Quarries Act, 1894.

Coal Mines Act, 1911.

Agricultural Wages Acts, 1936-1947.

The Truck Acts, 1831-1896, apply to all workers as defined by the Employers and Workmen Act, 1875, viz., labourers, servants in husbandry, journeymen, handicraftsmen, miners or those otherwise engaged in manual labour; the Acts do not extend to domestic workers.

The Truck Act, 1831, provides that: (1) a worker's wage must be paid in cash, that is in coin, and not in kind; (2) an employer may not impose any restrictions as to how or where the wages may be spent by the employee; (3) the price of goods supplied on credit by employers to workmen is irrecoverable at law; (4) employers may make no deductions from wages except where expressly authorised by this or subsequent Acts.

There are, however, certain exceptions to these general prohibitions. Section 23 of the Truck Act, 1831, authorises employers to supply their workmen with certain goods and services (medical care, food, tools, lodging, etc.) and to deduct their price from the wages, provided that such goods are supplied at cost price in accordance with a written contract signed by the workman.

The Truck Amendment Act, 1887, authorises, under certain conditions, deductions for the education of the children of the workman or for sharpening tools; the Truck Act, 1896, permits other deductions (fines, deductions for materials supplied, etc.) provided that such deductions are fair and reasonable and are part of the terms of the contract signed by the workman or are set out in a notice which is always affixed where the workmen can see it.

The Truck Acts authorise certain contracts commonly made with farm workers by which these workers receive food and other necessities in addition to their money wages. These Acts even apply to workmen who, though not employed at regular wages, make articles at home and sell them to persons who are virtually their employers. They also provide for the punishment of agents

of the employer in cases where an offence has been committed without the employer's knowledge.

The Hosiery Manufacture (Wages) Act, 1874, prohibits deductions for frame rents and renders illegal any contract including such deductions.

The Wages Attachment Abolition Act, 1870, applies to any servant, labourer or workman and has the effect of restraining the courts from giving an order for the attachment of workers' wages.

The Intoxicating Liquor (Ireland) Act, 1815, prohibits the payment of wages in licensed premises to any journeyman, workman, servant or labourer. The same prohibition, which also extends to houses of entertainment, is also provided in the Metalliferous Mines Regulation Act, 1872, the Quarries Act, 1894, and the Coal Mines Act, 1911.

The Preferential Payments in Bankruptcy (Ireland) Act, 1889, as amended by the Companies Act, 1908, provides that all wages or salary due to any clerk, labourer, workman or servant of a bankrupt person or company shall be paid with priority over all other debts.

The Agricultural Wages Act, 1936, provides that the Agricultural Wages Board shall fix by order the minimum rates of wages for agricultural workers.

The Acts mentioned above are enforced by the courts of justice.

The Government gives the following reasons for the non-ratification of the Convention.

As stated in the report, while it appears that in the case of most workers in Ireland the provisions of the Convention are effectively implemented by the existing common law and statute law, and more particularly by practice, it appears also that classes of non-manual workers are not expressly provided for, particularly in respect of the provisions of Articles 8, 9 and 10 of the Convention, relating to deductions from and the assignment of wages. Domestic workers do not come within the scope of the Truck Acts and consequently are not protected by statute against the principal abuses which the Convention is designed to eliminate.

The following are the difficulties which, in the view of the Government, prevent the ratification of the Convention in respect of all workers:

Article 3, paragraph 2 of the Convention. The Government believes that this Article seems to require some positive act of "permission" on the part of the competent authority to sanction payment otherwise than by legal tender to those workers who are not protected by the Truck Acts.

Articles 8 and 9. There is no general restriction in Irish law against deductions from wages. The Truck Acts, 1831-1896, and the Hosiery Manufacture (Wages) Act, 1874, contain provisions protecting certain classes of workers, but they do not apply to all wage earners to whom the Convention relates.

Article 10. This Article requires that wages may not be attached or assigned except in the manner or within the limits prescribed by national laws or regulations. There is no positive prohibition of assignment in Irish law. A ruling on the application of the Truck Acts declares that payment of a worker's wages to a person nominated by the

worker is equivalent to payment to the worker himself.

Another difficulty appears to arise in connection with Article 9, as without some new positive limitation of assignment of wages a worker might make an assignment of his wages which would not be in accordance with this Article.

Article 12, paragraph 1. While the payment of wages at regular intervals is the rule in industry in Ireland, there is no law prescribing what the intervals should be.

The Government has considered whether it could ratify the Convention in respect of manual workers only but, in examining what measures should be taken in relation to these workers in the case of ratification, it came to the conclusion that while the Convention is fully applied in spirit and in practice it is doubtful whether all the requirements of Articles 9, 10 and 12 could be given effect to by law.

The report states that there is no evidence that the abuses which the Convention seeks to eliminate exist in Ireland; the introduction of legislation with the sole purpose of permitting ratification of the Convention would therefore not be justified.

Japan.

Labor Standards Law, No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).
Regulations for the enforcement of the Labor Standards Law (Ministry of Welfare Ordinance, No. 23 of 30 August 1947).
Mariners' Law No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).
Regulations for the enforcement of the Mariners' Law (Ministry of Transport Ordinance, No. 23 of 1 September 1947).
National Public Service Law, No. 120 of 1947.
Law No. 95 of 1950 concerning the compensation of employees in the regular government service.
Rules of the National Personnel Authority, based on the National Public Service Law.
Local Public Service Law, No. 261 of 1950.
Civil Code (Law No. 89 of 1896).
Commercial Code (Law No. 48 of 1899).
Code of Civil Procedure (Law No. 29 of 1890).
Bankruptcy Law, No. 71 of 1922.
National Tax Collection Law, No. 21 of 1897.

Almost all collective agreements in Japan contain provisions relating to matters dealt with under Articles 3, 5, 12, 13 and 14 of the Convention.

Article 1 of the Convention. The term "wages" is defined under section 11 of the Labor Standards Law as the wage, salary, allowance, bonus and every other payment to the worker from the employer as remuneration of labour. Under section 6 of the Mariners' Law this provision is applied *mutatis mutandis* to mariners. The National Public Service Law contains no definition of wages.

Article 2, paragraph 1. The Labor Standards Law (sections 8 and 9) is applied in principle to all persons to whom wages are paid or payable. The Mariners' Law is applied to all mariners serving on board Japanese vessels, excluding vessels of less than 5 tons gross, those navigating lakes or rivers or within harbours exclusively, and fishing vessels of less than 30 tons gross. Not all the provisions of the Labor Standards Law are applicable to mariners. However, as regards the protection of wages, the Mariners' Law contains provisions similar to those contained in the Labor Standards Law.

The National Public Service Law is applied to regular government service personnel, but not to special government service personnel. The Labor

Standards Law is not applied to regular government service personnel employed in national undertakings. Unless otherwise provided, the Labor Standards Law is applicable to special government service personnel whose wages, however, are provided for on a general basis in a law concerning wages for special government service personnel.

The Local Public Service Law is applied to regular local government service personnel, while various provisions of the Labor Standards Law, with some exceptions, are applied to local public service personnel. The Local Public Service Law provides (Chapter III, section 4) the basic standards of wages for the personnel concerned. Matters concerning the method and conditions of payment of wages for the personnel of these various services are to be fixed by local by-laws.

Article 2, paragraph 2. The Labor Standards Law does not apply to any undertaking employing only persons living with the employer as members of his family, or to domestic employees (section 8). The Labor Standards Law was enacted after a series of consultations with and the adoption of proposals and suggestions by employers' and workers' organisations. The Central Labor Standards Council and the Prefectural Labor Standards Council were established pursuant to section 98 of the Labor Standards Law and sections 13 and 16 of the Ministry of Labor Organization Law. The Central Labor Standards Council, whose members comprise equal numbers of representatives of workers, employers and the public, is responsible for the investigation of matters pertaining to the enforcement and improvement of the Labor Standards Law.

Article 3. According to the report the Labor Standards Law provides (section 24) that wages payable in money shall be paid only in legal tender; this law prohibits the payment of wages in the form of promissory notes, vouchers or coupons. However, payment other than in cash may be permitted where provided for by law or order or collective agreement. Wages for national public service personnel must be paid in legal tender, pursuant to section 3 of the National Public Service Law. Section 53 of the Mariners' Law provides that the salary, wages or other remuneration shall be paid direct to the mariner in currency and in full, unless otherwise provided by law, ordinance or collective agreement.

Article 4, paragraph 1. The payment of wages in kind is permitted only when it is so provided by national laws, regulations or collective agreement (section 24 of the Labor Standards Law and section 53 of the Mariners' Law).

National public service personnel may receive payment in kind such as housing, board, uniforms and other commodities (section 5, paragraph 2 of the National Public Service Law). However, commodities lent to them free of charge are considered as part of wages paid in kind; but the report states that at present there are no cases in which housing, board, uniforms, etc., are given or lent as part payment of wages.

Article 4, paragraph 2. Section 2 of the Regulations for the Enforcement of the Labor Standards Law provides that when the payment of wages other than in legal tender is provided for in collect-

ive agreements the value attributed to such allowances should be fair and reasonable, and that if the value so attributed is deemed inadequate the Head of the Prefectural Labor Standards Office may decide on another value.

In cases where part payment of wages in the form of allowances has been authorised by section 5 (2) of the National Public Service Law, the wages for the personnel concerned must be adjusted. A law will be enacted to ensure that the value attributed to such allowances is fair and reasonable.

Article 5. The Labor Standards Law (section 24, paragraph 1) provides that wages shall be paid directly to the worker concerned. Further, section 59 provides that a minor has the right to receive wages independently, and that his parent or guardian shall not receive as proxy the wage earned by the minor. Section 53 of the Mariners' Law provides that the salary, wages or other remuneration shall be paid directly to the mariner in currency and in full. Section 56 of this Law provides that the shipowner shall, if called upon by a mariner to do so, pay the salary, wages or any other remuneration of the mariner to one of his relatives who is living with him or to a person maintained by the income of such mariner.

Rule No. 9 (4) of 1949 of the National Personnel Authority provides that the compensation for the national public service personnel shall be paid directly to such personnel, except as specially authorised by law or Cabinet Orders issued thereunder.

Article 6. The Civil Code (section 206) provides that the owner shall have the right and freedom to dispose of his possessions.

The Labor Standards Law provides that the employer must not deduct wages to collect money advanced or other claims advanced on condition of labour. Further, the employer must not make a deposit contract or a contract to keep the savings-note, concomitant with the labour contract (sections 17 and 18). The Mariners' Law (section 34) prohibits compulsory savings. However, the Mariners' Law provides (section 35) that the shipowner shall not set off a claim against a mariner, against his obligatory duty to pay the mariner his salary or wages, except in cases where the amount of deduction does not exceed one-third of that of the salary or wages, or where the shipowner has a claim against the mariner for damages caused by his criminal act.

Article 7, paragraph 1. There is no corresponding provision in national laws or regulations, but the Government believes that no such coercion exists.

Article 7, paragraph 2. No measures have been taken to ensure that goods are sold and services are provided at fair and reasonable prices, and the Government does not consider that, in the present circumstances, such measures are particularly necessary.

Article 8, paragraph 1. The Labor Standards Law (section 24, paragraph 1) provides that the deduction of a part of the wage may be permitted where provided for by the law or order or a written agreement with the trade union, when there is a union composed of a majority of the workers at the workplace, or with persons representing a

majority of the workers when there is no such union.

The Mariners' Law (section 53) provides that the salary, wages or other remuneration shall be paid directly to the mariner in currency and in full, unless otherwise provided for by law, ordinance or collective agreement.

As regards national public service personnel, National Personnel Authority Rule No. 9 (3) of 1949 prohibits any deduction from wages unless otherwise provided for by law or by ordinance for the application of such law.

The conditions under which and the extent to which deductions from wages are made are provided for by national laws or regulations, written agreement by the employer and the employee or collective agreement and rules of employment.

Article 8, paragraph 2. In order to obtain official authorisation for deductions from wages, the employer must include the conditions under which and the extent to which such deductions may be made in the Rules of Employment drawn up pursuant to section 89 of the Labor Standards Law. This Law also provides (section 106) that the employer shall inform the workers of the Rules of Employment by displaying or posting them up in conspicuous places throughout the workplace and by other means.

Article 9. In accordance with section 24 of the Labor Standards Law, section 53 of the Mariners' Law and Rule 9 (4) of 1949 of the National Personnel Authority, wages must be paid in full directly to workers. In addition the Labor Standards Law and the Mariners' Law (section 6) have the effect of excluding the exploitation of workers by intermediaries. Unless permitted by law no person shall obtain profit as a profession by intervening in the employment of others.

The Labor Standards Law (section 16) provides that the employer is prohibited from making a contract which fixes in advance either the sum payable to the employee for breach of contract or the amount of indemnity for damage. Under section 17 of the same law and section 35 of the Mariners' Law the employer must not deduct wages to collect money advanced or other advances made as a condition for employment.

As regards national government employees Rule 9 (3) of the National Personnel Authority, 1949, lays down that any deduction from wages should be prohibited except when provided for by law or Cabinet Order or regulation permits.

Article 10. Sections 570 and 618 of the Code of Civil Procedure lay down that the extent to which wages may be attached should be in principle one-fourth of the amount of money to be paid on pay-day and that the extent to which attachment is prohibited may be decreased by the court (sections 570 (2) and 618 (2)). The National Tax Collection Law (section 16) limits attachment to not more than 25 per cent. of the amount of money to be paid to the delinquent on his pay-day.

Article 11, paragraphs 1 and 2. The privileged treatment of preferential wage credits in the event of the bankruptcy or liquidation of an undertaking is permitted under sections 306, 308 and 324 of the Civil Law, sections 39 and 40 of the Bankruptcy Law, and sections 295, 448 and 455 of the Commercial Law.

Article 11, paragraph 3. The relative priority of wages over other privileged debts is provided for in sections 329 to 332, 334 and 341 of the Civil Law, and sections 295, 842 and 845 of the Commercial Law.

Article 12, paragraph 1. The Labor Standards Law (section 24 (2)) and the Mariners' Law (section 53 (2)) provide that wages must be paid at least once a month at a definite date and that the intervals of payment of wages should be one or more times a month. As regards national public servants section 9 of the law concerning the payment of wages for ordinary personnel stipulates that wages should be paid twice a month. However, the Rules of the National Personnel Authority provide that wages may be paid once a month with the approval of the Authority.

Article 12, paragraph 2. The Labor Standards Law (section 23) provides that, upon the worker's death or dismissal, the employer must complete the payment of wages within seven days of the claimant's request. The Mariners' Law lays down (section 54) that if a mariner has been discharged, or has retired from his service, the shipowner must without delay pay the mariner the salary, wages or any other remuneration, even before the pay-day. As regards national government employees Rule 9 (7) of 1953 of the National Personnel Authority lays down that when a person leaves his employment or dies during the paid period before the pay-day, wages due to him shall be paid.

In case of dispute as regards wages due, the final settlement is made by the courts, taking into account the national laws or regulations, trade agreement, arbitration award or collective agreement.

Article 13, paragraph 1. There is no law or regulation which requires the payment of wages on working days and at or near the workplace. However, as regards national government employees Rule 9 (7) of 1953 of the National Personnel Authority lays down that wages shall be paid on working days. As regards other workers, wages are paid on working days and at the workplace according to the prevailing usage and administrative guidance.

Article 13, paragraph 2. There are no laws or regulations which prohibit the payment of wages in taverns. The report states that in Japan such payments have not been made.

Article 14. The Labor Standards Law (section 15) and the Mariners' Law (section 32) provide that in making a labour contract the employer must make clear to the worker the wages, working hours and other working conditions. The Labor Standards Law also lays down (section 89) that the Rules of Employment must include the method of determination, computation and payment of wages, the date of closing the account and the payment of wages and other particulars. Section 97 of the Mariners' Law and section 70 of the Regulations for the Enforcement of the Mariners' Law contain similar provisions.

Wage conditions for national public servants are fixed under the National Public Service Law, and National Personnel Authority Rules Nos. 9 (7) of 1953, and 9 (8) of 1951. At the time of each payment of wages, the detailed account slip is delivered; the pay-roll is drawn up in accordance with section 68 of the National Public Service Law.

Article 15, clause (a). The Labor Standards Law (section 106) stipulates that the employer must inform the workers of the gist of the Labor Standards Law and the ordinances based on this law and on the Rules of Employment, by displaying or posting them up in conspicuous places throughout the working place and by other means. Section 113 of the Mariners' Law contains similar provisions. The Official Gazette of the laws and regulations is published for the use of national government employees.

Article 15, clause (b). Both workers and employer are responsible for ensuring compliance with the Labor Standards Law and the Mariners' Law. Section 1 (3) of the National Public Service Law lays down that all government employees are responsible for ensuring the application of the legislation; the National Personnel Authority is entrusted with enforcement.

Article 15, clause (c). Adequate penalties or other appropriate remedies for violations are prescribed by the Labor Standards Law, the Mariners' Law, and the National Public Service Law.

Article 15, clause (d). The Labor Standards Law (section 108) and the regulations for the enforcement of this law (section 54) stipulate that the employer must draw up wage ledgers in which the basic facts for the calculation of wages and the amount of wages are entered. The National Public Service Law contains similar provisions.

The Minister of Labor is responsible for the enforcement and supervision of the Labor Standards Law and relevant laws or regulations. He is assisted by the directors of the Labor Standards Bureau and the Women's and Minors' Bureau of the Ministry of Labor. As regards local governments there are the chiefs of prefectural Labor Standards Offices (totalling 782 inspectors) attached to 46 prefectures, and 336 chiefs of Labor Standards Inspection Offices (totalling 1,655 inspectors).

The enforcement and supervision of the Mariners' Law and relevant laws or regulations are entrusted to the Minister of Transport, assisted by the director of the Maritime Transport Bureau, and, as regards local governments, by ten chiefs of local Maritime Bureaux. The Minister of Transport may also designate mayors and heads of town or village governments, as well as Japanese consuls abroad, to ensure the application of the legislation.

As regards national public employees the National Personnel Authority, comprising three commissioners selected by the heads of local governments, has been established under the jurisdiction of the Cabinet for the purpose of ensuring the enforcement of the National Public Service Law as well as the enforcement of the Rules of the National Personnel Authority. The heads of the administrative departments are responsible for the supervision of their subordinate officers.

As regards local government employees the heads of prefectural governments, together with their auxiliary organs or the National Personnel Authority, are responsible for the enforcement of the Local Public Service Law.

The criminal and civil courts have jurisdiction over the final settlement of disputes arising in connection with the application of the Labor Standards Law, the Mariners' Law and other relevant laws and regulations.

The report states that Japan has not ratified this Convention as yet, but that legislation and practice do not conflict with its provisions. It is not considered necessary to amend the national legislation.

The Government adds that the reason why Japan has not yet ratified this Convention is that Japan has only recently returned to the International Labour Organisation and the preparatory procedure for the ratification of Conventions has not yet been completed. There are no laws or regulations which specifically deal with the subject-matter covered by four provisions of the Convention, namely those relating to the prohibition of payment in kind, such as payment of wages in the form of liquor of high alcoholic content or of noxious drugs, the prohibition of any coercion to make use of stores established in plants or of services operated in connection with an undertaking, the promotion of services provided at fair and reasonable prices, and the prohibition of the payment of wages outside the workplace, especially in taverns and other similar establishments. The reports state that such abuses have not been observed in Japan.

The Government states that points which have not been clarified by laws or regulations will be covered by "explanations in management and administrative guidance of laws or regulations in force".

New Zealand.

Bankruptcy Act, 1908.
Licensing Act, 1908.
Public Contracts Act, 1908.
Shops and Offices Act, 1921-1922.
Workers' Compensation Act of 9 September 1922 (L.S. 1926—N.Z. 2 B).
Coal Mines Act of 1 October 1925 (L.S. 1925—N.Z. 2).
Mining Act of 11 September 1926 (L.S. 1926—N.Z. 1).
Public Service Superannuation Act, 1927.
Magistrates Court Act, 1928.
Act of 25 October 1930 to amend the Apprentices Act of 1922 (L.S. 1930—N.Z. 2).
Companies Act, 1933.
Agricultural Workers Act of 18 September 1936 (L.S. 1936—N.Z. 5).
Wages Protection and Contractors' Liens Act, 1939, as amended by the Act of 1952.
Factories Act of 12 October 1946 (L.S. 1946—N.Z. 4).
Statutes Amendment Act, 1951.
Shipping and Seamen Act, 1952.

Article 1 of the Convention. The term "wages" is defined in the Wages Protection and Contractors' Liens Act, 1939, as any payment for any service or work rendered or done, or to be rendered or done; the Shipping and Seamen Act, 1952, provides that the term "wages" includes emoluments and the Agricultural Workers Act, 1936, indicates that a definition is unnecessary, as wage rates are stated in money.

Article 2. As regards paragraph 1 the combined effect of the Wages Protection and Contractors' Liens Act, the Shipping and Seamen Act and the Agricultural Workers Act, 1936, is to apply the Convention to all persons to whom wages are paid or payable. There are no exclusions under paragraph 2, and paragraph 3 is not applicable.

Article 3. Wages are generally paid in cash, but payment by cheque occurs to a minor extent, by consent of the worker. The Shipping and Seamen Act provides for an agreement with each seaman indicating the currency in which wages are to be paid. The Agricultural Workers Act contains wage rates expressed in terms of money and provides for payment in full.

Article 4. The Wages Protection and Contractors' Liens Act provides for the payment of wages in money, subject to certain exemptions such as medicine, tools, outfit, fodder, the letting of land and dwellings (tenements), board and lodging. The Shipping and Seamen Act provides that where a seaman is discharged before a Superintendent in New Zealand his wages are to be paid through or in the presence of the Superintendent. The restrictions under the Dangerous Drugs Act, 1927, are a practical deterrent on the possibility of an employer paying wages in drugs. Remuneration in addition to the cash wage is paid in kind to workers in hotels, boarding houses and restaurants, and to maritime workers, agricultural workers, building trades workers and others sent to employment away from the place of engagement, where such employment involves living away from home, and to domestic workers. In addition, the Agricultural Workers Act contains provisions relating to board and lodgings provided for agricultural workers. Provision for the payment of cash wages is made pursuant to collective agreement or arbitration award in the case of hotel, boarding house or restaurant employees, maritime workers and building trades workers. Agricultural workers and domestic workers are subject to legislative enactment (Minimum Wage Act, 1945). This Act also contains provisions relating to authorised deductions for board and lodging.

The intention of the Convention also underlies the provisions of the Shipping and Seamen Act and is implied in collective agreements and industrial awards affecting maritime workers and shearers.

Paragraph 2 (b) of this Article of the Convention is covered by the Wages Protection and Contractors' Liens Act and the Agricultural Workers Act. In a number of awards the position is met by specifying the amount concerned.

Article 5. Wages are payable to workers personally, irrespective of age, sex, or marital status. Payment may be made to a proxy in certain cases (Wages Protection and Contractors' Liens Act, Shipping and Seamen Act and Agricultural Workers Act).

Article 6. It is an offence for an employer to limit in any manner the freedom of the worker to dispose of his wages. This is ensured by the Wages Protection and Contractors' Liens Act and is the practical effect of the Shipping and Seamen Act.

Article 7. While various commodities from time to time are subject to the existing price-control measures, there is no legislative provision dealing specifically with prices charged by works stores as such, nor is there any restriction on these stores being operated at a profit for the employer's benefit. However, the Wages Protection and Contractors' Liens Act provides that employers are not entitled to maintain an action in any court against workers for or in respect of any goods supplied by the employer to the worker.

Transport facilities are such that the number of cases where workers enjoy no convenient alternative means of shopping are few and far between. The Wages Protection and Contractors' Liens Act ensures that works stores are regulated except in agricultural employments. Inspections of such employments have not brought to light any such stores during many years past.

Article 8. Protection is afforded by the Wages Protection and Contractors' Liens Act, as indicated under Articles 4 and 5. In addition, deductions are prohibited for sharpening or repairing tools, except by agreement, and in respect of any policy of insurance against injury by accident or of certain other types of insurance. However, employers may advance money to be contributed by the worker to a friendly society, life insurance company or association, etc., or for the relief of a worker or family in sickness, or in other specified cases.

The Factories Act specifies the deductions that can be made from the wages of any boy or of any woman under 18 years of age (illness or default, or temporary closing of the factory). Deductions for public purposes are regulated by special statutes as, for example, the levy on wages for social security under the Social Security Act, 1938. Charges upon seamen's wages are invalid by virtue of the Shipping and Seamen Act; no deductions are to be allowed unless they are included in the statement made at the time of discharge. Where any wages are forfeited under this Act, the wages forfeited are paid into the Public Account and form part of the Consolidated Fund.

As regards paragraph 2 of this Article of the Convention, the Industrial Conciliation and Arbitration Act, 1925, provides for display of the award stating the conditions of employment. The Agricultural Workers Act, 1936, requires the keeping of time and wages books, specifies the details to be shown therein, and requires that the entry of the particulars shall be signed by the agricultural worker at the time of payment of his wages. The wages and allowable deductions from seamen's wages are included in their agreement.

Article 9. Deductions with a view to retaining or obtaining employment would not be authorised under the provisions of the Wages Protection and Contractors' Liens Act. The Shipping and Seamen Act specifically precludes a deduction for such purpose. The Factories Act, 1946, also provides that no premium in respect of the employment of any person in a factory shall be paid to the occupier; the Shops and Offices Amendment Act, 1936, contains similar provisions.

Article 10. The Wages Protection and Contractors' Liens Act provides that no order attaching or charging the wages of any worker shall be made in any court except in certain conditions; this also applies to seamen and agricultural workers. The Industrial Conciliation and Arbitration Act, 1925, contains provisions regarding judgments for the attachment of the wages of a worker.

Article 11. The Bankruptcy Act, 1908, provides that the moneys received by the assignee from the realisation of the property of a bankrupt shall be applied in payment of the wages or salary of any clerk or servant in respect of services rendered to the bankrupt during the four months immediately preceding the date of the filing of a petition, not exceeding the sum of £100, as well as the wages of any artisan, labourer or workman, in respect of services rendered to the bankrupt during this same period, not exceeding £50, and any sum ordered by the court to be paid to an apprentice or an articulated clerk. The Act indicates the relative priority of wages to the extent that they are preferential, and for the balance of wages owing. Similar provisions are found in the Com-

panies Act, in the case of insolvent companies. The Apprentices Act, the Shipping and Seamen Act, the Coal Mines Amendment Act, 1927, and the Mining Act, 1926, contain provisions on this matter for the categories of workers concerned. The Wages Protection and Contractors' Liens Act creates a special system of lien and charge for contractors, subcontractors and workers where work upon or in respect of any land or chattel is involved.

Article 12. The Wages Protection and Contractors' Liens Act provides that, in the absence of an agreement in writing to the contrary, the entire amount of wages earned by or payable to any worker shall be paid to him at intervals of not more than one week if he is employed in manual labour, and, if not, at intervals of not more than one month. The Factories Act, 1946, provides for the payment of wages at not more than fortnightly intervals. The Shops and Offices Act, 1921-1922, states that payment to shop assistants shall be made in full at weekly intervals or at such shorter intervals as are agreed on. The Shops and Offices Amendment Act, 1936, provides for payment to office assistants at monthly intervals. The Agricultural Workers Act provides that the payment of wages shall be made in full at monthly or shorter intervals. The Shipping and Seamen Act stipulates that, subject to any certain provisions in the agreement, all wages earned shall be paid monthly. This Act also contains provisions with regard to the final settlement of all wages due on the termination of a contract of employment. Awards usually, but not invariably, contain some provisions relating to the regular payment of wages and to the termination of employment.

Article 13. The Mining Act and the Coal Mines Act provide that, if so required by a majority of the workmen, wages shall be paid either at the mine or at some place not more than two miles from the mine. The Coal Mines Act also specifies that no wages shall be paid at or within any public house, etc. Most awards make some reference to either the day or place of payment. Further, the Licensing Act provides for penalties in cases where wages are paid in licensed premises, except in the case of workers employed in such premises.

Article 14. As practically all employment in New Zealand is subject to some form of control by way of Acts, awards, or collective agreements it can be said that, generally speaking, all workers are aware that the conditions governing employment in any particular occupation must be displayed in a conspicuous position near the entrance of the employer's place of business. As regards seamen the master of every ship for which an agreement with the crew is required shall have a legible copy of the agreement with the crew posted up in some part of the ship accessible to the crew. In the case of agricultural workers, Extension Orders covering orchardists and tobacco growers contain information relating to the wages payable, and instructions regarding the display of the orders.

It is part of the normal administrative set-up of the workers' organisations, whose coverage embraces practically all occupations in New Zealand, to keep their members fully up to date with the latest information concerning wage rates and changes therein.

The Shops and Offices Act, 1921-1922 provides that the occupier of a shop must keep a record called the wages and time book.

Provision along the above lines is contained in the Factories Act, 1946, the Agricultural Workers Act and the Apprentices Act, as well as in some awards.

Article 15. With regard to clause (a) adequate publicity to all legislation and regulations in any way affecting the interests of employers and wage earners is available through such channels as newspapers, chambers of commerce, accountants and secretaries institutes, and employers' and workers' unions and associations.

As regards clause (b) responsibility is placed on the master or employer, either directly or through his agent.

In respect of clause (c) of this Article references to offences and penalties are made in the extracts from the various Acts referred to in Articles 3 (2), 4 (1), 6, 9, 12 (2), 13 and 14 of the Convention. Thus, the Wages Protection and Contractors' Liens Act provides for fines of £50, and the Agricultural Workers Act provides for fines of 5s. for every day during which the default continues. Similar provision is made under the Factories Act, 1946, and the Shops and Offices Act.

As regards clause (d) of Article 15 the report refers to the information relating to the keeping of wages and time books, submitted under Article 14.

The effective payment of wages to the worker is secured as a result of a system of supervision by officers of the Department of Labour and Employment, who have power to take civil proceedings for the recovery of wages. Persons committing offences are liable to a fine. The factory inspectorate supervision embraces factories, shops, offices, all places where collective agreements or arbitration awards apply, all farms to which the Agricultural Workers Act, or Extension Orders thereunder apply, and all other employments to which the Wages Protection and Contractors' Liens Act applies. The supervision arrangements operated through the Marine Department are effective in protecting the wages of seamen.

Workers' unions assist workers by way of briefing counsel and prepaying costs incurred by a worker in bringing proceedings for the recovery of wages. Such unions may also institute proceedings for breaches of collective agreements and arbitration awards.

No modifications have been made in existing legislation on the subject of the Convention.

The Convention is applied in New Zealand principally by the Wages Protection and Contractors' Liens Act and the Shipping and Seamen Act. As the former does not apply to agricultural workers the principles enunciated in the Convention do not operate in their entirety in agriculture. Apart from this, New Zealand law and practice do not fully conform to the following provisions of the Convention: Article 8 (possible inadequacy of notification to workers regarding deductions), Article 9 (no specific provision precluding such deductions in the case of agricultural workers), Article 10 (in view of present-day wage levels, the protection afforded now may be inadequate), Article 13 (regarding the payment of wages at or near the workplace and prohibition in retail shops and in places of amusement) and Article 14 (provision of itemised statements of wages).

Pakistan.

Payment of Wages Act of 23 April 1936 (L.S. 1936—Ind. 1).

The Payment of Wages Act, 1936, covers most of the matters dealt with in the Convention.

Article 1 of the Convention. "Wages" under the Payment of Wages Act means all remuneration capable of being expressed in terms of money, payable to a person employed, in respect of his employment or of work done in such employment; it includes any bonus or other additional remuneration of the nature aforesaid and does not include the value of any house accommodation, supply of light, water, medical or other amenity or of any service excluded by general or special orders of the provincial government, any contribution paid by the employer to any compensation fund or provident fund, any travelling allowance or the value of any travelling concession, any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment, or any gratuity on discharge.

Article 2. In the first instance the Act applies to railways and factories and can be extended by executive orders to specified categories of industrial establishments.

Articles 3 and 4. Under the Act all wages shall be paid in current coin or currency or in both. Deductions for house accommodation supplied by the employer or for such amenities and services supplied by the employer as the provincial government may by general or special order authorise are made from the wages of an employed person, provided that the services mentioned above have been accepted by him as a term of employment or otherwise.

Article 5. The general practice is to pay wages directly to the workers unless the person concerned has agreed to the contrary.

Article 6. Workers are free to dispose of their wages in any manner.

Article 7. No coercion is imposed to make workers use work stores. The provisions of paragraph 2 are complied with as far as possible.

Article 8. Deductions authorised under the Act include in particular: fines; deductions for absence from duty; deductions for damage to or loss of goods expressly entrusted to the employed person for custody, when this is directly attributable to his neglect or default; deductions for recovery of advances, income tax payable by the employed person, deductions for subscriptions to any provident fund and for payments to co-operative societies approved by the provincial government, and deductions required to be made by order of a court or other authority competent to make such orders.

Article 9. Provisions for the prohibition of any deductions from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary, do not expressly exist under the law. But it has been made clear in the Act that every payment made by the employed person

to the employer or his agent shall be deemed to be a deduction from wages, and no deductions may be made except those mentioned above.

Article 10. No provision concerning the protection of wages against attachment is made in the law.

Article 11. There is no provision for safeguarding the worker against the non-payment by the employer of arrears in wages in the event of the liquidation or bankruptcy of an undertaking.

Articles 12 and 13. Under the Act every person responsible for the payment of wages shall fix periods at which wages are payable; no wage period shall exceed one month. In this connection the Act lays down the periods to be observed by railways, factories, etc., in cases where more and in cases where less than a thousand persons are employed in the establishment.

When the employment of any person is terminated the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

All payments are made on a working day and at the workplace. The payment of wages is not made at any time in taverns or other similar establishments or places of amusement.

Article 14. Provincial governments have been authorised to frame rules requiring the display in a conspicuous place on premises where employment is carried on of notices specifying rates of wages payable. Deductions in respect of fines for damage or loss are not made unless an employed person has been given an opportunity of showing cause against a fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of the fines.

Article 15. The law provides for the display of notices giving extracts from the Act by the person responsible for the payment of wages. In addition, it contains the conditions laid down in clauses (b) to (d) of this Article.

The Ministry of Labour, through the Central Labour Commissioner, is entrusted with the supervision of the application of the Act in the central sphere, while provincial governments are responsible in the provincial sphere. No specific manner is prescribed for calling upon the workers' and employers' organisations to co-operate in the application of the legislation.

This Convention, together with the other instruments adopted at the 32nd Session of the International Labour Conference, was examined to ascertain the possibilities of its ratification and it was found that, as the scope of the Convention was too wide as compared with the existing Payment of Wages Act, 1936, it could not be ratified in Pakistan for administrative reasons.

The Government adds that the Constitution of Pakistan is still in the making and that the subject of payment of wages calls for action by both the central and the provincial governments in their respective spheres.

Philippines.

Act of the Republic, No. 602 of 6 April 1951, to establish a minimum wage law, and for other purposes (L.S. 1951—Phil. 1).

Act No. 3962 of 2 December 1932 to amend section 50 of the Insolvency Law (No. 1956).
Commonwealth Act No. 303 respecting the payment of wages.

The provisions of the Convention are applied by Act No. 602 concerning minimum wages and by Commonwealth Act No. 303. These legislative texts establish the time and place for the payment of wages, prohibit the coercion of workers with a view to making them use works stores or services set up in an undertaking, prohibit the payment of wages by any means other than legal tender, etc.

The provisions of the Convention concerning the attachment and assignment of wages and the preferential payment to workers in the case of judicial liquidation or bankruptcy are covered by section 735 of the Civil Procedure Code, as amended by Acts Nos. 3960 and 3962 and by section 50 of the Insolvency Law.

The Wage Administration Service of the Department of Labour is directly responsible for the enforcement of Act No. 602 concerning minimum wages.

In Resolution No. 140 of 21 May 1953 the Senate approved the ratification of the Convention.

Sweden.

When Convention No. 95 and Recommendation No. 85 were submitted to the Swedish Parliament it was pointed out that the subjects with which they deal are regulated in Sweden by legislation to a slight degree only and that, even if it were considered appropriate to prepare a Swedish Act on contracts of employment and related matters, it would be hardly possible to include in such an Act provisions corresponding to those of the Convention.

The Convention presupposes the existence of regulations, whereas the view generally held in Sweden is probably that the greatest possible freedom should be given to the parties to agreements. In addition the question was raised whether the Convention—on several points and, in particular, in respect of the persons who are to be treated as privileged creditors regarding wages in case of the employer's bankruptcy—was not more comprehensive than Swedish law and practice. The modification of Swedish legal practice so as to have regard to the provisions of the Convention is not contemplated.

The Government adds that the ratification of the Convention by Sweden is not considered appropriate and no action is contemplated in respect of the Recommendation.

Switzerland.

Code of Obligations of 30 March 1911.
Federal Act of 11 April 1889 concerning Debts and Bankruptcy.
Federal Factory Act of 18 June 1914.
Ordinance for the Application of the Federal Factory Act of 3 October 1919.

The legal provisions applicable in the matter of the protection of wages are the following: sections 84; 125, 2; 128, 3; 159; 330; 333; 334; 340; 343, 2 and 3; 344; and 354, of the Code of Obligations; sections 92, 93 and 219 of the Federal Act concerning Debts and Bankruptcy; sections 25 and 28 of the Federal Factory Act; sections 105, 106, 109 and 112 to 116 of the Ordinance for the Application of the Federal Factory Act.

The report refers to the reply of the Swiss Government to the I.L.O. questionnaire on the

protection of wages; this reply is contained in Report VI (c) 2, submitted to the International Labour Conference in 1948.¹

Under the Federal Factory Act the factory inspectors are entrusted with the supervision, at the federal, cantonal or communal level, of the application of the Act.

No modifications have been made in national legislation and practice with a view to giving effect to all the provisions of the Convention. However, the draft Federal Labour Act, prepared by the Federal Office of Industry, Arts and Crafts, and Labour, contains new provisions concerning the contract of employment which are based on modern conceptions of labour law.

The Government also refers to the report of the Federal Council to the Federal Assembly on 25 September 1950, describing the position concerning legislation relating to the protection of wages and the reasons why it was not proposed to ratify Convention No. 95.

The federal authorities do not intend to take measures to give effect to the provisions of the Convention which are not yet covered by the national legislation or practice.

As a considerable number of the relevant provisions of the national legislation concern civil law, and legislation in this field is within the competence of the Confederation, no action on the part of the cantons is called for.

Turkey.

Labour Code (Act No. 3008) of 8 June 1936 (L.S. 1936—Tur. 2).

The Labour Code contains provisions relating to the principles envisaged by the Convention.

Section 19 of the Code provides that wages shall be paid in money which is legal tender.

Section 27 (c) provides that employees shall not be compelled to make purchases at works stores.

The circumstances and conditions under which a sum may be deducted from a worker's remuneration are laid down in section 22 of the Code. According to the report remuneration up to the sum of T£60 a month shall not be subject to attachment, alienation or cession; however, this section does not apply to legal maintenance allowances payable by a worker for members of his family.

Section 19 provides that wages shall be paid at least once a week.

The Ministry of Labour is entrusted with the supervision of the application of the above-mentioned provisions concerning the questions dealt with by the Convention. Account is taken of observations received from employers' and workers' organisations.

The Government states that the principles of the Convention are guaranteed by the national legislation. The necessary formalities for the ratification of the Convention are in progress.

Union of South Africa.

Native Labour Regulation Act, 1911.

Insolvency Act, 1936.

Industrial Conciliation Act of 14 May 1937 (L.S. 1937—S.A. 3).

Wage Act of 18 May 1937 (L.S. 1937—S.A. 4).

Shops and Offices Act, 1939.

Factories, Machinery and Building Work Act, 1941 (L.S. 1941—S.A. 3).

Natives (Urban Areas) Consolidation Act, 1945.

Native Building Workers Act, 1951.

In addition to the above-mentioned Acts, which contain provisions relating to the matters dealt with in the Convention, all wage-regulating instruments include provisions regarding the payment of wages.

The Industrial Conciliation Act, 1937, the Wage Act, 1937, and the Native Building Workers Act, 1951, in terms of which wages may be fixed, prohibit under penalty the waiving of any rights which an employee acquires under a wage-fixing instrument, the conclusion of any agreement which would result in an employee receiving benefits less favourable than those prescribed, or the repayment to an employer of any remuneration due to an employee in terms of any such wage enactment.

The Factories, Machinery and Building Work Act, 1941, the Shops and Offices Act, 1939, and the Acts mentioned above all require the maintenance of records of wages paid, etc., and provide for penalties in case of contravention. Contraventions of any wage enactments promulgated under the Acts mentioned in the preceding paragraph are also punishable under criminal law. These enactments are published in the Government Gazette and, in most instances, copies of any laws which are applicable must be displayed in a place accessible to all employees, where also the employer must display a notice specifying the time when and the place at which the payment of wages will be effected.

The Insolvency Act, 1936, makes the wages of employees within certain limits a preferential claim on an insolvent estate and fixes the degree of priority which such a claim must be given in relation to other preferential claims. In the case of an employee engaged by the month the limit is two months' wages and in the case of an employee engaged by the week the limit is two weeks', with a further limit of £50 in each case.

Wage determinations, industrial (collective) agreements and arbitration awards regulate the conditions of employment in most industries, and the payment of wages is dealt with in such instruments on a more or less standard basis. Thus, the wage determination of 19 September 1952 for the tea, coffee and chicory industry provides that subsistence allowances and transport allowances and expenses shall be paid by the employer within seven days of the employee's written claim therefor, provided that an employee does not submit more than one claim for any such allowances and expenses in any one week, and in addition submits such demands at intervals of at least once per month. The determination also provides that the amount due to an employee shall be paid weekly in cash or, if the employer and employee have agreed thereto, monthly in cash or by cheque, during the hours of work on the usual pay-day of the establishment in respect of such employee, or on the termination of employment if this takes place before the usual pay-day; the envelope containing the pay shall show the number of ordinary and overtime hours worked, the remuneration due, the period in respect of which payment is made, etc. The remuneration due to a casual employee must be paid in cash on the termination of his employment. No payment may be made or accepted in respect of the employment or training of an employee. An employer shall not require his employee to purchase any goods or meals from

¹ International Labour Conference, 31st Session, San Francisco, 1948, Report VI (c) 2: *Wages (c)—Protection of Wages* (Geneva, I.L.O., 1948).

him or from any person or shop nominated by him. Save as provided in the Natives (Urban Areas) Consolidation Act, 1945, or in the Native Labour Regulation Act, 1911, no employer shall require his employee to board or lodge with him or with any person or at any place nominated by him. Finally, the wage determination enumerates authorised fines and deductions; these include deductions for holidays, sick benefit, insurance, contributions to certain funds, subscriptions to a trade union, absence from work, deductions authorised by any law or order of a competent court and deductions for board and lodging and short-time.

Arbitration awards and industrial agreements usually follow the pattern set by wage determinations, with adaptations to suit particular circumstances. As regards deductions for quarters, fuel and other benefits, the employer may not charge his employees more than the cost price and he may not sell goods manufactured by him at a rate higher than his own wholesale selling price. Determinations made in terms of the Native Building Workers Act follow the same lines as the other enactments.

The enforcement of wage-regulating instruments is a function of the Department of Labour, but power to administer their own agreements is given to Industrial Councils, with the Department holding a watching brief. Contraventions of all industrial legislation, including determinations and industrial agreements, are punishable under criminal law and in the last resort, therefore, enforcement can be effected through the courts. Organised workers and employers associated on Industrial Councils enforce their own agreements with their own inspectors.

No modifications of any relevant laws have been made since 1949, but the principles embodied in the earlier Acts were included in the Native Building Workers Act in 1951.

The report summarises the reasons for the non-ratification of the Convention as follows: (1) The terms of Article 2 (1) are so wide, applying to all persons to whom wages are payable, that it would be impracticable to deal with the position in the manner suggested in Article 2 (2), i.e., by the exclusion of certain categories of persons. The ratification of the Convention involves an undertaking to apply the terms of the Convention and all its supervisory provisions to any wage earner not specifically excluded either by the Convention itself or by action under Article 2 (2) or Article 17. On that basis it is impossible to give the guarantee of enforcement which ratification involves. The system adopted in the Union of South Africa is the gradual application of the major provisions of the Convention by incorporating adequate provisions in collective agreements, arbitration awards and the wage determinations under the Wage Act. There are today 88 registered industrial councils regulating by collective agreements the conditions of employment of some 350,000 workers. There are in operation 93 wage determinations regulating the conditions of employment of some 378,000 workers. These wage-regulating instruments comply largely with the provisions of the Convention and in some respects exceed them. This form of control has been extended over the years and it is only by that method that those principles of the Convention which are accepted can be applied. (2) It is considered to be in the interests of workers recruited from tribal areas that a portion of their

wages should be withheld with their consent until the termination of the contracts, so as to ensure that they will not be without resources when they return to their homes. (3) It is considered that the motives for which a trader conducts a store fall outside the contractual relationship of employer and employee; the provision in the Convention calling upon the competent authority in certain circumstances to exercise supervision over trading stores is not acceptable in principle. (4) Where sources of labour are often far removed from industrial centres the services of labour recruiting agents are deemed to be necessary and, in these and other cases where an employee is placed in employment by a third party, it is not considered unreasonable that the fee payable by the employee should be a charge against his wages.

The report concludes that, with the gradual extension of the applicability of industrial legislation, all workers will probably receive the same protection in the course of time as that accorded to workers in industry at present, but there is no intention as yet to amend the legislation so as to make provision for those matters to which an objection in principle has been registered.

United States.

United States Code (U.S.C.): Title 11, section 104; Title 12, sections 1703 et seq.; Title 20, sections 251 et seq.; Title 29, sections 201 to 217; Title 30, section 187; Title 31, section 462; Title 40, sections 276 (a), (b), (c), 321 et seq.; Title 41, sections 35 to 45; Title 42, sections 291 et seq., 1401 et seq., 1591 et seq.; Title 46, section 605; Title 49, sections 1101 et seq.
Code of Federal Regulations (C.F.R.): Title 29, Parts 3, 5, 516, 531.

The Government regards the provisions of the Convention as appropriate in part for federal action and in part for action by the states.

In addition to the above-mentioned legislation, the provisions of the Convention are frequently dealt with in collective bargaining agreements, as set out below.

Article 1 of the Convention. The Government considers that no report is necessary on this point.

Article 2, paragraph 1. As the Convention is appropriate in part for state action, federal statutes and regulations do not apply to all persons to whom wages are paid or payable. The Fair Labor Standards Act of 1938, as amended (Title 29 U.S.C., 201 to 217), brings within the general coverage of its wage and hours provisions employees who are "engaged in commerce or in the production of goods for commerce", as defined in the Act. Coverage is primarily an individual matter concerning the nature of the employment of the particular employee. The Act provides certain exemptions from its wage and hour requirements.

The Walsh-Healey Public Contracts Act (Title 41 U.S.C., 35 to 45) applies to any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States for the manufacturing or furnishing of materials, supplies, articles or equipment in any amount exceeding \$10,000.

Pursuant to the Copeland Anti-Kickback Act, as amended (Title 40 U.S.C., 276 (b), (c)), the Secretary of Labor promulgated regulations concerning the

protection of wages of workers engaged in construction, alteration and/or repair of a public building or public work, or building or work financed from federal funds or in accordance with guarantees of a federal agency or financed from funds obtained by pledge of any contract of a federal agency to make a loan, grant or annual contribution (Title 29 C.F.R., Part 3). These regulations are applicable to work performed under a number of Acts and laws.

Section 187 of Title 30 of the United States Code provides that miners employed on mining properties leased from the Government shall be paid wages at least twice a month.

Section 605 of Title 46 of the United States Code provides that money paid under the laws of the United States, by direction of consular officers or agents, at any foreign port, as wages, due to American seamen, shall be paid in gold or its equivalent, without any deduction whatsoever, notwithstanding any contract to the contrary.

Article 2, paragraph 2. In many instances federal statutes and regulations relating to protection of wages provide for the exclusion from their application of categories of persons whose circumstances and conditions of employment are such that application would be inappropriate. These exemptions are not necessarily limited to those workers who are employed in work other than manual labour. None of the federal statutes or regulations which make the exemptions, however, are put into effect without organisations of employers and employed persons being given opportunity to express their views. The Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Prevailing Wage Act (Davis-Bacon Act), the Eight-Hour Act and a number of other texts contain provisions relating to coverage and exemptions.

Article 3, paragraph 1. Title 31 U.S.C., 462, provides that all coins and currencies of the United States (including federal reserve banks and national banking associations) which are coined or issued shall be legal tender. Under the Fair Labor Standards Act scrip, tokens, credit cards, coupons, promissory notes, vouchers, and similar devices are not proper mediums of payment. The acceptance of such devices by the employees does not discharge the obligation of the employer to pay wages, but they may be used by the employer to determine the amount of cash which is due to the employee provided they are redeemed at the end of the pay period for cash. Generally, cash is the medium used in the United States for wage payments, although collective agreements may not refer to this specifically. In some small establishments it is not unusual to find a requirement that wages be paid in cash. Some agreements permit payment by cheque or, by omission of reference to the subject of wage payment methods, allow use of cheques. Provision is often made for cheque cashing facilities on the premises of the employer where payment by cheque is permitted.

Article 3, paragraph 2. Federal laws and regulations which relate to protection of wages do not prohibit the payment of wages by cheque or money order, except as noted above.

Article 4. Section 3 (m) of the Fair Labor Standards Act has the effect of allowing the employer to pay employees covered by the above

Act less cash wages than the amount due to them as a minimum wage and overtime compensation, if facilities such as board and lodging are customarily furnished by the employer, and the reasonable cost of such facilities will, when added to the cash paid, bring the total in cash and facilities to an amount equal to or exceeding the amount due under the Act. Only those facilities that are primarily for the benefit of the employee to whom they are furnished may be considered to be payment of wages and their costs deducted from the amount actually due. Under the Walsh-Healey Public Contracts Act the Secretary of Labor determined that payroll deductions constituting the partial payment of wages in the form of allowances in kind are limited and permissible in the same manner as those permitted under the Fair Labor Standards Act. The Secretary of Labor has authorised partial payment of wages in the form of allowances in kind under a number of Acts, subject to specified conditions.

Under collective agreements some industries provide for allowances in kind, services or privileges in addition to money wages and other industries are sometimes covered by agreement clauses.

Article 5. The Fair Labor Standards Act provides that every employer shall pay to each of his employees the applicable minimum wages. Payment of the wages is permitted to a third person to whom the employee's right of payment has been assigned. The situation is the same under the Walsh-Healey Public Contracts Act. Probably because wages as a matter of general industry practice are paid directly to workers, collective agreements rarely, if ever, refer to the requirement that wages shall be paid directly to the worker.

Articles 6 and 7. Federal statutes and regulations provide that the employee shall receive wages as his own without any restriction upon his right of subsequent disposal. Any restricted wage under the Davis-Bacon Act or related statutes is considered to constitute a deduction and hence subject to applicable regulation thereof.

Regulations under the aforementioned federal laws of deductions from employees' wages for the furnishing of board, lodging, or other facilities are applicable to merchandise furnished by work stores.

Collective agreements rarely refer to any matter relating to restrictions placed on a worker's freedom to dispose of his or her wages. In general practice such restrictions are not found, regardless of whether or not collective agreements exist; this, of course, applies to the net wages paid. With reference to "work stores", clauses are found in some agreements relating to the employees' use of company owned or operated stores and services. Usually such goods and services are available to the employees at reduced prices.

Articles 8 and 9. Under authority of section 4 of the Walsh-Healey Public Contracts Act, the Secretary of Labor has promulgated rules and regulations concerning the deductions from wages of employees covered by the Act. Permissible payroll deductions are to be determined in accordance with the principles applicable under the Fair Labor Standards Act (Title 29 U.S.C., 201 to 219). In general, payroll deductions are permitted where the amount deducted is paid to an independent third person pursuant to a voluntary assignment or order of the employee, provided the

employer does not derive a profit or benefit directly or indirectly from the deductions. There are special provisions relating to the effect of the payment of overtime on payroll deductions. The employer may make payroll deductions in any amount for the reasonable cost to the employer or an affiliated person, as determined by the Secretary of Labor, of furnishing an employee with board, lodging, or other facilities when such items are customarily furnished. In all instances, however, the Secretary of Labor has determined that the wage requirements of the Acts will not be met where the employee "kicks-back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee. Section 50 of the Secretary's Rulings and Interpretations, No. 3, requires that the employees covered by the provisions of the Act be fully informed of the conditions under which and the extent to which deductions from salaries may be made.

Deductions from employees' wages under the provisions of the Davis-Bacon Act and related Acts are governed by the Secretary of Labor's regulations entitled "Anti-Kickback Regulations" (Title 29, Part 3, section 3 (5)).

Workers and all interested persons are informed by the competent authority of the conditions under which and the extent to which deductions may be made by publication of such permissible payroll deductions in the Federal Register. The Copeland (Anti-Kickback) Act provides that whoever induces any person employed in the construction, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract shall be fined not more than \$5,000 or imprisoned for not more than five years, or both.

The deductions most commonly found in collective agreements in the United States are for union dues and initiation fees and, to a lesser extent, deductions for union fines and assessments. Other deductions allowed under agreements are employee contributions for benefit plans, reimbursements for damages or loss of company equipment or property, and deductions as required by law, such as for federal social security and income tax.

Clauses concerning the prohibition of deduction from wages of fees exacted for obtaining or retaining employment are rarely, if ever, found in collective agreements other than provision for the control of union dues and initiation fees.

Article 10. Reference is made to the information submitted under Article 5. The Secretary of Labor has issued regulations prescribing that the obligation of payment of wages to the employee by the employer of a sufficient amount of a proper medium of payment for the purpose of discharging his obligation continues, regardless of any change in the identity of the obligee, until an act of payment by the employer or other person acting in his behalf is sufficient under the Acts covered. It is specified that payments of federal, state and local taxes, levies and assessment assessed against the employee and required by law to be collected by the employer and forwarded by him to the appropriate governmental agency are valid payments of wages. Similarly, an employer is legally obliged by court order to pay a sum for the benefit or credit of the employee to a creditor of the employee, a trustee,

or other third person under garnishment, wage attachment, trustee process, or bankruptcy proceedings. These regulations also specify that payment by an employer to a third person for the benefit of an employee pursuant to a voluntary assignment or order of the employee, constitutes payment of wages within the requirement of the various Acts, providing that no benefit to the employer or any person acting in his behalf or interest accrues directly or indirectly as a result of the transaction. An assignment or order that is not voluntarily made, however, is ineffectual.

As a general rule clauses which relate to provisions permitting attachments or assignments of wages are rarely found in collective agreements. Plant rules refer more frequently than collective agreements to attachments of wages.

Article 11. Federal legislation pertaining to bankruptcy (Title 11 U.S.C., 104) provides debt priority as follows: (1) Actual and necessary cost and expenses of preserving the estate subsequent to filing the petition. (2) Wages not to exceed \$600 to each claimant, which have been earned within three months before the date of the commencement of the proceeding, due to workmen, servants, clerks or salesmen on salary or commission basis, whole or part time.

Article 12, paragraph 1. Reference is made to the information supplied under Article 2. Title 29 C.F.R., Part 3, requires that all mechanics and labourers will be paid not less often than once a week. Under the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act the payment of both the minimum wages and overtime compensation due to employees under the Acts must ordinarily be made at the end of the week in which they are earned or at the end of the regular pay period of which the week is a part. A majority of collective agreements which specify pay periods provide for a weekly pay-day.

Article 13. No federal legislation or regulations exist relative to the subject-matter of this Article. In general practice wages are paid on work days and on company premises. Comprehensive references to such arrangements are not often found in collective agreements. Some agreements specify a particular day or monthly date as pay-day. In practically all cases payment of wages is made during working hours or immediately after the workday ends.

Article 14. Under the Fair Labor Standards Act, Administrative Regulations (Title 29 C.F.R., Part 516) require that a notice to the employees covered be posted up by the employer in conspicuous places giving notice to the employees, *inter alia*, that the minimum wage requirement is at least 75 cents an hour and that overtime after 40 hours a week must be paid at at least time-and-one-half the regular rates. Regulations under the Walsh-Healey Public Contracts Act require the contractor to post a copy of the contract stipulations giving the information suggested by this Article of the Convention. Under other federal Acts which relate to the protection of wages of workers employed on federal construction or supply contracts, regulations require the posting up of the Secretary of Labor's wage determination decision by the contractor at the site of work in a prominent place where it can be easily seen by the workers. Such wage

determination decision covers the information stipulated by this Article of the Convention.

In some instances collective agreements provide that the workers be given a copy of the agreement by the company. In most other instances some other method usually exists whereby the workers are informed of wage conditions upon being employed or at the time of changes made in wages. Unions are especially active in the United States in safeguarding workers' wage levels where changes in rates of pay may result from new rates established under revised incentive wage systems. Often the workers receive copies of the agreements directly from their unions. Even in those instances where copies of agreements are not available to workers it is usual for the personnel departments of the various companies to inform the workers of wage conditions.

Article 15, clauses (a) and (b). Reference is made to the information set forth under Article 14. The laws and regulations are brought to the notice of all persons concerned by publication prior to their becoming effective and clearly define the persons responsible for ensuring compliance.

Article 15, clause (c). Adequate sanctions are applied for failure to observe and apply the provisions of the laws and regulations giving effect to the provisions of the Convention. (Section 16, Title 29 U.S.C., 201 to 217; Title 29 C.F.R., Parts 5 (8) and 5 (9), and sections 57 to 63 of the Public Contracts Rulings and Interpretations.)

Article 15, clause (d). Regulations promulgated under many of the relevant Acts require that public contracts include stipulations that payroll records pertaining to workers covered by these Acts be maintained during the course of the work and be preserved for a period of three years. Under the Fair Labor Standards Act, Administrative Regulations, Part 516, it is required that each employer shall preserve for at least three years all adequate records of employment.

The Secretary of Labor administers, through the Wage and Hour and Public Contracts Division, the supervision of the application of the legislation and regulations relating to federal construction or supply contracts and those relating to work performed under the Fair Labor Standards Act. The Secretary of the Interior administers the federal laws and regulations which relate to the leasing of mines or well-drilling on government property. The Secretary of State administers the laws and regulations under which consular officers or agents operate.

In formulating legislation or regulations in the field of protection of wages and related fields, representatives of employers and workers are consulted and make known their views at Congressional hearings or public hearings arranged by the interested Departments or Agencies of the Government held during the course of considerations of such legislation or regulations.

The Government states that no modifications have been made in the national legislation or practice with a view to giving effect to all the provisions of the Convention at the present time.

As the provisions of the Convention apply to all workers to whom wages are paid or payable except for the exemptions allowed and involve, to a considerable degree, areas of state jurisdiction, the

Convention is not considered to be appropriate for ratification.

State Legislation and Regulations.

Full information as to all state laws and regulations with respect to all of the matters covered by the Convention presently is not available in Washington. According to information which is available, the facts are as follows:

All but seven states of the United States have enacted statutes relative to the frequency of payment of wages due to workers. These statutes generally require employers to designate two days in each month, not less than 16 days apart, as regular and fixed semi-monthly pay-days for the payment of wages. All wages due shall be paid on that date, except that in the case of employees remaining in the service of any such employer, wages not to exceed five days' labour may be withheld. Persons guilty of infringement are punishable by a fine.

Twenty-one states have enacted laws which require employers to post up notices specifying regular pay-days and the time and place of payment of wages due to employees.

All but 16 states in the United States have enacted laws which require the immediate payment of all wages due to employees upon the termination of their employment.

Every state with the exception of seven has enacted laws which, in effect, require all employers to pay any wages or compensation due to an employee in lawful money of the United States, or negotiable bank cheque payable on demand. These statutes also generally prohibit the payment of wages in scrip or payment in kind.

With reference to Article 7 of the Convention, 14 states have enacted statutes which specifically provide that whoever compels or in any manner seeks to compel an employee to purchase goods or supplies from any person or store shall be subject to a substantial penalty.

Twenty-five of the states have enacted laws which specifically limit the employer's right to make deductions from wages.

With reference to Article 9 of the Convention, 16 states have enacted laws which prohibit the deduction from wages or the "kicking back" of any portion of employees' wages for the purpose of obtaining or retaining employment.

Uruguay.

Act No. 9675 of 4 August 1937 concerning contracts for the construction industry.

Act No. 10449 of 12 November 1943 to set up wage boards for all activities, with the exception of public services administered by the State, and of agriculture.

Decree promulgating regulations under the above-mentioned Act.

Act No. 10644 of 4 September 1945.

Act No. 10809 of 16 October 1946 concerning rural workers, (sections 1 to 9 respecting wage rates, and board and lodging).

Act No. 11718 of 27 September 1951 to fix wages for sheep-shearing.

The Act of 12 November 1943 establishes the concept of the legal minimum wage, prohibits any form of truck system, lays down that the legal minimum wage shall be paid in national currency and prohibits payment in any other form.

The Act accords to workers the right to have their wages paid to Justices of the Peace or to the National Labour Institute and related services. The latter may represent the workers in wage claims. Contraventions of the Act are punishable

by a fine varying from 50 to 500 pesos. Refusal to produce, upon demand by a labour inspector, vouchers or other documents recording payment is punishable by a fine of from 50 to 100 pesos.

Supervision is exercised jointly by the National Labour Institute and Related Services and the Wage Board, which, under section 20 of the Act, has the right to inspect wage vouchers.

The application of the legislation is ensured through the Collective Agreements and Wage Legislation Department. Every year considerable sums are paid through the Department in respect of differences between wages paid and legal wages.

The inspectorate general and the departmental inspectors also make inspection visits to check the observance of the Wage Board's awards.

Documents in proof must show, *inter alia*, the age, occupational class and wages of each employed person.

Workers may claim wages through summary procedure, the decision being taken on the sole evidence of the wage sheet and a certificate issued by the National Labour Institute and related services. Employers may be condemned to pay all costs and, in addition, to pay damages to workers up to as much as 50 per cent. of the amount of wages owing. The application of the Act is satisfactory.

Act No. 10644 of 4 September 1945 is complementary to the previous Act and adds to it a further guarantee for the protection of wages: it provides for the sequestration of the employer's property for the purpose of claiming wages within certain time limits. The Supreme Court of Justice has rejected a plea by certain employers that the Act is unconstitutional.

The Act is often applied, e.g., in the case of Montevideo bakeries, of metallurgical undertakings, of mechanical workshops, etc. The sums awarded in damages under the Act are considerable. All costs and fees are charged to the employers.

Viet-Nam.

General Decree of 25 October 1927 and subsequent decrees concerning work on plantations.

General Labour Regulations of 12 July 1951.

Ordinance No. 15 of 8 July 1952 to promulgate the Labour Code, and Ministerial or regional decrees issued in application of this Ordinance.

Ordinance No. 26 of 26 June 1953 to promulgate the Labour Code for agricultural undertakings.

The provisions of the Convention are covered for the most part, with regard to agricultural workers, by the provisions of the General Decree of 25 October 1927 (sections 5, 8, 15, 25 to 31, 36, 40, 41, 46, 47, 50, 51, 53 to 56, 59, 95 and 98), as modified by subsequent decrees; the General Decree of 11 November 1918 (section 62); the General Decree of 16 March 1949 (sections 1 to 8 and 11); the General Labour Regulations of 12 July 1951 (sections 6 and 12); and Ordinance No. 15 of 8 July 1952 (sections 127, 128 and 346 to 351).

As regards other classes of workers, with the exception of domestic servants and navigating staff (air and sea), the full application of the Convention is assured by sections 29 and 107 to 139 of Ordinance No. 15 of 8 July 1952.

Special legislation will be adopted in the near future with regard to navigating staff (air and sea). The regulations at present concern only their special conditions of work. As a result the protection of wages of this category of workers is at present regulated by the legal provisions of the Civil Code

and the Commercial Code, which deal only with the question of privileged debts (Article 11 of the Convention). However, in general, the provisions of the Labour Code are also applied in practice to these categories of workers.

The authorities entrusted with supervising the application of the above-mentioned legal and administrative provisions are, at the national level, the Ministry of Labour and the general labour inspectorate, and at the regional and provincial levels, the regional and provincial labour inspectorates.

The collaboration of employers' and workers' organisations is provided for by section 318 of the Ordinance of 8 July 1952, under which the advisory committees may be consulted, among other things, on all questions concerning labour.

In addition, in undertakings employing 100 wage earners or more, the workers' delegates have among their functions the task of collaborating with the management of the undertaking so as to assure proper application of conditions of work in general (section 152 of the above-mentioned Ordinance).

The report states that the national legislation covers the provisions of the Convention, if not completely and to the letter, at least in part and in spirit, with regard to workers in industry, commerce, mines, and the liberal professions. With regard to workers on plantations the new Labour Code for agricultural undertakings, promulgated on 26 June 1953, has filled certain gaps in previous legislation. The Code has taken into account the principles set forth in the Convention, and on the whole covers the provisions of the latter, except as regards one or two points, such as the obligations resulting from Article 13 of the Convention which, in the particular case of plantation workers in Viet-Nam, do not appear to be of such importance that it is necessary to provide for them by legislation. Where necessary, collective agreements could cover the provisions concerning these obligations.

Yugoslavia.

Decree of 20 April 1945 concerning the wages of workers and employees in State and private economic undertakings, as well as in private institutions and organisations.

Act of 1946 respecting the Public Prosecutor's Office.

Act No. 44 of 29 May 1948 concerning government officials.

General Instruction No. 31 of 9 March 1949 concerning the drawing up of internal regulations for undertakings.

Decree No. 11 of 7 March 1952 concerning the distribution of wage funds and concerning the remuneration of workers and salaried employees in economic undertakings.

Constitutional Act of 13 January 1953.

The basic provisions governing the attachment of wages in Yugoslavia are those dealing with the procedure for distraint, under which all payments in cash may be attached for the purpose of clearing a debt except that part of the payment necessary for minimum subsistence.

Section 34 of the Act concerning government officials permits the attachment up to one-third (or one-half in the case of alimony) of the net remuneration of an official for the purpose of clearing a debt owed by him. Wages may be attached as compensation for debts owing to the State or its citizens, either as the result of irregular acts committed by the official during his period of employment, or in respect of compensation required under common law, not connected with the period of employment. The attachment may be ordered by decision of the competent body or head,

by administrative channels in the case of an irregular act during employment, or by judicial means. The official may appeal to a competent tribunal against the decision. He also has the right to ask for attachment through administrative channels. Maintenance allowances for children are in no case subject to attachment.

Section 21 of the decree concerning the wages of workers and employees in state economic undertakings also permits the attachment of one-third (or one-half in the case of alimony) of the wages provided for by the decree, for the purpose of clearing debts under civil law.

The decree of 1952 concerning the distribution of wage funds and concerning the remuneration of workers and employees in economic undertakings does not contain any special provisions to this effect. However, in virtue of the basic principles of the autonomous management of undertakings by the workers, the groups of workers are free to introduce provisions limiting attachments, in the wage regulations which are drawn up by the workers themselves. The new procedure has not changed the existing judicial practice.

The decree of 1952 provides, *inter alia*, for the method of paying wages. Section 23 thereof lays down that wages shall be paid at intervals specified by wage regulations. If it is not possible to establish the wage fund during the period specified by the wage regulations, payments are made each month to wage earners and salaried employees until such time as the wage fund is established.

Wage payments are made once a month to persons employed by the State Administration, but every 15 days, or twice a month, to those employed by economic undertakings.

Wage payments are made on working days, in cash only, and directly to the person concerned. There are no special provisions on the subject, but similar provisions are contained in the internal regulations of undertakings. The payment of wages may be made to another person only by means of a written authorisation from the worker himself; the authorisation may be annulled at any time by a simple notification to the treasurer (according to civil law).

The General Instruction concerning the drawing up of internal regulations for undertakings requires all undertakings and institutions to establish internal regulations which must contain a special chapter relating to the payment of wages. This fixes the hour, day and place of wage payment; requires the employer to give the worker a written statement of the wages due and deductions, if any; establishes the right of the worker to make any appeal concerning wage payment, the period during which the appeal may be made and the competent person to whom the appeal may be made. Point 16, paragraph 2, of this General Instruction provides that the internal regulations must be posted up at visible places in the undertaking and its principal plants in a manner ensuring that the contents of the regulations are easily made known to all persons employed. Point 17 requires the responsible heads of the undertaking to make known the provisions in the regulations to all workers at the time of their recruitment.

Articles 15 (b) and 16 of the new Constitutional Act of 13 January 1953 indicate that labour legislation, including that giving effect to this Convention, is a federal responsibility.

The supervision of the application of the legislation mentioned is entrusted to organs of the labour inspectorate, which collaborate closely with workers' organisations. These organisations participate in the elaboration of all provisions concerning work relations and in the supervision of their application.

Section 1 of the Act concerning the Public Prosecutor's Office provides that this Office, as the competent organ for the enforcement of the law in general, shall also supervise the application of provisions ensuring the application of the Convention.

No modifications have been made in law and practice on the matters covered by the Convention, in view of the fact that the provisions mentioned above and the system of the autonomous management of undertakings by the workers render impossible any incorrect practice and ensure the complete protection of wages. The Government considers that there are no material difficulties which are likely to prevent the ratification of the Convention.

Protection of Wages Recommendation, 1949: R. 85

Afghanistan.

The report reproduces the information and extracts from the relevant legislation relating to wages given in respect of Convention No. 95.

No modifications have been made in the national law and practice with a view to giving effect to all or some of the provisions of the Recommendation. However, the matter has been submitted to the competent authorities for consideration.

The Government intends to adopt measures to give effect to those provisions of the Recommendation which are not yet covered by the national law and practice.

Argentina.

The Government refers to its report on Convention No. 95.

Austria.

The matters dealt with in the Recommendation are regulated in Austria by legislative, administrative and practical measures.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* In Austria deductions from wages are for the most part regulated by law. Deductions which are not so regulated must, according to section 22 (*h*) of the Collective Agreement Act of 1947, be regulated by the rules of the undertaking. Both types of regulation afford a guarantee that the means of livelihood of the worker are not endangered thereby. The report contains details regarding various statutory deductions, such as social insurance, taxes, permissible deductions in respect of advances on salary or wages and deductions in special cases (e.g., fines imposed for disciplinary reasons) under the Industrial and Labour Codes.

Deductions from wages in respect of loss or damage to the employer's products, goods or equipment are seldom provided for in Austrian labour law; the Mining Act provides that the worker is responsible only for damage to lamps and tools provided for him gratis by the employer, where such damage is his fault. For the most part, this question is regulated by the relevant collective agreements or by the Labour Code.

Deductions from wages in respect of tools, spare parts and equipment supplied by the employer to the worker, where such deductions are made at all, are likewise regulated by collective agreements or by the Labour Code. In Austria it is much more frequently the case that the worker receives "tool money" from the employer for the use of his own tools.

II. *Periodicity of wages (Paragraphs 4 and 5).* Regulations on the periodicity of wage payments

are included in the General Civil Code (section 1154), the Salaried Employees Act (section 15), the Mining Act (section 205), the Act respecting Actors (section 15), the Industrial Code (section 77), the Estate Employees Act (section 12), the Domestic Workers Act (section 4), the Agricultural Workers Act (section 15) and the Public Building Workers Act (section 17).

Where remuneration is reckoned by the month or by a shorter period it is payable at the end of each such period; where it is reckoned by a longer period it is payable at the end of each calendar month. Remuneration reckoned by the hour, piece or job is payable in respect of the work completed at the end of each calendar week. In the case of salaried employees the regular salary is payable at the latest on the 15th day of the month and at the end of each month in two approximately equal amounts. Details are also given regarding the wage periods for the supervisory staff and workers of mining undertakings, unskilled workers and public building workers. It can be said that in Austria, under the statutory regulations in force and the great majority of collective agreements, workers are paid weekly and supervisory personnel are paid monthly.

III. *Notification to workers of wage conditions (Paragraph 6).* The conditions governing workers' wages are usually contained in the appropriate appendices to the collective agreements or labour regulations.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Data on gross remuneration, deductions and net remuneration for each wage period (with the exception of very small undertakings) are almost invariably made known to the worker on a wage slip enclosed in the pay packet. The legislation requires employers to keep wage lists or card indexes which contain the data specified in the Recommendation.

V. *Association of workers in the administration of works stores (Paragraph 9).* The Works Councils Act, 1947, provides that the works council is entitled to establish and alone to administer assistance (and other welfare facilities for the workers and the members of their families) in accordance with the statutory regulations. Where such welfare facilities are established by the owner of the undertaking, the works council shall participate in their administration. More detailed provisions will be issued in the form of regulations. The standing orders for works councils amplify these provisions as follows: the works council shall participate, through representatives appointed by it, in the administration of welfare facilities, such as pension and assistance funds, works housing and works stores set up

by the council. The method of participation in the administration and the number of representatives of the works council shall be determined by the employer.

For information regarding question II (b) (authorities entrusted with the supervision of the application of the legislation and regulations) of the report form, the Government refers to its report on Recommendation No. 84.

Belgium.

Act of 16 August 1887 to lay down regulations for the payment of workers' wages (L.S. 1934—Bel. 7 B).

Act of 15 June 1896 concerning works regulations.

Acts of 10 March 1900 and 7 August 1922 (L.S. 1922—Bel. 2) respecting the contract of employment.

Act of 20 September 1948 to make provision for the organisation of the economic life of the country (L.S. 1948—Bel. 8).

Act of 26 January 1951 and Royal Order of 10 June 1952 concerning the simplification of documents which must be kept in accordance with social legislation.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* As regards Paragraph 1 of the Recommendation (the limitation of deductions to the extent necessary to safeguard the maintenance of the worker and his family) the Government refers to its report on Convention No. 95.

The Act of 16 August 1887 is not applicable to salaried employees, agricultural workers, domestic servants or workers who are boarded and lodged by their employer.

This Act authorises deductions from the wages of wage-earning employees in the following cases only: (a) Fines incurred under section 7, paragraph 1, of the Act; the amount of the fine must be indicated in the Workshop Regulations and may not exceed one-fifth of the daily wages. (b) Compensation for defective work, wrongful use of materials, raw materials or products. Compensation or damages due in this respect are fixed by agreement between the parties concerned or by court decisions, and not more than one-fifth of the amount due may be set off against the wages payable for each period, except in cases where the worker has been guilty of wilful misrepresentation or has voluntarily left his employment before the amount due has been paid in full; in the latter cases, the compensation is payable in accordance with the general principles of civil law. (c) On account of items provided by the head of the undertaking in cases authorised under sections 2 and 3 of the Act of 16 August 1887 (dwelling, use of a plot of land, tools, etc.). In certain cases these items may not be charged against the worker at a price which exceeds the cost price. No limitations are laid down as regards deductions for these items. (d) Advances made in cash (including the price of a plot of land for building); but not more than one-fifth of the worker's wages may be deducted. (e) Cases covered by the application of social or taxation legislation.

The various limitations to deductions from wages provided for in the legislation have one common object, namely, to guarantee for the worker a portion of his wages which is sufficient to safeguard his maintenance and that of his family.

Salaried employees are not covered by the Acts of 16 August 1887 and 15 June 1896. Moreover, the Contract of Employment Act of 7 August 1922 contains no provisions limiting the deductions

which may be made from the remuneration of salaried employees.

However, the ratification of Convention No. 95 is under consideration and the inclusion in the legislation of provisions to protect the remuneration of salaried employees, in conformity with the requirements of the Convention, is being envisaged.

The Labour and Social Welfare Committee has just drawn up a Bill to amend the Workshop Regulations Act of 15 June 1896, in particular, to extend the scope of the Act to salaried employees.

As regards the loss of or damage to the products, goods or installations of the employer (see above under (b)) the wage-earning employee is only responsible for such loss or damage if it has been caused by him. The Act of 10 March 1900 lays down that the worker is not responsible for deterioration, wear or tear as the result of the normal use of an article or for loss due to accidental reasons. There are no provisions limiting the amount of deductions which may be made from the remuneration of salaried employees for the reimbursement of loss of or damage to the products, goods or installations of the employer. The employee is required to carry out his work in a conscientious manner and is responsible for any articles entrusted to him by his employer. Compensation for damage caused by wage-earning and salaried employees to the employer's property is fixed by agreement between the parties or by a court decision.

Section 3 of the Act of 16 August 1887 authorises the employer to supply his workers with the tools or instruments necessary for their work and the maintenance thereof and to offset such articles against wages at a price not exceeding the cost price. There are no provisions limiting deductions from the remuneration of salaried employees in this respect.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* The only provisions relating to the periodicity of wage payments are contained in section 5 of the last-named Act; these provisions, which relate solely to wage-earning employees, lay down that wages which do not exceed 100 francs a day shall be paid to the employee at least twice a month at intervals not exceeding 16 days. In the case of work by the job or piece or on a contract, a partial or final settlement shall be effected at least once a month. On the occasion of each settlement the employer shall be bound to deliver to his employee a statement showing the details of the work done and the amount of wages paid.

The Government adds that the ratification of Convention No. 95 would necessitate the adoption of measures to give effect to the provisions of this part of the Recommendation.

III. *Notification to workers of wage conditions (Paragraph 6).* The Act of 15 June 1896 (sections 2 and 3) lays down, as regards wage-earning employees, that the Workshop Regulations must contain the following details: the method of calculating wages and, in particular, whether the worker is paid by the hour, day or job or on a contract; where the worker is paid by the job or on a contract, the method used for measuring and checking the work done; periods for the payment of wages; articles supplied to the workers and set off against wages; where penalties or fines are imposed, the nature of the penalty, the amounts imposed in fines and the use made of such amounts. The Act

of 16 August 1887 fixes limits in respect of deductions which may be made from the wages of wage-earning employees.

The basic rate of remuneration and the conditions for the payment of wages of salaried employees are fixed, when a worker is taken on, in the employment contract. Finally, in the majority of cases the basic rate of remuneration of wage-earning and salaried employees is fixed by joint committees. Any decisions of these committees (in virtue of the Legislative Order of 9 June 1945 respecting rules for joint committees) may be given binding force by Royal Order and are brought to the knowledge of the person concerned through publication in the *Moniteur belge*.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* The Act of 16 August 1887 (section 10 bis) lays down that, notwithstanding any agreement to the contrary, the worker shall have the right at all times to supervise the measurement, weight or other operation, the object of which is to ascertain the quantity or quality of the work supplied by him, and thus to fix the amount of wages. This provision is applicable to all wage-earning employees including agricultural workers, domestic servants and workers who are boarded and lodged by their employer.

The Royal Order of 10 June 1952 respecting the simplification of documents the keeping of which is required under social legislation, lays down that each worker shall receive annually a copy of his personal account, which must be drawn up by the employer in accordance with the provisions of social legislation. Further, workers may consult their personal account twice a week on the days and at the hours specified in the workshop regulations or, where there are no such regulations, in a special notice.

V. *Association of workers in the administration of works stores (Paragraph 9).* The Act of 20 September 1948 respecting the organisation of the economy of the country lays down that works councils are responsible for the administration of all social services instituted by the undertaking for the welfare of the staff, unless such services are entrusted to the autonomous management of the workers. Stores or similar services instituted by the undertaking for the welfare of the workers are considered as social services.

The labour inspection service is entrusted with the enforcement of the Acts of 16 August 1887, 15 June 1896, 20 September 1948, 26 January 1951 and the Royal Order of 10 June 1952.

Burma.

Payment of Wages Act of 23 April 1936 (L.S. 1936—Ind. 1), as amended in 1941.

Payment of Wages Rules, 1937.

The above legislation covers most of the items dealt with in the Recommendation.

Deductions from wages are permitted for certain specified acts or omissions, to the extent prescribed by the national legislation; other deductions are illegal.

Wages are paid weekly and fortnightly to workers whose wages are calculated by the hour, day or week and once a month to persons whose remuneration is fixed on a monthly basis.

The notification to workers of various wage conditions, as enumerated in the Recommendation, is generally done in the larger establishments.

Employers are required to maintain registers in respect of each worker employed.

The Chief Inspector of Factories is entrusted with the supervision of the application of the legislation.

The Government appends to its report a memorandum on the payment of wages.

No modifications have been made in adopting or applying the Recommendation.

Canada.

The Government refers to its report on Convention No. 95 for information relating to legislative provisions regulating or prohibiting deductions from wages.

II. *Periodicity of wage payments (Paragraphs 4 and 5 of the Recommendation).* Where the interval of payment of wages is fixed by law this interval varies from one week to a month. Payment at weekly intervals is required in a number of collective agreements and is common for production workers in industry. Pay periods of federal civil servants are every two weeks.

III. *Notification to workers of wage conditions (Paragraph 6).* It is standard procedure, in a well-arranged interview of prospective or new employees, to see that a worker is given full particulars of the job, including the wages conditions specified in the Recommendation. When an employer registers his vacancies with the offices of the National Employment Service he is asked to state the regular and overtime wage rates, hours of work and pay periods, as well as other conditions of employment. These are recorded on the order form and are made known to an applicant when he is referred to the employer.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Statutory provisions in Newfoundland, British Columbia, and Quebec require employers to supply wages statements to workers each pay-day. In Newfoundland almost all workers (with the exception of clerical workers) must receive a statement showing the period in respect of which wages are being paid, the rate of pay, and all deductions. In British Columbia employers subject to the Minimum Wage Acts must provide each employee with a statement showing the employee's earnings for the unit of time for which payment is made; any bonus or living allowance to which the employee is entitled; the amount and purpose of each deduction; and, if directed by the Minister, a statement on earnings for overtime. In Quebec employers subject to General Minimum Wage Order No. 4 must furnish each employee with a statement giving the name of the employee, the pay period, the total number of hours of work and overtime shown separately (but details on hours need not be shown for employees paid on a weekly, monthly or yearly basis and receiving at least \$50 a week in Zone I and \$45 in Zones II and III), the wage rate, the wages earned, the amount of deductions, and take-home pay.

A joint committee entrusted with the enforcement of a decree under the Quebec Collective

Agreement Act covering tanneries requires the use of standard pay envelopes supplied and sold at cost price by the committee to facilitate the supplying of the required information to the worker on each pay-day.

Under Minimum Wage Acts and other legislation it is a general statutory requirement that employers shall keep records of wage rates, hours and actual earnings of all employees.

V. *Association of workers in the administration of works stores (Paragraph 9)*. No information is available regarding this point.

Ceylon.

Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinances Nos. 40 of 1943, 19 of 1945 and by Act No. 5 of 1953.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation)*. As indicated in the report on Convention No. 95, section 2 (a) of the Wages Boards Ordinance provides that the extent to which deductions may be made from wages has been limited to 50 per cent., except as regards the plantation industries, where it has been fixed at 75 per cent. The regulations in force do not permit of deductions being made to cover the value of loss or damage caused by the worker concerned.

No specific provision has been made for deductions in respect of tools, etc., supplied by the employer. However, the sale of goods by an employer may be authorised and, under the regulations, it will be possible to provide for the sale of tools and equipment. Where such authorisation is made the reasonableness of the prices is carefully checked. All deductions are subject to the over-all limit laid down in the above-mentioned Ordinances.

II. *Periodicity of wage payments (Paragraphs 4 and 5)*. The existing law provides that workers engaged on a weekly contract shall be paid within three days, those on a fortnightly contract within five days, and those on any contract exceeding two weeks within ten days of the end of the contract period. It is not possible to ensure that workers whose wages are calculated by the hour, day or week shall be paid not less often than twice a month at intervals not exceeding 16 days. The wages of employed persons whose remuneration is fixed on a monthly or annual basis must be paid not less often than once a month.

No distinction is made between persons employed on piece-work and on time-work; it is not possible to ensure that the wages of such workers are paid not less often than twice a month at intervals not exceeding 16 days.

III. *Notification to workers of wage conditions (Paragraph 6)*. The notification of details of wages conditions is only required in respect of the trades for which wages boards have been established. In the case of such trades the law requires the notification to the workers of particulars concerning the rates of wages payable, the method of calculation, the periodicity of wage payments and the conditions under which deductions may be made. The place of payment is usually the workplace.

IV. *Wages statements and payroll records (Paragraphs 7 and 8)*. There is no legislative provision

to make obligatory the furnishing of information in respect of each pay period. However, any worker who wishes to have this information may obtain it on request. Employers are required to maintain records showing the gross amount of wages earned, any deductions which may have been made and the net amount of wages due.

V. *Association of workers in the administration of works stores (Paragraph 9)*. No specific provisions exist in regard to the association of workers in works stores. However, a large number of establishments run co-operative stores and the workers are closely associated in the management of these stores.

The Commissioner of Labour is entrusted with the supervision of the relevant legislation.

No decisions have been taken regarding any measures to give effect to those provisions of the Recommendation which are not yet covered by the national legislation or practice.

Chile.

The following detailed information is supplied as regards the legislative provisions and regulations relating to some of the matters dealt with by the Recommendation.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation)*. The Chilean Labour Code contains provisions (sections 39, 40, 41, 42 and 95) limiting deductions from wages; the standards laid down in these provisions are strictly applied, so that whenever a deduction not provided for by the Code is instituted it is necessary to issue special legislation. The Labour Code does not permit deductions for unintentional loss or destruction of or damage to the products, goods and installations of the employer, but a penalty may be imposed in the form of a fine (section 95). In the case of wilful damage to machinery or workrooms of the establishment, or of loss of tools, etc., civil actions should be brought before the labour court, subject to a period of limitation of 30 days reckoned from the date on which the damage giving rise to the claim occurred. Domestic servants are entitled to the basic guarantees as regards the protection of wages, but only sections 39, 40 and 42 apply to them as regards deductions. Although there is no legal provision enabling the worker to discuss the fairness of a deduction, there is nothing to prevent him from so doing; if this does not produce the desired effect, he may apply to the labour inspectors to prevent an illegal deduction.

II. *Periodicity of wage payments (Paragraphs 4 and 5)*. Section 36 of the Labour Code specifies the various intervals for the payment of wages for different categories of workers. The Government states that this section of the Code gives effect to Paragraphs 4 (b) and 5 (1) of the Recommendation, but not to Paragraph 5 (2) (a), since it makes no reference to payment on account except in the case of seasonal workers. There is no legal provision giving effect to Paragraph 5 (2) (b) of the Recommendation.

III. *Notification to workers of wage conditions (Paragraph 6)*. Workers obtain notification of wage conditions through their employment contract and work rules, which must contain the particulars prescribed in Paragraph 6 of the Recommendation, and as provided for in sections 6 and 93

of the Labour Code. The Code provides that the worker shall be furnished with a copy of the contract and of the work rules. In the case of homeworkers, the above and other particulars must be given in the book issued by the employer to each worker employed on home work; the amount of remuneration must be fixed and posted up on the premises where materials are given out to workers and finished work is returned.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* In Chile there are no legislative provisions or regulations on this matter, but it is usual in practice for employers to use pay envelopes on which gross and net amounts of wages and any deductions are recorded. Section 100 of the Labour Code provides that every employer who employs more than five wage-earning employees shall keep a register in conformity with the rules laid down in the regulations. Section 12 of Regulation No. 545 specifies the details to be entered in the registers.

V. *Association of workers in the administration of works stores (Paragraph 9).* No effect is given to this part of the Recommendation.

The supervision of the application of the above-mentioned provisions is entrusted to the General Labour Directorate. There is no provision for co-operation by employers' and workers' organisations except in so far as section 569 of the Code states that "any person may report to the labour inspectors and other competent officials any contravention which comes to his knowledge".

In applying the Recommendation it has been found necessary to bring Paragraphs 4 and 5 into line with section 36 of the Labour Code and to adapt Paragraph 9 to mean that "workers' organisations may set up works stores or similar services".

Cuba.

Constitution of the Republic of Cuba, as approved by Act No. 1 of 5 July 1940 (L.S. 1940—Cuba 1).
Act of 23 June 1909.
Decrees Nos. 2701 of 16 November 1933, 276, 598, 727, 739 and 741 of 1934 and 298 and 798 of 1938.

The Constitutional Act (section 61) provides that for work performed at piece rates, by the job or on contract, the wage rate shall be so fixed as to give a reasonable guarantee of the minimum wage for the working day.

The minimum wage or salary shall not be liable to attachment except in respect of liabilities for maintenance allowances as prescribed by law, or to deduction by a court of law save to the extent of one-tenth. However, in the case of claims for maintenance allowances, wages may be attached up to a certain amount. Tools and work implements are also exempt from attachment. The Act further provides that deductions other than those authorised by law may not be made from wages or salaries. The payment of wages in the form of merchandise, coupons, cards or any other token is prohibited. Penalties are laid down in the legislation for violations.

The above-named Act also lays down that day labourers shall be paid their wages at intervals not exceeding seven days, whether they are employed on piece-work or on any other basis; in the case of salaried employees payment must be made at intervals not exceeding 30 days.

Wages shall be understood to mean the total remuneration, in cash and in kind, to which a worker is entitled in respect of work or service performed for the employer. The cost of housing, food, laundry and association dues shall be considered as payment in kind if the employer assumes the obligation to pay such costs.

The part of wages paid in cash must be paid on a working day, at the workplace, in legal tender, and within the prescribed period. Any contract purporting to cede the whole or any part of a worker's wages shall be considered void.

Decree No. 727 of 1934 provides that an employer may not deduct from a worker's wages any amount not specifically authorised by laws, regulations or collective agreements or ordered by a court of law. The worker retains the right to take legal action for the recovery of any amount withheld in contravention of this provision. In the case of a contract on a task basis, under which a worker is required to perform a certain quantity of work within a specified time, he shall be entitled to the agreed wage for the whole day only if he has produced the average output of a worker of his class in the same area.

Decree No. 798 of 1938 provides that every contract shall specify the amount of remuneration and whether this amount is to be paid wholly or partly in cash, as well as the period covering the payment.

Decree No. 727 of 1934 provides that minimum wage rates shall be published and posted up in every workplace or other place where wages are paid. The wage sheets of undertakings must specify the basic amount, the deductions, the Acts or regulations under which the latter are permitted, and the net wage for each worker. These wage sheets must be available for inspection by the Ministry of Labour inspectors.

The Ministry of Labour is responsible for supervising the enforcement of the above-mentioned provisions.

No action has been taken to arrange for the association of the workers in the administration of works stores or similar services.

Denmark.

The question of deductions from wages, dealt with in Part I of the Recommendation, is generally decided by the courts. However, as a rare exception, collective agreements may provide for the procedure and conditions under which a worker may be held liable to make good any damage to the tools and materials for which he is responsible.

For information relating to Parts II (periodicity of wage payments), III (notification of wage conditions), IV (wages statements and records), and V (association of workers in the administration of works stores), the Government refers to the information submitted in respect of Convention No. 95.

The supervision of the application of the national law and practice and of collective agreements, if any, on the protection of wages is entrusted to the courts and to the Permanent Court of Arbitration.

There are a number of collective agreements on the calculation, payment, etc., of wages which in all essentials are in conformity with the provisions of the Recommendation.

Dominican Republic.

Act No. 2920 of 11 June 1951 to promulgate the Labour Code (L.S. 1951—Dom. 1).
Regulation No. 7676, issued in application of the Labour Code.

The subject matter of the Recommendation is dealt with in the above legislation and in various departmental and administrative regulations.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation.)* The only deductions which may be made from wages are those enumerated in section 193 of the Labour Code, namely, deductions authorised by law, deductions for trade union subscriptions, on the previous written authorisation of the employee, if the employer agrees, and deductions for advances on wages made by the employer. As regards deductions authorised by law, the report states that a constant effort is being made by the legislator to remain within the limits of the Recommendation.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* The Labour Code (sections 190, 191, 198, 199 and 200) contains provisions which are in keeping with those of the Recommendation as regards the periodicity of wage payments. For example, the period in respect of which wages are paid may not exceed one month; all employees paid by the hour or by the day must receive their wages weekly. In the case of employment on a specified piece of work, except where there is an agreement to the contrary, the employer must pay the employee each week a sum proportional to the work carried out.

III. *Notification to workers of wage conditions (Paragraph 6).* Sections 427 (9) and 430 of the Code provide that the National Wage Board is required to notify any resolutions relating to wage scales (containing, where necessary, all the points covered by Paragraph 6 of the Recommendation) to the employers' and employees' representatives, who may appeal against the scales fixed by the Board. Scales fixing minimum wages must be displayed prominently in the workplace. It is also customary for employers when paying wages to notify their employees (usually in their pay packets) of the gross sum, any lawful deductions and the net amount of wages.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Employers keep registers showing in respect of each worker the details mentioned in Paragraph 7 of the Recommendation. Section 153 of the Code requires every employer to keep a register in conformity with models approved by the Department of Labour, showing hours of work, interruptions of work, hours worked in excess of normal hours and the amount of the remuneration due. These registers, which are also required under Regulation No. 7676, must be available to the employees and are regularly checked by inspectors from the Department of Labour.

The enforcement of the relevant laws and regulations is the responsibility of the labour authorities (Book VII of the Labour Code), in particular the Secretariat of State for Labour and the Department of Labour. The latter comprises all local labour representatives and all assistant labour inspectors. In practice, the labour inspection service is extremely efficient and devotes particular attention to wage questions.

In all labour disputes employers and employees or the associations representing them may submit to the judgment of arbitrators freely chosen by them. Any award issued by these arbitrators which violates the provisions of a public law has no legal effect.

The national law and practice follow the Recommendation to a considerable extent. The Government has no observations to make regarding the modification of the Recommendation.

Finland.

The Government refers to the information submitted in respect of Convention No. 95.

France.

Labour Code (Book I, sections 22 (b), 44, 50, 51, 60 (a) et seq.
Circular of 27 June 1932 respecting the application of section 22 (b), Book I, of the Labour Code.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* Section 22 (b) of Book I of the Labour Code prohibits employers from imposing penalties in the form of fines on workers who violate the provisions of the internal regulations of an undertaking.

Systems providing for fines for breaches of discipline or of hygiene and safety measures may be utilised on authorisation by the divisional labour inspector, in conformity with the provisions of the legislation and after consultation with employers' and workers' organisations for the industry and region. The rate of fines so imposed must be fixed in conformity with the internal regulations and the total amount may not exceed one-fourth of the daily wage. Proceeds from these fines are to be paid into a fund for the benefit of the personnel. Fines must be entered in a register which must be available to the labour inspectors at all times.

Under the terms of the Circular of 27 June 1932 fines under civil law for defective workmanship, loss or deterioration of goods or equipment should, in conformity with the general principles of civil law, be related to the extent of the damage caused.

Section 50 of Book I of the Labour Code provides that no compensation shall be payable to the employer for the difference between the amount of wages due by him to the worker and the sums due to the employer for various supplies—except tools and instruments necessary for work, materials which the worker uses or is responsible for and any money advanced for the acquisition of the above-mentioned supplies.

II. *Periodicity of wage payments (Paragraphs 4 and 5.)* Section 44 of Book I of the Labour Code provides that wage-earning employees in commerce and industry shall be paid at least twice a month with a maximum interval of 16 days between each payment; salaried employees shall be paid at least once a month. Commissions due to travelling salesmen shall be paid at least every three months. For all piece-work which lasts for more than a fortnight the dates of payment may be fixed by mutual agreement, but the worker must receive payments on account every fortnight and the final settlement must be paid within the fortnight following the delivery of the product.

III. *Notification to workers of wage conditions (Paragraph 6).* Details of wage rates and the method of wage calculation are furnished to the

workers concerned at the time of recruitment. Collective agreements or internal regulations contain provisions dealing with these matters. Section 45 of Book I of the Labour Code prohibits wage payments in taverns or stores for the retail sale of merchandise, except in respect of persons employed therein; it also prohibits the payment of wages on the worker's statutory rest day. Section 51 provides that all employers who make cash advances, except in cases provided for in the legislation, may be reimbursed only by means of successive deductions not exceeding one-tenth of the wages involved. Payments on account for work in progress are not considered as advances. Section 60 (a) of the same Book of the Labour Code lays down that the provisions relating to the attachment and assignment of wages shall apply to all sums payable as remuneration to persons who are wage earners or who work for one or more employers.

Section 61 of the Code provides, *inter alia*, that the remuneration dealt with in section 60 (a) is liable to attachment or assignment in a proportion varying from one-twentieth of the portion below 150,000 francs to one-third of the portion over 600,000 francs and below or equal to 750,000 francs, and without limit for the portion exceeding 750,000 francs. It also provides for other conditions concerning deductions, and permits exemption of sums allocated to the worker in reimbursement of expenses paid by him or of family allowances.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Section 44 (a) of Book I of the Labour Code provides that, at the time of payment of wages to wage-earning and salaried employees in commerce, industry and the liberal professions, and of commission to travelling salesmen, the person concerned must be given a paper showing, *inter alia*, his gross and net wages and, where appropriate, the nature and amount of any deductions made; this paper is not required when, at the request of the person concerned and because of the termination of the contract, the remuneration due to him is paid on days other than the usual days of payment.

Section 44 (b) requires employers to maintain books showing the particulars entered in the paper mentioned above; these books must be presented to labour inspectors upon request and must be preserved for one year after the date on which they have been closed.

V. *Association of workers in the administration of works stores (Paragraph 9).* Section 75 of Book I of the Labour Code prohibits employers from establishing, in their undertakings, works stores for the sale by them of foodstuffs and merchandise and from obliging their workers to expend the whole or part of their wages in such stores. This prohibition does not apply to a work contract which stipulates that the worker shall be lodged and boarded by his employer in addition to receiving a given wage in money, or that the employer shall provide the supplies in question at cost price.

In accordance with section 107 of Book I of the Labour Code, the labour inspectors are entrusted with the supervision of the enforcement of sections 44, 44 (a) and (b) and 45, mentioned above.

The Government adds that the legal provisions in force conform with the Recommendation and

that it is unnecessary to make any modifications in adopting or applying the latter.

Federal Republic of Germany.

The matters dealt with in the Recommendation are governed partly by legislative provisions, in particular by the Trades Order and by the Provisional Agricultural Labour Order. There are also many relevant collective agreements and works rules as well as administrative regulations for the public services.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* The principle laid down in Paragraph 1 of the Recommendation is taken into account in the Wage Attachment Order of 30 October 1940, in the version contained in the Act of 22 April 1952, as well as in section 394 of the Civil Code.

The responsibility of the employee for "loss of or damage to the products, goods or installations of the employer" is defined primarily in the contract of employment and also according to the general principles of civil law. The employee is responsible to the employer for damage only when the employee has caused it deliberately or by negligence, i.e., when it is proved to be due to his fault. However, in this case, as in others, where there is no collective agreement, the principle of free discussion as regards the contract is respected; different arrangements are consequently not prohibited. However, the report states that there is no information indicating that advantage has been taken of this possibility to any considerable extent or that the worker's interests have suffered thereby. There are also certain general limits on deductions from wages; for instance, deductions (from the non-attachable part of wages) of amounts due by the worker to the employer are prohibited under section 394 of the Commercial Code (save for a few special cases with regard to which precedents have been established).

According to the principles of the Civil Code (section 249 et seq.), the amount of a claim for damages shall not exceed the value of the damage or loss suffered. Furthermore, the labour courts in Germany have, in their findings, established the principle that, in activities where damage may easily arise (such as driving motor vehicles, working at valuable machines, etc.), an employee who is guilty of slight negligence can be held responsible only to the extent which may fairly be considered equitable, having regard to the circumstances. In practice, responsibility in such cases is restricted to a fraction of the actual damage.

There are no explicit provisions requiring the employer to hear the views of the employee concerned before making a deduction from his wages.

Section 115, Paragraph 2, of the Trades Order provides that tools and materials required by an employee for his work may be supplied to him at average cost price and the amount deducted from his wages; tools and materials for piece-work may be supplied at higher prices but these may not exceed the prices current in the locality and must be stated in advance. Apart from this there are no explicit legislative provisions in the Federal Republic.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* In commerce and industry (section 119 (a)

of the Trades Order) local authorities or federations of local authorities may lay down certain periods for the payment of wages or of payments on account; these periods may not exceed one month and may not be less than one week. It has not proved necessary in practice to take advantage of this possibility to any great extent. For agricultural and forestry undertakings section 6 of the Provisional Agricultural Labour Order prescribes weekly wage payments as a rule, but agreements providing for other periods are permissible.

According to the provisions usually contained in collective agreements in the Federal Republic a distinction must be made between the payment of wages (final settlement for the period in question) and payments on account during the wage period.

The payment of wages (final settlement for the period in question) often occurs monthly even in the case of workers whose wages are calculated by the hour, day or week. In these cases, however, payments on account are provided for; they usually occur weekly and amount to the approximate net earnings of the worker up-to-date. In the case of persons whose remuneration is fixed on a monthly or annual basis (the latter applies in particular in agriculture) payments on account are usually made at least once a month.

Apart from the above-mentioned cases, the question of the periodicity of wage payments is frequently governed in the Federal Republic by works rules, which as far as is known often provide (even as regards workers whose wages are calculated by the hour, day or week) that the final settlement of wages shall occur monthly but that payments on account shall be made at shorter intervals (usually weekly). The practice of making payments on account every ten days, which became common during the war, is rare at present. Payments on account at intervals longer than 16 days are believed hardly to occur at all.

The information given in the four preceding paragraphs applies to a very large extent, *mutatis mutandis*, to workers whose wages are calculated on a piece-work or output basis. For workers employed to perform a task the completion of which will require more than a fortnight, payments on account are prescribed as a rule at intervals of not more than 16 days (cf. for instance section 5 (8) (b) of the agreement for the building industry).

III. *Notification to workers of wage conditions (Paragraph 6).* Collective agreements and works agreements, which must be posted up in the establishment, usually contain provisions regarding the details of wage conditions mentioned in the Recommendation. The report states that conditions in the Federal Republic appear to correspond to the requirements of the Recommendation in this respect.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Most of the collective agreements contain provisions regarding the notification of wages, but as a rule these provisions lay down only that gross earnings and any deductions made shall be indicated. An indication of the net amount of wages due is explicitly required in only a few collective agreements. In actual practice, however, the net wages are probably also included in the wage statement. Even where the matter is not governed by the provisions of a collective

agreement wage statements corresponding to the requirements of the Recommendation are usual in the Federal Republic.

There are no legislative provisions regarding the keeping of payroll records, but the Government states that, as a rule, such records are kept by employers.

V. *Association of workers in the administration of works stores (Paragraph 9).* In so far as there are works stores or similar institutions for the provision of commodities or services to the workers, the latter participate in their administration under section 56 (1) (e) of the Rules of Employment Act. The right of "co-determination" accorded to works councils appears to be sufficient for the association of the workers in the administration of the said institutions.

The report states that it is not intended to proceed to modify the law and practice mentioned above in order to apply all the principles of the Recommendation.

The Government draws attention to the following modifications of the Recommendation which may be necessary in applying it in the Federal Republic.

In Paragraph 5 (2) of the Recommendation, payments on account are specified only in the case of a task the completion of which requires more than a fortnight. In addition to this it will be necessary to provide that payments on account may be considered as wage payments within the meaning of Paragraph 4 (periodicity of wage payments). This system of payments on account involves a considerable saving of labour in the wages office. The wage accountants are enabled by their experience to make payments on account, without any complicated individual calculation of deductions, in such a way that, at the final settlement for the period, only small differences have to be paid. The fact that in the Federal Republic, under section 56 (1) (b) of the Rules of Employment Act, the works council has a say in the determination of wage periods is considered sufficient guarantee that serious causes for dissatisfaction on the workers' part will not arise. No such unsatisfactory conditions appear to have arisen in practice.

Greece.

Greek laws contain provisions which ensure compliance with the Recommendation on the following points.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* Deductions from wages should not exceed one-fourth of a worker's wages (Royal Decree of 24 July 1920). The same decree provides for cases in which deductions are permitted; employers are not authorised to offset the wages due to workers if such wages are deemed to be necessary for the maintenance of the workers and their families (section 664 of the Civil Code).

II. *Periodicity of wage payments (Paragraphs 4 and 5).* The regular payment of wages is effected at intervals, i.e., every week, fortnight and month. Advance payments are regulated by agreement between management and labour.

III. *Notification to workers of wage conditions (Paragraph 6).* The notification of wage conditions, allowances, etc., is effected by means of

records maintained by employers. According to the Labour Inspection Law employers are required to maintain records comprising all the relevant data ; such records must be posted up in appropriate places so that workers can obtain detailed information of wage conditions.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Legislative Decree No. 578 of 31 March 1948 requires merchant traders to maintain business accounts (on a book-keeping basis) and, in particular, wage and salary payrolls showing the names of the persons employed by them, their basic salary, allowances of all kinds or additional remuneration, deductions, etc.

V. *Association of workers in the administration of works stores (Paragraph 9).* Works stores for the sale of commodities to the workers are not established in Greece except in rare cases (e.g., in connection with mines) when—as mentioned in the report on Convention No. 95—such stores must comply with the conditions of the law.

The Government adds that Greek legislation responds in full to the objectives of the Recommendation.

Iceland.

The Government refers to its report on Convention No. 95.

India.

The Government refers to its report on Convention No. 95.

Both the central and the state governments are competent to deal with the subject-matter of the Recommendation.

Indonesia.

For information relating to the legislation see under Convention No. 95.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* See also under Convention No. 95, Article 8, for information relating to Paragraph 1 of the Recommendation. As regards Paragraph 2 (deductions for the reimbursement of loss of or damage to the products, goods or installations of the employer), the report states that, according to the Civil Code, in order to obtain compensation, evidence must be produced showing the loss and the amount of the loss sustained. The amount of compensation may not exceed the actual amount of the loss. As regards Paragraph 3 of the Recommendation (appropriate measures to limit deductions from wages in respect of tools, etc., supplied by the employer), section 6 (1) (b) of the Regulations for Labour in Industry prohibits employers from requiring workers to pay for the use of articles or tools, to bear the cost of any expenses for the repair of such articles or tools or any industrial expenditure.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* See under Convention No. 95, Article 12.

The supervision of the application of the relevant legislation and regulations is entrusted to the Board of Labour and Industry.

Ireland.

Truck Acts, 1831-1896.

Hosiery Manufacture (Wages) Act, 1874.

Apprenticeship Act, 1931.

Conditions of Employment Act, 1936 (L.S. 1936—I.F.S. 1).

Industrial Relations Act, 1946.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* One of the principal provisions of the Truck Act, 1831, is that employers may make no deductions from wages except where expressly authorised by this and subsequent Acts.

However, the Truck Acts (1831-1896) contain several provisions whereby deductions may be made by the employer from the worker's wages. Section 23 of the 1831 Act authorises employers to supply their workmen with certain goods and services, such as medicine or medical attendance, food, fuel, tools, lodgings, horses' provender, etc., and to deduct the price or rent from the wages, provided that such goods are supplied at cost price and in accordance with a written contract signed by the workman. The Truck Amendment Act, 1887, also provides for certain deductions in respect of payment for the education of the children of the workmen and for sharpening or repairing tools by agreement between employer and workman. Under section 9 of this Act deductions made from the wages of any workman for the education of children or in respect of medicine, medical attendance or tools must be subject to an annual audit by two auditors appointed by the workmen.

In addition, the Truck Act, 1896, provides that an employer shall not make a contract with any workman for deduction from the worker's wages or for any payment to the employer by the workman for fines, unless a notice containing the terms of the contract is kept constantly affixed in a place where it can easily be seen, read and copied by every person whom it affects, or unless the contract is in writing and signed by the workman.

The contract must contain full particulars of all fines which may be imposed and the amount of every fine must be fair and reasonable. Furthermore, before a deduction can be made, full written particulars of the deduction itself and the reason why it is imposed must be supplied to the workman. The contracts or notices must be produced to the factory inspector if required.

Deductions or payments in respect of damaged goods or materials supplied are subject to the same restrictions as those outlined in the case of fines, with the additional condition that such deductions must not only be fair and reasonable but must also in no case exceed the amount of actual or estimated damage or loss occasioned to the employer.

Provision is also made in the 1896 Act whereby a worker may institute proceedings against his employer to recover any sum deducted by or paid to his employer contrary to the provisions of the Act. The Hosiery Manufacture (Wages) Act, 1874, prohibits deductions from the wages of workmen in the hosiery trade on account of frame rents and charges and renders illegal any contract for such deductions.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* While the payment of wages at regular intervals is the rule in industry in Ireland, there is no positive legislation specifying the intervals at which wages should be paid. It is customary to pay wages on a weekly, and in some cases on a fortnightly basis, unless special arrangements to the contrary exist. Many agricultural labourers,

however, who are provided with board and lodging by their employer, prefer to allow their wages to accumulate in the employer's safe keeping until the end of the contract period, drawing only small sums for pocket money and clothes during the term of employment.

III. *Notification to workers of wage conditions (Paragraph 6).* The Apprenticeship Act, 1931, provides for the making of rules relating to the minimum rates of wages of male and female apprentices in the designated trades in respect of which apprenticeship committees have been established. Provision is also made in the Act and in Regulations made thereunder whereby every occupier of any premises in which a designated trade is carried on shall, if he employs any apprentices, keep posted up in prominent positions a sufficient number of copies of a notice containing full particulars of these rules, in such a manner as to ensure that the notice shall be brought to the knowledge of all apprentices affected by it. The Conditions of Employment Act, 1936, provides that a worker or outworker paid on a piece-work basis must be supplied, before the commencement of the work, with a piece-work particulars docket, sufficiently detailed to enable him to compute the wages payable to him. The employer must also keep exhibited in every room where piece-work is being carried on a piece-work particulars placard. In cases where the piece-work particulars relating to any form of industrial work are of such a complicated character that they cannot conveniently be comprised in a piece-work particulars placard, the employer must keep a piece-work particulars book, readily available for inspection by workers. The Industrial Relations Act, 1946, provides for the making of employment regulation orders fixing minimum rates of wages—and in the case of piece-work, the method of calculation—for workers in respect of whom joint labour committees operate. Under the Industrial Relations Act, 1946 and the Regulations of 1950, every employer who employs a worker to whom an employment regulation order relates is required to keep posted up a copy of a notice, prepared by the labour court, containing full details of the order. The notice must be posted up in prominent positions so as to ensure that it is brought to the knowledge of, and can conveniently be read by, all the workers who are concerned.

Long-standing practice, whereby workers are normally paid at weekly or fortnightly intervals, obviates the necessity for requiring the employer to give formal notification to his workers of the intervals at which they will be paid. It is not usual for legislation to specify the place of payment of wages, this being considered a matter for arrangement between employer and employee. However, the Intoxicating Liquor (Ireland) Act, 1815, the Metalliferous Mines Regulation Act, 1872, the Quarries Act, 1894, and the Coal Mines Act, 1911, prohibit payment of wages in licensed premises and in the case of mine or quarry workers "in any other house of entertainment".

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* The Truck Act, 1896, provides that an employer shall not make any deduction from a worker's wages unless particulars in writing, showing the acts or omissions or goods in respect of which the deduction is made and the amount thereof, are supplied to the workman on each occasion when a deduction is made. Otherwise,

there is no positive legislation which provides that workers should be informed, with each payment of wages, of the particulars specified in the Recommendation. The Apprenticeship Act, 1931, requires every employer of an apprentice in a designated trade in the apprenticeship district to keep such records of wages paid and time worked as are necessary to show that the rules relating to minimum rates of wages and overtime wages are being complied with.

The Industrial Relations Act, 1946, provides that the employer of any workers to whom an employment regulation order applies shall keep such records as are necessary to show whether or not the provisions of the Act are being complied with in respect of such workers, and that the records shall be retained by the employer for three years.

The Conditions of Employment (Records) Regulations, 1947, provide that every employer who employs women or young persons to do industrial work in an industrial undertaking, otherwise than on shift work, shall keep records in respect of each such worker of (i) the weekly earnings (exclusive of pay for overtime) of the worker, and (ii) the weekly pay for overtime of the worker.

In addition, where deductions are made from the wages of any workmen for the education of children or for medicine, medical attendance or tools, the employer shall, in accordance with the provisions of section 9 of the Truck Amendment Act, 1887, make out a correct account of the receipts and expenditure in respect of such deductions and submit the same to be audited by two auditors appointed by the workmen.

The Acts mentioned above are enforced by the courts of justice. If they have to be amended, the amending legislation would be introduced by the Minister for Industry and Commerce.

Practice in Ireland is in accordance with Paragraphs 1 to 3 of the Recommendation. The existing law, however, applies to manual workers only and does not extend to non-manual and domestic workers.

While practice is to a large extent in accordance with the provisions of Paragraphs 4 to 8 of the Recommendation, the Government considers that these are matters which should, in the first instance, be left to negotiation between the employers and workers themselves acting in the light of the circumstances existing in particular cases.

Arrangements for the participation of workers in the administration of works stores are matters which are appropriate for settlement between employers and workers, and the Minister for Industry and Commerce has not been made aware of the existence of obstacles to these arrangements such as would call for his intervention.

Italy.

Code of Civil Procedure, as amended by Legislative Decree No. 1548 of 10 December 1947 (section 545).

Civil Code (sections 1176 and 1768).

Royal Decree No. 148 of 8 January 1931, as amended by Act No. 1982 of 3 November 1952.

Act No. 4 of 5 January 1953 respecting wage statements.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* These provisions are applied in Italy by legislation and by collective agreements.

It is laid down that wages as a rule cannot be attached. Exceptions are made in favour of alimony and of payments due to the State or public

corporations ; but in such cases attachments must be authorised by a magistrate and may in no case exceed *in toto* half of the amount due as wages or salary.

Payment of compensation for damage to products, goods, plant or tools occasioned by the worker's fault is required in Italy under the common law (Civil Code, sections 1176 and 1768), which defines the worker's obligation to take reasonable care in the use of tools and raw materials. As the ordinary courts of law determine responsibility and fix the amount of the damage a maximum of impartiality is thus ensured. Many collective agreements simplify the application of the above penalties by permitting damages due to a worker's fault to be charged against his remuneration. This is a sort of attachment procedure in the hands of the employer, who may use it without previous authorisation by the courts ; but the worker concerned naturally has the right of appeal to the courts against such action if he considers himself unfairly treated. Collective agreements containing provisions of this kind are very numerous. In general the deductions which the employer may make in respect of damage occasioned by an employee during his work may not exceed 10 per cent. of the latter's remuneration in any pay period.

In the branches of transport covered by Act No. 1982 of 3 November 1952 deductions may be made in respect of damage occasioned by an employee within the limits laid down by common law but if they exceed 5,000 lire they may not be applied without the consent of the local transport inspectorate. As regards the personnel of motor transport undertakings the National Agreement of 7 July 1948 provides that the damage to be made good by instalments may not exceed 5 per cent. of the salary.

The question of wage deductions in agriculture is dealt with as a rule by means of collective agreements of national scope. Actual deductions are rare in practice, as usually the employers do not allow workers to repay any sum in case of damage to the products, goods, plant and equipment.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* Each collective agreement lays down its own rules in this regard. Wage payments under these agreements are made at intervals not exceeding those specified in the Recommendation, either for time-work or for piece-work. Mention is made of the National Agreement for Textile Workers dated 6 December 1950, that for building workers of 5 December 1950, and, as regards piece-work, the National Agreement of 25 June 1948. Almost all employees in commerce are paid fixed monthly salaries. Employees with long engagements in agriculture are also paid by the month, whereas casual labourers receive their pay daily or at the end of the week.

III. *Notification of wage conditions to workers (Paragraph 6).* The question of notifying conditions of employment to workers is governed by collective agreements, which normally stipulate that on engagement the employer shall inform the worker exactly where he is to work, the date at which the employment is to start, the character of the work, the grade and the rate of pay. Such information is usually given in writing. As the worker subsequently receives a copy of the collective agreement for the sector to which he belongs,

the report states that the situation in Italy corresponds to that envisaged in the Recommendation.

IV. *Wage statements and payroll records (Paragraphs 7 and 8).* Act No. 4 of 5 January 1953 requires employers to give to each worker, when he receives his pay, a statement indicating the worker's full name and grade, the period to which the pay applies, the family allowances and other elements making up the pay, and—separately—each wage deduction, if any. The same Act lays down detailed rules regarding the entry in the employer's accounts of particulars corresponding to the wage statement ; the date at which the wage statement must be issued to the worker, and the penalties for failure or delay in issuing a wage statement, failure to make necessary entries, etc. This matter is also governed in various industries by collective agreement.

V. *Association of workers in the administration of works stores (Paragraph 9).* The national agreement on works committees, concluded by the General Confederation of Italian Industry and the Italian General Confederation of Labour on 7 August 1947, provided that the personnel of an undertaking should, through the said committees, collaborate in the drafting of the statutes and standing orders of canteens and stores and, through their representatives, ensure better operation of such services. A similar clause is also contained in the new Agreement of 7 May 1953 regarding the establishment and operation of works committees, which was concluded by the General Confederation of Italian Industry, the Italian Confederation of Workers' Unions and the Italian Union of Labour.

Services similar to those referred to in this Part of the Recommendation are established by the personnel of many undertakings in the form of co-operatives ; these are operated by the workers concerned.

The supervision of the enforcement of Italian legislation is entrusted to the labour inspectorate, an organ of the Ministry of Labour and Social Welfare. The workers' organisations are able to co-operate in such enforcement through the works committees or trade union representatives in the undertakings.

The provisions of the Recommendation are covered by Italian legislation and by a comprehensive network of collective agreements ; it therefore appears unnecessary to make new provisions in this regard.

Japan.

Labor Standards Law, No. 49 of 5 April 1947 (L.S. 1947—Jap.3). Regulations for the enforcement of the Labor Standards Law (Ministry of Welfare Ordinance No. 23 of 30 August 1947). Mariners' Law, No. 100 of 1 September 1947 (L.S. 1947—Jap. 5). Regulations for the enforcement of the Mariners' Law (Ministry of Transport Ordinance No. 23 of 1 September 1947). National Public Service Law, No. 120 of 1947. Income Tax Law, No. 27 of 1947. Apprenticeship Ordinance (Ministry of Labor Ordinance, No. 6 of 1947). Law No. 95 of 1950 concerning the compensation of employees in the regular government service. Rules of the National Personnel Authority based on the National Public Service Law. Local Public Service Law, No. 261 of 1950. Civil Code (Law No. 89 of 1896).

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* The Labor Standards Law provides (section 24, paragraph 1) that wages must be paid in full to the workers. Partial deductions from wages are permitted in cases provided for by law or order or by a written agreement between the workers and their employer. As regards seamen the Mariners' Law (section 53) lays down that the salary, wages or other remuneration shall be paid to the seamen in full, unless otherwise provided for by law, ordinance or collective agreement. The National Public Service Law is applicable to employees in the regular government service. Rule No. 9 (3) of the National Personnel Authority prohibits deductions from wages of these employees unless otherwise provided for by law, ordinance or rule authorised thereby. The Local Public Service Law was enacted for local public employees and in compliance with section 58 thereof the Labor Standards Law is applicable to them.

Under the provisions of section 709 of the Civil Law the worker shall be held liable for the reimbursement of loss of or damage to the products, goods or installations of the employer only when such loss or damage has been caused clearly through the fault of the worker concerned. However, no measure has been taken under present legislation to limit deductions from wages in respect of the reimbursement for such loss or damage. The Labor Standards Law (section 16) and the Mariners' Law (section 33) prohibit the conclusion of a contract which fixes in advance the amount of reimbursement for damages.

No measure has been taken to limit deductions from wages in respect of tools, materials or equipment, while the Labor Standards Law permits deductions from wages in part, in cases provided for by law or order or by a written agreement between the workers and their employer. The Apprenticeship Ordinance lays down under section 25, paragraph 2, that the employer must provide the apprentice with the tools, work clothes, materials for teaching and other goods necessary for training, free of cost.

II. *Periodicity of wages (Paragraphs 4 and 5).* Section 24, paragraph 2, of the Labor Standards Law and section 24, paragraph 2, of the Mariners' Law provide that wages must be paid at least once a month at a fixed date. However, no provision has been included in the national law or regulations to the effect that wages must be paid not less often than twice a month in the case of workers whose wages are calculated by the hour, day or week. Section 24 of the Labor Standards Law and section 8 of its enforcement ordinance provide that the following elements of wages need not necessarily be paid monthly: attendance allowances to be paid for attendance record during a definite period of more than one month; continuous service allowances for continuous service for a definite period of one month, and incentive allowances or efficiency allowances for a period of more than one month.

With respect to the national public employees, the Law concerning the compensation of employees in the regular government service lays down (section 9) that half the amount of salary shall be paid for each of the periods covering from the first to the fifteenth day of a month and from the sixteenth to the last day of a month. However, pursuant to the provisions of the National Per-

sonnel Authority Rules and conditional upon the approval of the National Personnel Authority, the salary shall be paid in full and monthly.

No law or regulation has been enacted specifically determining the maximum intervals for the payment of wages of workers whose wages are calculated on a piece-rate or output basis. However, they are also covered by section 24, paragraph 2, of the Labor Standards Law, which provides for the payment of wages not less often than once a month. There is no legislative provision comparable to Paragraph 5 of the Recommendation.

III. *Notification to workers of wage conditions (Paragraph 6).* Section 15 of the Labor Standards Law and section 32 of the Mariners' Law require the employer to inform the workers, in making labour contracts, of the wages, working hours and other conditions of work. The Labor Standards Law (section 89), the Mariners' Law (section 97) and section 70 (1) of its Enforcement Ordinance require the employer to draw up Rules of Employment which include the method of determination, computation and payment of wages; date of closing the account and payment of wages, etc. Such Rules of Employment shall be made known to the workers concerned. No provision has been included in the present national law or regulation specifically determining the place for the payment of wages.

In the case of national public service personnel wage conditions are determined by the Law concerning the compensation of employees in the regular government service and the Rules of the National Personnel Authority.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* The employer is required to enter in wage ledgers, in accordance with section 108 of the Labor Standards Law and sections 54 and 55 of its enforcement ordinance, such matters as the total amount of wages, amount of deductions from wages and net amount of wages paid, etc. The Income Tax Law provides that the employer must issue to the workers concerned, with each payment of wages, a pay slip which includes a detailed account of wages to be paid and amount of income tax therefor. With respect to deductions from wages approved by law or order, such law or order requires the employer to draw up an account of deductions and notify it to the workers. No law or order has been enacted to the effect that workers should be informed of the net amount of wages paid. However, in fact, the employers issue, with each payment of wages, a pay slip in which are included the gross amount of wages earned, deductions which may have been made, including the reasons therefor, and the amount thereof and the net amount of wages due, etc.

With regard to national public employees, the National Public Service Law and Rule No. 9 (5) of the National Personnel Authority, 1951, provide that payroll records shall be prepared showing the amount of basic pay and other allowances payable, with details of each item, and of deductions and net amount of cash wages paid. Rule No. 9 (5) of the National Personnel Authority, 1951, and the Regulation of 1951 issued thereunder governing the handling of payrolls lay down that a pay slip shall be issued to the employee with each payment of wages showing the gross amount of wages earned, amount of deductions and reasons therefor and net amount of cash wages due.

The Labor Standards Law and its enforcement ordinance require the employer to keep for a period of three years, wage ledgers and other important records of wages. As regards national public employees, the compensation officer is responsible under the provisions of Rule No. 9 (5) of the National Personnel Authority, 1951, for the preservation of payroll records for a period of three years.

V. *Association of workers in the administration of works stores (Paragraph 9)*. There is no comparable provision in the present national law. However, in large undertakings having works stores and other welfare facilities the association of workers' representatives in the administration of those facilities is in some cases provided for by managerial regulations or by collective agreement.

For information relating to inspection, the enforcement and supervision of the relevant laws and regulations, see under Convention No. 95.

The criminal and civil courts exercise fair judgment, whilst the workers concerned are given a reasonable opportunity to show cause in the court, in particular as regards disputes concerning the reimbursement referred to in Paragraphs 2 (1)-(3) of the Recommendation. While present national legislation includes no provision to the same effect as in Paragraph 9 of the Recommendation (association of workers in the administration of works stores) there are in fact many instances of such association. With regard to Paragraphs 4 (a) and 5 (2) (a) the Government states that it has no intention of taking steps to modify the national legislation which provides for the payment of wages not less often than once a month and which, in view of the current economic and social conditions and practices prevailing in the country, is considered as sufficient for the purpose. The report concludes that, as none of the national legislation or practices mentioned runs counter to the purport of the Recommendation, it is not necessary, in the circumstances, to lay down by law or regulation that wages shall be paid not less often than twice a month. The Government finds it necessary to make modifications in Paragraphs 4 and 5 in adopting or applying the Recommendation.

New Zealand.

Wages Protection and Contractors' Liens Act, 1939.
Industrial Conciliation and Arbitration Act, 1925 (L.S.1925—N.Z. 1).
Factories Act of 12 October 1946 (L.S. 1946—N.Z. 4).
Shops and Offices Act, 1921-1922.
Agricultural Workers Act of 18 September 1936 (L.S. 1936—N.Z. 5).
Shipping and Seamen Act, 1952.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation)*. In New Zealand these deductions are primarily subject to legislative control; section 8 of the Wages Protection and Contractors' Liens Act, 1939, provides that the entire amount of the wages is to be paid to the worker in money. The only permissible deductions (apart from those for public purposes) are those specified in section 19 (2) or covered by the circumstances described in sections 12, 13, and 19 (3) of the Wages Protection and Contractors' Liens Act, 1939. Section 3 (1) of the Act provides that no order attaching or charging the wages of any worker shall be made in any court except with respect to so much of the wages as exceeds the

rate of two pounds a week. Seamen and agricultural workers are not covered by section 19 (2). Deductions for public purposes are governed by special statutes; some awards also contain restrictive provisions regarding deductions.

Section 71 of the Shipping and Seamen Act, 1952, prohibits deductions unless they are included in the statement of wages and deductions to be supplied by the master in those cases where a seaman is discharged before a Superintendent in New Zealand. There is no particular limitation on the extent of allowable deductions in the case of seamen except that, in respect of the seaman himself, section 81 (2) of the Shipping and Seamen Act, 1952, provides that where a seaman makes an allotment note for any part of his wages in favour of a near relative or of the Post Office Savings Bank, the amount so allotted shall not exceed one-half of the seaman's wages unless the master of the ship agrees. In respect of persons covered by the Wages Protection and Contractors' Liens Act, section 19 (2) (f) provides for only a "reasonable" amount to be deducted from the worker's wages. In the case of agricultural workers the wage is deemed to be exclusive of board and lodging and where these are not supplied the ordinary wages must be augmented by a specified amount.

There is no provision in New Zealand law whereby an employer may legally make deductions from his employee's wages in reimbursement of loss of or damage to the products, goods, or installations. The employer's only recourse is to discharge the worker and/or maintain an ordinary civil action against him for damages. In the case of an apprentice, section 38 of the Apprentices Act, 1938, provides that "where an apprentice so misconducts himself, or proves himself to be so incapable that if he were an employee other than an apprentice it would be reasonable for his employer to discharge him, the employer may suspend him and apply to the appropriate local committee, or where there is no such committee, to the District Commissioner for leave to discharge him". The committee or the District Commissioner may make such order as is considered fit with respect to the payment of wages to the apprentice in respect of the period of his suspension.

Under section 19 (2) (a) of the Wages Protection and Contractors' Liens Act, 1939, an employer may make deductions from his employee's wages in respect of "any medicine, or medical attendance, or any fuel, materials, tools, or appliances, or implements to be used by the worker in his work", but section 19 (2) (f) provides for only a "reasonable" amount to be deducted in respect of any of these items.

II. *Periodicity of wage payments (Paragraphs 4 and 5)*. Section 7 of the Wages Protection and Contractors' Liens Act, 1939, provides that, in the absence of an agreement in writing to the contrary, the entire amount of wages earned by or payable to any worker shall be paid to him at intervals of not more than one week if he is employed in manual labour and, if not, at intervals of not more than one month. Section 34 (4) of the Factories Act, 1946, provides that payment of wages to persons employed in any capacity in a factory shall be made in full at not more than fortnightly intervals. Under the Shops and Offices Act, 1921-1922, (section 11 (c)), in the case of shops, payment shall be made in full at weekly or at

such shorter intervals as are agreed on; in the case of offices, the Amendment Act of 1936 (section 20) provides that payment shall be made at monthly intervals. Awards, in general, provide for payment of wages on a weekly basis. In the case of seamen, section 74 of the Shipping and Seamen Act, 1952, provides that unless some other provision is made in the ship's agreement the wages of the crew of a home-trade ship who are engaged on time agreement are to be paid monthly on the first day of the month or within seven days thereafter or as soon thereafter as the ship arrives at any port where there is a branch of any bank. The salaries of some teachers employed by education boards are paid on a monthly basis, but salaries in government departments are generally on a fortnightly basis.

In regard to dairy-farm workers, section 16 of the Agricultural Workers Act, 1936, provides for payment on a monthly basis or at such shorter intervals as may be agreed on, while the various Extension Orders covering other classes of agricultural workers specify payment on monthly, fortnightly, or weekly bases or according to mutual arrangement.

No distinction on the basis of piece-work as opposed to time-work is drawn in so far as the wage payment interval is concerned.

Where no Act, award or collective agreement makes special provision as regards workers employed to perform a task the completion of which requires more than a fortnight, the position is determined under section 7 of the Wages Protection and Contractors' Liens Act in respect of workers, other than agricultural and maritime workers, irrespective of the duration of the particular task. The position concerning seamen is defined in section 7 of the Shipping and Seamen Act, 1952, or by the particular award governing the class of maritime worker concerned.

III. *Notification to workers of wage conditions (Paragraph 6).* For all practical purposes every worker in New Zealand is covered by some Act, award, collective agreement or order, under which the conditions regarding wages are clearly set out, and of the existence of which the workers concerned are fully aware.

Section 148 of the Industrial Conciliation and Arbitration Act, 1925, lays down requirements regarding the display of the relevant award governing the particular industry or trade concerned, while the Orchardists and Tobacco Growers Extension Orders in the case of agricultural workers contain special instructions regarding display of the Order. In the case of seamen, section 36 of the Shipping and Seamen Act, 1952, requires that a legible copy of the agreement with the crew is to be kept posted up during its currency in some part of the ship accessible to the crew. It is part of the normal administrative set-up of the workers' organisations whose coverage embraces practically all occupations in New Zealand, including agricultural workers, to keep their members fully up to date with the latest information on wage matters.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* While it is not the general practice to provide workers in New Zealand with detailed statements on each pay-day of the manner in which their pay has been computed, section 101 of the Industrial Conciliation and Arbitration Act,

1925, provides that a wages and overtime book is to be kept by every employer bound by an award or industrial agreement, while section 17 of the Agricultural Workers Act, 1936, section 15 of the Factories Act, 1946, section 12 of the Shops and Offices Act, 1921-1922, and section 20 of the Shops and Offices Amendment Act, 1936, contain requirements concerning details to be shown in wages and time books. The worker is thus in a position to ascertain precisely how his wages are made up, while through the supervision exercised by the Inspectorate of the Department of Labour and Employment under which such records are subject to inspection, proceedings for recovery of wages where default has been made ensure that the worker is fully safeguarded. Union officials are vigilant in regard to the interests of their members and keep a close watch on this aspect.

V. *Association of workers in the administration of works stores (Paragraph 9).* The Government states that the position in New Zealand is not such as to warrant special measures being taken on the lines suggested in the Recommendation as regards the association of workers in the administration of works stores.

Norway.

Workers' Protection Act of 19 June 1936 (L.S. 1936—Nor. 1), as amended, in particular, by the Act of 28 July 1949 (L.S. 1949—Nor. 7).

Temporary Act No. 4 of 3 December 1948 concerning the conditions of employment of agricultural workers (L.S. 1948—Nor. 6), as amended by the Act of 23 November 1951.

Temporary Act No. 5 of 3 December 1948 concerning the conditions of employment of domestics (L.S. 1948—Nor. 7), as amended by the Act of 23 November 1951.

Act of 15 February 1918 concerning industrial homework, as amended, in particular, by the Act of 20 May 1939.

Act of 2 August 1929 concerning the protection of workers in Svalbard (Spitzbergen).

Pay Regulations for Public Services, 1948.

Various Collective Agreements and Works Regulations.

The Recommendation has a wider scope than the Norwegian legislation listed above, which does not cover occupations in the merchant marine, sealing, whaling and fishing, air transport and public service; the report states that the provisions of the Recommendation are "generally recognised" in Norway.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* Section 32 (2) of the Workers' Protection Act prohibits deductions from earned wages unless authorised by law or by a written agreement, or in order to cover, *inter alia*, compensation for damage caused by the employee wilfully or through gross negligence.

Section 9 (3) of the Act of 3 December 1948 concerning the conditions of employment of agricultural workers contains similar provisions and permits deductions (provided for in the contract) in respect of claims by the employer on the worker for rent for housing accommodation or ground, or for goods produced in the undertaking and received by the worker during a specified period.

Pursuant to various legal provisions deductions from wages may be made, for example, for local and State taxes, for various kinds of insurance such as old-age pension, health, and unemployment insurance, together with maintenance allowances for wives and children.

The minimum wage for industrial homework shall be paid to the worker uncurtailed, without reduction for middleman's commission or anything similar.

According to the work regulations approved by the Labour Inspection Council the liability of the worker to pay compensation for the destruction of materials, etc., belonging to the undertaking is confined, as a rule, to damage caused wilfully or through gross negligence. In such cases the Council requires that the deduction from wages shall not take place unless the undertaking has discussed the matter with two representatives elected by the workers, and even when these representatives are in agreement with the management the worker shall not be precluded from having the question of his responsibility tried by courts of law.

Statements from the five major Norwegian air transport companies indicate that persons employed by them and not covered by the Workers' Protection Act are covered in most cases by corresponding provisions regarding deductions from wages, or by corresponding practice. Where such provisions exist they are contained in work regulations.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* The Workers' Protection Act, section 32 (1) provides that if an hourly, daily or weekly wage has been fixed by agreement wages shall be paid at least once a week. In the case of piece-work the settlement may be postponed until the work is completed, provided that a suitable advance is made weekly in respect of the work which has been performed. Other time limits for the settlement may be fixed by agreement. In the case of employees paid by the month or the year the remuneration shall be paid at least twice a month unless an agreement is made to the contrary. Corresponding provisions are found in section 9 of the Act respecting conditions of employment of agricultural workers. Pursuant to the Act of 3 December 1948 (section 4), the remuneration of domestic servants shall be paid at least twice a month unless an agreement is made to the contrary.

The Act respecting industrial homework and the Act respecting the protection of workers in Svalbard (Spitzbergen) lay down that wages shall be paid at least once a week unless other arrangements have been made by special agreement.

For employees in government service the wage or salary is paid once or twice a month according to the wishes of the employee (section 16 of the Pay Regulations for government service). According to the available information personnel employed by air transport companies seem to be covered by agreements or practice corresponding to the provisions contained in this Part of the Recommendation. The relevant provisions are to be found in work regulations or collective agreements.

III. *Notification to workers of wage conditions (Paragraph 6).* Wage rates are fixed by collective agreement and individual work contracts.

In accordance with section 34 of the Workers' Protection Act the employer shall draw up work regulations in consultation with five representatives elected by the employees. These regulations shall contain, *inter alia*, provisions concerning the payment of wages, and shall be drawn up in every industrial and commercial establishment and office which employs more than ten workers, or when the labour inspection authorities consider the drawing up of such regulations necessary, irrespective of the number of employees. The Ministry of Local Government and Labour may decide that

work regulations shall be drawn up in other undertakings and for other workers. A copy of the work regulations shall be issued to every employee covered thereby (section 39 of the Act respecting workers' protection and section 40 of the Act respecting the protection of workers in Svalbard (Spitzbergen)).

For employees in public services, the rates of wages payable, the method of calculation, and the periodicity of wage payments are laid down in the Pay Regulations for public services, a document which is available to all. Employees in public services are informed individually of the place where the wage or salary will be paid to them. Two of the air transport undertakings have stated that a notification of the type specified in Paragraph 6 of the Recommendation is given to their workers. One company has included provisions to this effect in a collective agreement.

IV. *Wages statement and payroll records (Paragraphs 7 and 8).* In accordance with the relevant legislation the worker may require that a written statement be given to him showing the amount of the wages, the method of calculation, and any deductions which have been made. Payroll records are kept for workers covered by the Workers' Protection Act, principally for the checking of overtime work.

As regards employees in public services it is a general practice that wage cashiers, when paying the personnel, enclose a statement of the amount of wages earned (contributions for the State pensions fund having been deducted), deductions and the net wage payable.

In statements to the Ministry of Communications, three air transport companies have declared that their practice is in accordance with this Part of the Recommendation.

V. *Association of workers in the administration of works stores (Paragraph 9).* No legal provisions exist in Norway concerning this Part of the Recommendation.

The Ministry of Local Government and Labour, together with its executive agency the Directorate of Labour Inspection, is entrusted with the supervision of the application of the provisions in the Act respecting workers' protection, the Act respecting conditions of work of agricultural workers, and the Act respecting industrial homework. The relevant penal provisions are found in each of the above-mentioned Acts and in section 412 of the General Penal Code. However, contraventions are not prosecuted unless the aggrieved person so requests.

Pakistan.

Payment of Wages Act of 23 April 1936 (L.S. 1936—Ind. 1).

The Payment of Wages Act covers most of the provisions of the Recommendation.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* The Government refers to the information given under Articles 8 and 9 in its report on Convention No. 95.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* Such details are not provided in the above Act. However, under the legislation, every person responsible for the payment of wages shall fix periods for such payment and no wage period shall exceed one month.

III. *Notification to workers of wage conditions (Paragraph 6).* The law requires the display of notices or abstracts of Acts by the persons responsible for the payment of wages. In addition, provincial governments are authorised to frame rules requiring the display in a conspicuous place, on premises where employment is carried on, of notices specifying the rates of wages payable to employed persons. Provisions regarding the methods of calculation and the places of payment are not specifically set out in the Act; wages are usually paid at the workplace.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* The protection afforded under the various clauses of the Act in respect of deductions from wages is in keeping with the provisions of the Recommendation relating to wage statements and payroll records.

V. *Association of workers in the administration of works stores (Paragraph 9).* There are no provisions on this matter in the above-mentioned Act.

The Ministry of Labour, through the Central Labour Commissioner, is entrusted with supervision of the application of the legislation in the central sphere and the provincial governments in the provincial sphere. The co-operation of employers' and workers' organisations in the application of the legislation is not provided for in the Act.

The Government has decided to implement as many provisions of the Recommendation as may be possible under existing conditions in the country. The revision of the Payment of Wages Act is to be undertaken shortly, and the provisions of the Recommendation will then be kept in view.

The Constitution of Pakistan is still in the making, and the question of the payment of wages calls for action by both the central and provincial governments in their respective spheres.

Philippines.

See under Convention No. 95.

Sweden.

See under Convention No. 95.

Switzerland.

See under Convention No. 95 for information relating to the provisions of the national legislation, as well as the reply of the Government¹ dated 8 March 1948 to the I.L.O. questionnaire on the protection of wages and the report of the Federal Council to the Federal Assembly on 25 September 1950. This report states, *inter alia*, that the suggestions contained in the Recommendation are implemented to a large extent in Switzerland.

The federal authority does not intend to take any measures to give effect to those provisions of the Recommendation which are not yet covered by the national legislation or practice.

In view of the fact that a considerable number of the legislative provisions enumerated by the Government are related to civil law, and that the right to legislate in this sphere is conferred on the Confederation, the cantons are not required to take any action in this respect.

Turkey.

Code of Obligations of 4 October 1926.

Labour Code (Act No. 3008) of 8 June 1936 (L.S. 1936—Turk. 2).
Circular No. 5275-37/55 of 8 December 1948.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* Section 333 of the Code of Obligations provides that the employer shall not, without the consent of the workers, compensate wages due by means of a credit which he has against them, in so far as such wages are absolutely necessary for the maintenance of the workers and their families. According to section 22 of the Labour Code, in the undertakings covered by the Code the sum which the employer is entitled to retain temporarily out of the remuneration for the purpose of covering compensation claims under the contract of employment shall be divided into equal parts over a period of ten weeks, and shall not exceed ten days' pay.

Circular No. 5275-37/55, issued by the Ministry of Labour on 8 December 1948, provides that if internal rules of employment envisage deduction in accordance with section 22 of the Labour Code, new rules should specify that: (a) in case of damage, a delegation of at least three persons, composed of foremen having expert knowledge of the matter, and workers' representatives, shall determine whether the damage is a result of a fault or negligence on the part of the worker, or of an accident arising from the machines, or of a fault attributable to both the employer and the worker; the group also determines the amount of damage caused and the sum to be paid by the worker; (b) this decision must be recorded and the employer shall make no deduction other than that provided for by the decision; (c) the worker reserves the right to appeal against such a decision before the courts.

There is no provision comparable to Paragraph 3 in Turkish legislation, but nothing prevents the employer and the worker from introducing provisions on this matter in the contract of employment.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* The Labour Code (section 19) provides that wages shall be paid at least once a week; they shall not be paid fortnightly or monthly unless the worker consents; and the remuneration of employees of the State, province and communes or undertakings under their control may be paid monthly.

In undertakings where wages are paid on a piece-work or output basis the method of wage payment provided by the internal rules of employment must not be contrary to the principle mentioned in the preceding paragraph. Section 20 of the Labour Code provides that when the contract is terminated, either by notice or by lapse of time, the remuneration shall be paid at once in full.

III. *Notification to workers of wage conditions (Paragraph 6).* According to the general principles of Turkish labour legislation, the worker has the right to be informed of the following details: wage rates, method of calculation, the dates and place of payment and the conditions under which deductions may be made.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* According to the general principles of Turkish labour legislation, the worker

¹ See footnote, p. 45.

can always ask for information concerning the gross and net amount of wages due and the reasons for any deductions made.

The Labour Code (section 21) requires the employer on each pay-day to deliver to the worker a slip indicating the sum due or to enter the sum in a book provided for the purpose and kept by the worker.

V. *Association of workers in the administration of works stores (Paragraph 9)*. The Labour Code (section 27) provides that works stores may be opened through the independent initiative of the workers or by the employer, or by him in agreement with the workers. There is no provision, however, for workers' participation in the administration of such stores opened by the employer.

The Ministry of Labour is entrusted with the supervision of the application of the above-mentioned provisions. Account is taken of the observations of employers' and workers' organisations.

The principles of the Recommendation are guaranteed by Turkish legislation.

Union of South Africa.

The Government refers to its report on Convention No. 95 for full details of the extent to which law and practice in the Union conform to the provisions of the Recommendation, and adds the following.

Provision is made in the industrial laws of the Union for some of the matters dealt with in the Recommendation; most of the other matters are provided for in wage determinations, industrial agreements, etc., applicable to particular industries.

In those industries to which wage-regulating instruments apply, effect has been given to all except the concluding provision of the Recommendation. The majority of the provisions of the Recommendation are considered more suitable for inclusion in wage determinations, industrial (collective) agreements, etc., than in national laws; the employees in the majority of industries have been given the necessary protection in this way.

All industrial laws and wage-regulating instruments are enforceable under criminal law; the Department of Labour is responsible for their administration, but where industrial councils are in existence they are entrusted, in the first instance, with the administration of their own agreements.

The Union Government considers that any move in the direction of securing for workers a share in the administration of works stores, etc., must come from the workers themselves in the form of an approach by workers in individual establishments to their employers. The inclusion of such an item in the Recommendation is not considered appropriate.

To the extent to which industrial legislation, with its accompanying system of wage-regulating instruments, can be applied to industries, effect will be given more and more to all except the concluding provision of the Recommendation.

United Kingdom.

Great Britain.

Truck Acts 1831, 1887, 1896 and 1940.
Hosiery Manufacture (Wages) Act, 1874.
Factories Act, 1937.

Agricultural Wages Act, 1948.
Agricultural Wages (Scotland) Act, 1949.
Catering Wages Act, 1943.
Wages Council Acts, 1945 and 1948.

In regard to Paragraphs 1 to 3 of the Recommendation the Government states that general practice in the United Kingdom is in accordance with the Recommendation for all classes of workers. In addition there are legislative provisions applying principally to manual workers. In those industries where there is statutory wage-fixing machinery statutory orders prescribe minimum rates of wages which must be paid free of all deductions other than those permitted by the statutes establishing the machinery.

In regard to Paragraphs 4 to 9 the report indicates that practice in the United Kingdom is in accordance with the Recommendation but that in general these matters are regarded as appropriate for settlement between employers and workers and are not dealt with by legislation.

Paragraphs 1 to 3 of the Recommendation. The Truck Acts apply to all those defined as workmen by the Employers' and Workmen's Act, 1875, i.e., all persons engaged in manual labour under a contract with an employer, but excluding domestic servants and (for certain purposes) servants in husbandry. In addition the provisions of the Truck Act, 1896, relating to deductions and payments in respect of fines are made applicable expressly to shop assistants. The Minister of Labour and National Service is empowered to exempt from the provisions of this Act specified trades either generally or in specified areas, if he is satisfied that such provisions are not necessary for the protection of the workmen.

Under the Truck Acts there is a general obligation on an employer to pay to his workmen in current coin or bank notes the full amount payable as wages. The only deductions which may be made are those expressly permitted under the Truck Acts, or authorised by some other statute, for example, the Income Tax Act or National Insurance Acts.

The Truck Act, 1896, provides for deductions for bad or negligent work or injury to the materials and other property of the employer. No such deductions are permitted unless the contract is in writing and signed by the workman or the terms of the contract are contained in a notice exhibited in some place where it can be seen and copied by the workman. Whenever a deduction is made particulars of the amount and the reason must be given to the workman in writing. The amount of the deduction must be fair and reasonable, and not exceeding the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman or of some persons over whom he has control or for whom he has by contract agreed to be responsible.

The Hosiery Manufacture (Wages) Act, 1874, prohibits deductions for the rent of frames used by workmen, and certain other charges.

The Factories Act, 1937 (section 120), makes it illegal for the occupier of a factory to make any deduction or to receive any payment in respect of anything done or provided by the occupier in pursuance of the Act, except in so far as provided to the contrary under the Act.

The Agricultural Wages Act, 1948 (covering agricultural workers in England and Wales), and the Agricultural Wages (Scotland) Act, 1949, deal with

the reckoning of benefits and advantages as payment of wages in lieu of payment in cash. The Agricultural Wages Board has power to define such benefits and advantages, to determine their value and to limit or prohibit payment of wages by this means instead of in cash.

Section 10 of the Catering Wages Act, 1943, and section 13 of the Wages Council Act, 1945, provide that minimum wages prescribed by statutory orders made under these Acts must be paid free of deductions other than those specified in these sections, e.g., for income tax and national insurance.

Paragraphs 6 and 8. Section 11 of the Catering Wages Act, 1943, and section 15 of the Wages Council Act, 1945, provide that employers shall post up notices informing workers of statutory wage regulation orders affecting them, and keep such records of wage payments as are necessary to show that the provisions of the Acts are observed. It is open to an aggrieved workman to institute legal proceedings against his employer for any violation of the Truck Acts. Factory inspectors have a duty to enforce these Acts in respect of factories, workshops, laundries and places where work is given out by the occupier of a factory or workshop or by a contractor or subcontractor. Inspectors of mines have a similar duty in respect of mines.

Statutory wage regulations are enforced, in the industries where they apply, by a staff of wages inspectors employed by the Ministry of Labour and National Service or, in agriculture, by the Ministry of Agriculture and the Department of Agriculture for Scotland. It is always open to workers or workers' organisations to bring alleged contraventions to the notice of the inspectors. Statutory wage regulations put into effect proposals of wages boards and councils; representatives of employers and workers take part in framing the proposals of wages boards and councils, of which they are members. It is not intended in the near future to take further legislative measures in the matters dealt with by the Recommendation. In general the matters dealt with in Paragraphs 4-9 of the Recommendation are regarded as inappropriate for legislation; they are settled between employers and workers in relation to the circumstances of particular cases.

Northern Ireland.

Truck Acts, 1831, 1887, 1896.
Hosiery Manufacturing (Wages) Act, 1874.
Factories Act (Northern Ireland), 1938.
Truck Act (Northern Ireland), 1940.

The object of the Truck Act of 1831 was to ensure that the wages of certain specified classes of workmen were paid only in current coin and that the workman actually received the full amount of the wages to which he was entitled in such coin. Payment by any other means was made illegal, as also was any stipulation as to the manner in which the wages should be spent.

The Act of 1887 extended the main provisions of the 1831 Act to classes of workers not previously included. The 1896 Act dealt with the question of deductions or payments in respect of fines, damaged goods and materials. The Truck Act (Northern Ireland), 1940, did not alter the law as to the future, but was passed to protect past transactions as the result of a law case involving deductions by an employer in respect of certain goods supplied to a workman.

It is illegal for an employer to contract with a workman as to how his wages shall be expended or to dismiss him for not spending his wages in some particular way. There are, however, provisions in the Truck Act, 1896, which permit an employer to make deductions from wages in respect of (a) fines; (b) bad or negligent work or injury to the materials or other property of the employer; and (c) the use or supply of materials, tools or machines, standing room, light, heat, or any other thing done or provided by the employer in relation to the work or labour of the workman.

However, an employer may not make a contract with a workman for any deduction from wages or any payment to the employer for any of these matters unless (a) the contract is in writing and signed by the workman; or (b) the terms of the contract are contained in a notice exhibited in some place where it can be seen and copied by the workman.

Further an employer may not make a deduction or receive a payment in respect of any of these matters unless (a) it is in accordance with the contract; and (b) particulars in writing showing exactly what the deduction or payment is for, and the amount of the deduction or payment, are supplied to the workman on each occasion when a deduction or payment is made.

An employer who makes a contract with a workman in respect of any of these matters must produce it, or a copy of it, to an inspector of factories or mines on demand being made in writing and must at the time of making the contract, and subsequently on request, give the workman concerned a copy of the contract or of the notice containing its terms.

In addition to the above there are certain special provisions: (a) Fines: the contract must specify the acts or omissions in respect of which the fine may be imposed and the amount of the fine. The fine must be in respect of some act or omission which causes, or is likely to cause, damage or loss to the employer or interruption or hindrance to his business. The amount of the fine must be fair and reasonable. An employer is under an obligation to keep a register showing particulars of every deduction or payment for or in respect of any fine and this register must at all times be open to inspection by an inspector of factories or mines. (b) Bad or negligent work or injury to materials or other property of the employer: the deduction or payment to be made under the contract must not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman or of some persons over whom he has control or for whom he has, by the contract, agreed to be responsible. The amount of the deduction or payment must be fair and reasonable, having regard to all circumstances of the case. (c) The use or supply of materials, tools or machines, standing room, light, heat, or any other thing done or provided by the employer in relation to the work or labour of the workman: the sum to be paid or deducted must not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost to the employer and, in the case of the use of machinery, light, heat, etc., a fair and reasonable rent or charge, having regard to all the circumstances of the case.

Under section 126 of the Factories Act (Northern Ireland), 1938, it is illegal for the occupier of a factory to make any deduction or to receive or allow any person in his employment to receive any

payment in respect of anything done or provided by the occupier in pursuance of that Act, except in so far as it is expressly provided to the contrary under the Act. The Hosiery Manufacturing (Wages) Act, 1874, contains additional provisions for the hosiery trade, mostly directed against the renting of frames and machinery.

Inspectors of factories appointed by the Minister of Labour and National Insurance enforce the provisions of the Truck Acts in Northern Ireland in respect of factories, workshops, laundries and places where work is given out by the occupier of a factory or workshop or by a contractor or subcontractor. Inspectors of mines appointed by the Minister of Commerce similarly enforce the Acts in respect of mines.

Practice in Northern Ireland is in accordance with the conditions mentioned in Paragraphs 4-8 of the Recommendation. The Government is, however, of the opinion that these are matters in which flexibility is essential and which are appropriate for settlement between employers and workers in relation to the circumstances existing in particular cases.

United States.

For the appropriate legislative and administrative provisions, reference is made to the corresponding section of the report on Convention No. 95.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* For information regarding measures to safeguard the maintenance of the worker and his family, see under Convention No. 95 (Articles 4, 8, 9 and 10).

Federal legislation and regulations concerning the protection of wages do not deal directly with deductions from wages for reimbursement of loss or damage to the products, goods or installations of the employer. Such deductions may be permitted under the Davis-Bacon Act and related statutes, upon approval by the Secretary of Labor, provided that deductions meet certain prescribed conditions, e.g., the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from them (Title 29 Code of Federal Regulations (C.F.R.), Part 3). Deductions of this kind would not be permissible, however, under the Fair Labor Standards Act, as amended, or the Public Contracts Act, where the wages received by the employee thereby would be reduced below the applicable minimum rate of pay. Of course, the employer may, and is legally required to, make any deductions which are assessed by an order of a court of competent and appropriate jurisdiction.

Federal regulations which limit and permit deductions from the wages generally provide for deductions for board, lodging, or other facilities. However, items such as tools, miners' lamps, dynamite caps and similar items are not construed as coming within the meaning of that phrase.

II. *Periodicity of wage payments (Paragraphs 4 and 5).* See under Convention No. 95 (Article 12).

III. *Notification to workers of wage conditions (Paragraph 6).* See under Convention No. 95 (Article 14).

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* Federal legislation or regu-

lations do not deal directly with the requirements of Paragraph 7 of the Recommendation. Generally, however, workers in the United States who receive wages which fluctuate in the amounts paid from one pay period to another are informed at the time of each payment concerning the gross amount earned, the amount of and reasons for any deductions made from such gross wages due, and the net amount tendered. See also under Convention No. 95 (Articles 8, 9 and 14).

Section 11 (c) of the Fair Labor Standards Act of 1938, as amended, provides that: "Every employer subject to any provision of this Act or any order issued under this Act shall make, keep and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder." Administrative regulations (Title 29 C.F.R., Part 516) issued under authority of section 11 (d) of the Fair Labor Standards Act cover the subject matter of Paragraph 8 of the Recommendation.

Under the Walsh-Healey Public Contracts Act the Secretary of Labor has issued rulings and interpretations (section 51) which require every contractor subject to the provisions of this Act to maintain and make available for official inspection records of employment. These records adequately cover the requirements of Paragraph 8 of the Recommendation. Under authority of Reorganization Plan No. 14 the Secretary of Labor issued regulations which require all employers subject to the provisions of the Prevailing Wage Act (Davis-Bacon Act), as amended, the Eight-Hour Act, as amended, the National Housing Act, as amended, the Hospital Survey and Construction Act, the Federal Airport Act, as amended, the Housing Act of 1949, the School Survey and Construction Act of 1950, and the Defense Housing and Community Facilities and Services Act, to maintain payroll records which contain information covering the requirements of Paragraph 8 of the Recommendation.

V. *Association of workers in the administration of works stores (Paragraph 9).* No legislative measures have been taken in the United States dealing directly with arrangements for the association of representatives of workers in the general administration of works stores or similar services. However, some collective agreements provide for the participation of representatives of the workers in the administration of such services.

Reference is made to the report on Convention No. 95 for information relating to the authorities entrusted with the supervision of the application of the legislation and regulations. The supervision of the provisions of the Federal Credit Union Act is placed under the Director of the Bureau of Farm Credit Unions under the jurisdiction of the Department of Health, Education and Welfare.

The provisions of the Recommendation are considered as appropriate in part for federal action and in part for action by the states.

The report contains the following details regarding action by the various states. Action by the

states of the United States is regarded as appropriate for many of the provisions of this Recommendation. With reference to the deduction of wages 25 states (listed in the report) have enacted laws which limit deductions from wages to the extent deemed necessary to safeguard the worker. While no states appear to have specifically provided for deductions relating to reimbursement of loss of or damage to the products, goods or installations of the employer, all the states do provide under their civil and criminal laws for protection against malicious and negligent destruction of property. In the latter case, the amount to be recovered is generally confined to a sum not in excess of the actual amount of the loss or damage. As regards the periodicity of wage payments and the notification to workers of wage conditions reference is made to the report on Convention No. 95.

Twenty-six states (listed in the report) have statutes which require a substantial portion of employers within the respective states to post up and maintain the details of wage conditions as information to the employees. Practically all these statutes require that the information posted up must relate to the rates of wages payable, the method of calculations and the conditions under which deductions may be made. Few statutes, if any, require the posting up of information concerning the periodicity of wage payments and the place of payment of such wages.

There do not appear to be any state laws which require that workers should be informed of the particulars laid down in Paragraph 7 as regards wage statements and payroll records. However, it is believed to be the general practice throughout the United States to inform workers on their pay periods, when wage payments are subject to change, of the gross amount of wages earned, the amounts of and the reasons for such deductions as are made therefrom, and the net amount being paid. As regards payroll records, 23 states (listed in the report) require all or a substantial portion of the employers to maintain adequate and appropriate records of employment.

Recommendation No. 85 was submitted to the Congress of the United States on 21 June 1951 for consideration; no action has been taken by Congress in this respect.

Uruguay.

The Government reproduces the information given in respect of Convention No. 95.

Viet-Nam.

For information relating to the legislative and administrative provisions which deal with the subject-matter of the Recommendation the Government refers to its report on Convention No. 95 and adds the following details.

As regards agricultural workers, effect is given to the majority of the provisions of the Recommendation by the General Order of 25 October 1927 (sections 5, 8, 15, 36, 46, 47, 56), as subsequently amended; the General Labour Regulations of 12 July 1951 (section 12) and Ordinance No. 15 of 8 July 1952 (section 152). As stated in the report on Convention No. 95 other categories of workers (with the exception of domestic servants and navigation personnel) are covered by Ordinance No. 15 of 8 July 1952 (sections 29, 112, 119,

122, 132 to 135, 139, 152 and 249). Except as regards navigation personnel the relevant legislative measures and regulations in force make it possible to give complete effect at least to the spirit, if not to the letter, of the provisions of the Recommendation as a whole.

The report contains the following specific information relating to agricultural undertakings.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* As regards agricultural undertakings there are no regulations relating to the deductions (for loss of or damage to the goods, products or installations of the employers) dealt with in Paragraphs 2 and 3. This question has not yet arisen in practice. Ordinance No. 26 of 26 June 1953, which was recently enacted by the Government to promulgate the Labour Code for agricultural undertakings, does not provide for deductions of this kind.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* There are no regulations relating to the provisions of Paragraph 7. However, the absence of such regulations could be met, where necessary, by the conclusion of collective agreements between employers' and workers' organisations.

V. *Association of workers in the administration of works stores (Paragraph 9).* The report states that although the association of workers in works stores is not provided for in the Regulations of 1952 or the Ordinance of 26 June 1953 this provision of the Recommendation could be implemented to a certain extent by the application of sections 148 and 152 of the Ordinance of 8 July 1952, which provides that, in all undertakings employing more than 100 persons, staff representatives are to be appointed and entrusted, *inter alia*, with the responsibility of communicating to the employer any useful suggestions relating to the general working of undertakings.

As regards other categories of workers the report states that Paragraph 3 is the only Paragraph of the Recommendation which is not covered by the national legislation. However, should the necessity arise in a given occupation, use could be made of collective agreements and related provisions.

The Government appends to its report the text of the Order of 25 October 1927 which contains provisions relating to deductions from wages, periodicity of wage payments and methods for notifying and recording wage payments.

Yugoslavia.

Act No. 44 of 29 May 1948 concerning government officials. General Instruction No. 31 of 9 March 1949 concerning the drawing up of internal regulations for undertakings.

Decree No. 27 of 23 March 1949 concerning the disciplinary and material liability of persons employed in State undertakings, offices and institutions (L.S. 1949—Yug. 2).

Decree No. 11 of 7 March 1952 concerning the distribution of wage funds and concerning the remuneration of workers and salaried employees in economic undertakings.

General Instruction No. 19 of 10 April 1952 concerning the drawing up of wage regulations and the application of the Decree of 7 March 1952.

The Government refers to its report on Convention No. 95 for information regarding the extent to which the relevant legislation is implemented.

I. *Deductions from wages (Paragraphs 1 to 3 of the Recommendation).* The question of the liability of workers for loss of or damage to the products, goods or installations of the employer is regulated by section 17 of the Decree concerning the disciplinary and material liability of persons employed in State undertakings, offices and institutions and by section 81 of the Act concerning government officials. This legislation provides that any worker or official who, while at work, causes material damage to the State shall be held liable therefor according to the principles of civil law, under which it must be first determined whether or not the damage or loss was caused intentionally or by negligence.

The worker may appeal to the competent higher authority against any decision of the director of the undertaking or the manager of the office respecting compensation for damages. Within 30 days the worker may lodge an appeal with the ordinary court, acting as a labour court, against any decision made in the second instance. However, only the ordinary courts are competent for cases involving damage costing a specific amount (e.g., 50,000 dinars in the case of workers).

III. *Notification to workers of wage conditions (Paragraph 6).* This matter is dealt with in section 10, points 4 and 5, of paragraph 3 of the General Instruction of 10 April 1952, section 23 of the Decree of 7 March 1952, and the General Instruction for the application of the last-named decree.

IV. *Wages statements and payroll records (Paragraphs 7 and 8).* As indicated in connection with Convention No. 95 particulars regarding wages are given on the wage slips according to which wages are paid. In addition, with each payment of wages the worker is informed in writing of the amount of gross wages, any deductions from wages, the reasons therefor and the amount thereof, and

the net amount of wages due. The worker has the right to raise objections to these written statements. The remuneration of wage-earning and salaried employees in economic undertakings is paid from the wage funds established by the undertakings themselves in accordance with special provisions. The amount of remuneration for each worker is determined on the basis of the rate fixed by regulations. The latter are prepared by the undertakings in agreement with the workers' organisation designated for this purpose by the Central Committee of the Yugoslav Confederation of Trade Unions. The wage rates fixed in the regulations may not be lower than those laid down in section 15 of the above-mentioned decree. Moreover, wage-earning and salaried employees also participate, according to their work, in the distribution of the surplus in excess of the wage fund effected by their undertaking during a specific period.

V. *Association of workers in the administration of works stores (Paragraph 9).* Compliance with this provision of the Recommendation is fully assured by the fact that in Yugoslavia the workers direct the undertakings themselves.

See under Convention No. 95 for information relating to the authorities entrusted with the supervision of the application of the legislation and regulations.

The Government states that, in view of prevailing law and practice, it does not propose to take any other measures to apply the provisions of the Recommendation.

By virtue of the new Constitutional Act of 13 January 1953 federal action is appropriate and sufficient to give effect to the provisions of the Recommendation. In conformity with the provisions of sections 15 and 16 of this Act labour legislation forms part of the basic federal legislation.

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INTERNATIONAL LABOUR CONFERENCE

THIRTY-SEVENTH SESSION

GENEVA, 1954

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, 1954

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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 24th Session in Geneva from 15 to 27 March 1954.

2. The Committee learned with pleasure that the Hon. Charles E. WYZANSKI, Jr., who last year had felt it necessary to submit his resignation from the Committee owing to the pressure of his judicial duties in the United States, had been able to reconsider his decision and had accepted re-appointment as a member of the Committee. The Committee was also gratified to learn of the decision of the Governing Body at its 123rd Session (November 1953) to add to the membership of the Committee by appointing Dr. GARCÍA SAYÁN. Dr. GARCÍA SAYÁN, who is Professor of Civil Law at the University of Lima, served as a member of the United Nations and International Labour Organisation *Ad Hoc* Committee on Forced Labour. He is also Assistant Secretary-General of the Inter-American Bar Association and was formerly Minister of External Relations of Peru.

3. The composition of the Committee is now as follows:

Mr. Grantley ADAMS (Barbados),
Barrister; Premier 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, 1938-39;

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, 1932-33; President of the International Labour Conference, 1927 (Tenth Session);

Dr. GARCÍA SAYÁN (Peru),

Professor of Civil Law at the University of Lima; Assistant Secretary-General of the Inter-American Bar Association; former Minister of External Relations;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Professor of Industrial Relations at the University of Cambridge; Member of the United Kingdom Delegation to the sessions of the International Labour Conference, 1929-45;

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 of Nations Secretariat, 1920-25; 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, 1921-33; Govern-

ment member of the German Delegation to the sessions of the International Labour Conference till 1933; Chief of Division in the International Labour Office, 1933-34;

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;

Hon. Charles E. WYZANSKI, Jr. (United States),

Federal Judge; Representative of the United States Government on the Governing Body of the International Labour Office in 1935; Solicitor to the Department of Labor, Washington, D.C., May 1933-November 1935.

4. Of these 14 members the following were present at the session:

Mr. Grantley ADAMS,
Mr. Paal BERG,
Mr. H. S. KIRKALDY,
Mr. Helio LOBO,
Mr. Tomaso PERASSI,
Mr. William RAPPARD,
Mr. Georges SCELLE,
Mr. Friedrich SITZLER,
Miss J. G. STEMBERG,
Mr. Paul TSCHOFFEN,
Mr. Charles E. WYZANSKI, Jr.

5. Much to the Committee's regret, Baron VAN ASBECK, Sir Atul CHATTERJEE and Mr. GARCÍA SAYÁN were prevented by illness from attending the session.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Mr. ADAMS acted as Reporter on questions affecting non-metropolitan territories. Mr. SCELLE acted as Reporter on questions concerning 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 two unratified Conventions and on two Recommendations selected by the Governing Body.

8. The volume of work assigned to the Committee continues each year to grow by reason of the adoption of new Conventions and Recommendations and the ever-increasing number of ratifications. During the year 1953, 67 new ratifications were registered. Further ratifications have since been registered and at the time of the Committee's meeting the total had risen to 1,447. Since the last session of the Committee four additional Conventions have come into force, bringing the total number of Conventions in force to 79.

9. The Committee this year had before it a total of some 3,300 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 increased volume of work was, as in previous years, in no small measure due to the excellent preparatory work of the International Labour Office and in particular to the careful analyses which the Office had prepared of the 48 first reports submitted by governments since ratification by them of various Conventions.

10. As the Committee pointed out in its last report, the task which it 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, and that task is essentially one of a legal character. However, as the Committee also pointed out, this cannot be regarded as an end in itself and the ultimate object of the Committee's work, as of the whole procedure in which it is called upon to play a part, is to secure the highest possible standard of compliance with these obligations.

11. That procedure, though mandatory in form, depends for its real effectiveness on willing co-operation. It calls for co-operation primarily of governments, but also of employers' and workers' organisations, in accordance with the tripartite basis which is the distinguishing characteristic of the Constitution of the Organisation.

The Committee has been impressed by the manifest goodwill which many countries demonstrate consistently year after year in this respect. They furnish reports and information at the time and in the form requested. They respond readily to requests for supplementary information and co-operate in elucidating any points of doubt or ambiguity. They examine objectively any discrepancies to which their attention is directed between national law and practice on the one hand and their international obligations on the other. They take steps to rectify any such discrepancies which are in fact confirmed.

12. There are, however, instances of a contrary character, and attention is drawn to them separately in later sections of this report. The Committee would again remind the governments concerned that the objects of the International Labour Organisation cannot be advanced by ratifications alone but only by ratifications to which full effect is given in national law and practice. The Committee deplores the fact that a number of countries supply no information at all, and that others have failed, for periods as long as 20 years, to rectify divergencies between their national legislation and ratified Conventions. The Committee will continue to make observations in the hope that the Governments concerned will understand that in persisting in their error they do not render it any more excusable. It is inevitable indeed that the report of the Committee should largely take the form of directing attention to such cases as call for observations, rather than to the more numerous cases of full compliance. The Committee, however, feels it must express its grave concern regarding a number of cases where the same countries have now, for a number of years, failed completely to co-operate in the system of supervision by neglecting entirely to supply the reports and information called for. Such action is not only a breach of obligations freely undertaken in virtue of membership of the Organisation; it is a failure to co-operate in the social purposes which the Organisation was designed to promote. It places the countries concerned, by their very default, in an unduly privileged position, as they escape the detailed scrutiny to which countries fulfilling their obligations submit themselves. There are, moreover, a number of cases where the reports and information supplied either are so incomplete or arrive with such delay as to render their effective examination impossible. The Committee would therefore address an urgent call to all governments to supply the reports and information in the form and by the dates requested.

13. In its last report the Committee referred to the general effectiveness of the observations made by it and by the Conference Committee on

the Application of Conventions and Recommendations each year on the reports submitted by governments on ratified Conventions. The Committee remarked that it had itself tended at times to be disheartened by instances where it had to address year after year, without results, the same observations to certain countries. It referred to a general impression which had grown up that such instances, rather than the vastly greater number of cases which called for no observations at all, or where observations made had produced satisfactory results within a reasonable period, were typical. The Committee therefore expressed its interest in an inquiry which the Office proposed to undertake into the effect obtained as a result of observations made on reports on ratified Conventions, either by the Committee itself or by the Conference Committee. The Committee noted that the 1953 Conference Committee also expressed considerable interest in the inquiry and that it asked to be kept informed of its results.¹

14. The Office submitted to the Committee at its present session a memorandum setting out in detail the results of the inquiry and the conclusions to be drawn from it. The Committee felt that the memorandum was of such interest that it should be published in its entirety. It is accordingly attached to this report (Appendix VI) and no attempt is made to make any detailed survey of its contents here. The Committee would, however, point out that the inquiry appears to it to have been prepared objectively and, covering as it does approximately half of the ratifications registered, can be regarded as sufficiently representative to warrant the drawing of conclusions as to the effectiveness of observations made. It represents the first attempt to assess this important question on a statistical basis and place it in its true perspective in relation to the work of the Organisation. Stated in the simplest terms, the results indicate that, in respect of 70.8 per cent. of the cases examined, no intervention by the Committee of Experts or the Conference Committee was required because legislative conformity existed at the time of the making of the report, that in 13.3 per cent. of the cases their observations have led to implementing action by governments, that in a further 9.8 per cent. of the cases discrepancies which have been called to the governments' attention have not as yet been eliminated and, finally, that in the remaining 6.1 per cent. of the cases no definite conclusion could be reached on the basis of the information at hand. Expressed numerically, the figures show that out of the 588 cases examined there appears now in 494 cases to be legislative com-

¹ See International Labour Conference, 36th Session, Geneva, 1953: *Record of Proceedings* (Geneva, I.L.O., 1954), Appendix VI, paragraph 7, p. 365.

pliance with the terms of ratified Conventions, whereas in 58 other cases such compliance has not as yet been achieved. While the position cannot, in the Committee's opinion, be regarded as wholly satisfactory as long as even a single case of non-compliance remains, the results of the inquiry do make it clear that in a very appreciable number of instances the I.L.O.'s machinery of supervision has been instrumental in bringing about fuller implementation by the member countries of the Conventions they have ratified.

15. The Office inquiry, as is made clear in the report on its results, deals with the question of conformity of national law with the terms of ratified Conventions, and does not enter into the question of the effective application in practice of that law. The difficulty of arriving at definite conclusions regarding the latter question has been frequently stressed by the Committee in previous reports. The only sources from which conclusions can be drawn by the Committee are the replies of governments to the questions in the annual report forms dealing with practical application and any observations made by the organisations of employers and workers to which the governments are required to communicate copies of their annual reports.

16. The Committee would again emphasise the importance of detailed and up-to-date information being supplied by governments in reply to the questions dealing with practical application and enforcement. The majority of governments supply this information regularly. There are, however, still certain cases where, for example, governments reply to questions calling for statistical information and particulars of enforcement, which must necessarily vary from year to year, by a mere reference to previous reports and a statement that no change has taken place since then.

17. The great majority of governments now indicate clearly in their reports the fact that they have, as required by the Constitution of the Organisation, communicated copies of the reports to the representative organisations of employers and workers, and also state the names of the organisations in question. The Committee noted, however, that six countries (Brazil, the Dominican Republic, Egypt, Haiti, Indonesia and Peru) do not indicate that their annual reports under article 22 of the Constitution, on ratified Conventions, have been communicated to the representative organisations. Three countries (Cuba, Indonesia and Uruguay) do not indicate that their reports under article 19 on unratified Conventions and on Recommendations have been so communicated. The Government of Afghanistan states that no such organisations exist in

that country; the Government of Iraq indicates that such organisations as exist in that country are not yet truly representative; and the Government of Liberia points out that employers' and workers' organisations in that country are still in the formative stage.

18. The Committee has suggested on many occasions in the past that the task of ensuring adequate information regarding the practical application of Conference decisions is one calling not merely for government reports, but also for the active co-operation of employers' and workers' organisations. The Committee in its last report noted with interest that one government had 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 to note the reference to this matter in the report of the 1953 Conference Committee, where it was stated that members of all three groups in the Committee agreed that greater advantage might be taken by the representative organisations of the opportunity afforded them to comment on the information and reports submitted by the governments. The Committee was disappointed to find that this year these organisations still appear to be insufficiently aware of the essential part which they can play in supplying information regarding practical application, and that only one representative organisation has made observations on a report by the government of its country.

19. A further guarantee of effective application in practice of national legislation lies in the organisation of efficient systems of labour inspection. The importance which the International Labour Organisation attaches to this question was marked by the adoption by the Conference in 1947 of the Labour Inspection Convention. The Committee was pleased to learn that further ratifications of this Convention have been registered in the past year, bringing the total number of ratifications to 19, and that additional ratifications are understood to be pending. The Committee again expresses the hope that before long the great majority of countries will find it possible to organise efficient systems of labour inspection and so provide one of the surest guarantees of efficient enforcement in practice of the Conventions which they have ratified.

III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

(a) *Supply of Annual Reports*

20. The reports which came before the Committee this year related to the period 1 July 1952

to 30 June 1953. 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. For the period 1952-53 the governments were called upon to supply a total of 1,026 annual reports in respect of the application of 72 Conventions then in force for 54 Members. Up to the date of the 24th Session of the Committee the Office had received 840 reports (i.e., 81.8 per cent.). A list showing the reports received, classified according to countries and Conventions, is given in Appendix I. C. There is also attached in Appendix I. D. a table showing, for each year since 1931 in which the Committee has met, the number and percentage of reports due which were received by the date on which the meeting of the Committee opened and also those received by the date of the opening of the International Labour Conference.

21. The Committee is pleased to note that the proportion of reports received this year is substantially higher than in any of the recent years. On the other hand, it must be pointed out up to 15 October 1953, the date by which reports had been requested, only 212 reports had been received as against 268 on the corresponding date in the previous year. Nevertheless, the great majority of all the reports received came to hand within eight weeks of the due date.

22. Of the 54 countries called upon to supply reports, 43 submitted all those requested. On the other hand, no reports at all for the year 1952-53 have so far been received from Albania, Bulgaria, China, Colombia¹, Czechoslovakia and Hungary. 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.

23. First reports due since ratification of the relevant Conventions were received from Austria (Nos. 94, 95, 98), Belgium (Nos. 62, 74, 87), Canada (Nos. 58, 74), Ceylon (Nos. 11, 18), Denmark (No. 87), Finland (Nos. 94, 96, 98), France (Nos. 63, 77, 78, 87, 94, 98), Greece (Nos. 11, 17), Haiti (Nos. 1, 14), Indonesia (Nos. 19, 27, 29, 45), Iraq (Nos. 77, 81, 88), Ireland (No. 81), Israel (Nos. 30, 52), Italy (Nos. 3, 13), the Netherlands (No. 81), New Zealand (No. 97), Norway (No. 95), Pakistan (Nos. 87, 89, 90), Syria (No. 89), Turkey (No. 81), the United Kingdom (Nos. 94, 95, 97) and Yugoslavia (No. 25). The Committee noted with particular regret that Bulgaria and Czechoslovakia, from which a number of first reports on ratified Conventions have been due for several years, have again submitted no reports.

24. Voluntary reports (reports on Conventions which are not yet in force for the country concerned) were submitted by Belgium (Nos. 54, 57), Haiti (Nos. 30, 81), Mexico (Nos. 46, 54) and New Zealand (Nos. 47, 61, 84, 99, 101).

(b) *Examination of Reports by the Committee*

25. The Committee has continued the procedure of giving special attention to the reports on ratified Conventions submitted by governments on the first occasion after ratification. The number of such reports which came before the Committee this year was particularly large, i.e., 48. The governments concerned are requested to supply these reports in an especially detailed manner, and the Committee is grateful to the majority of such governments for the care with which they have drafted these reports. Their action in so doing, together with the detailed documentation prepared by the International Labour Office, has enabled the Committee in most cases to ascertain that the national legislation is in full conformity with the ratified Conventions. In other cases, where necessary, the Committee has drawn attention to discrepancies or has asked for further information where doubt arises in regard to compliance.

26. The Committee was pleased to note that, in a considerable number of cases where in the past it has made observations arising out of its detailed examination of first reports, prompt action has been taken by the governments concerned to rectify any discrepancies or to supply further information, which has cleared up any doubt affecting matters of compliance. The Committee is grateful to the governments concerned and feels confident that the procedure it has adopted in regard to the detailed examination of first reports not only is fruitful in results but is welcomed by many governments whose desire it is to co-operate fully with the Committee in its task. Indeed, the Committee has received further evidence this year of this attitude. It has been informed that a number of governments have requested the assistance of the Office in ensuring that their national legislation is in full conformity with Conference decisions. The Committee believes that it would help to develop the desired spirit of co-operation if all governments would realise that the observations which it makes, particularly in relation to first reports, are inspired not by a spirit of criticism but by a desire to co-operate with them in securing full conformity.

27. In addition to making a detailed examination of first reports the Committee has also examined with special care any changes in legislation which appear from later reports. It has also continued to scrutinise the information contained

¹ All but one of the reports due from this country were received in the course of the Committee's session and will be submitted to the Conference Committee.

in all the reports regarding matters of practical application, and 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 in this regard.

28. 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 a scheme of allocation adopted by the Committee at its previous session, such reports as were received by the Office in sufficient time were circulated to members of the Committee in advance of the session for examination by them before coming to Geneva. The observations on individual reports resulting from this procedure were examined and approved by the Committee as a whole, and these observations will be found in Appendix I.B.

IV. APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES

Introduction

29. The progress noted by the Committee during recent years—not only in the manner of preparation but in the number of reports supplied by some governments on the application of Conventions in their non-metropolitan territories—has continued during the year under review. The Committee wishes to thank governments for the steps which they have taken to ensure this result and expresses the hope that the general tendency which the Committee has noted towards a constant improvement in the reports on non-metropolitan territories will be maintained in future and that all governments concerned will equally endeavour to submit carefully prepared reports.

Declarations Registered regarding Application

30. The Committee has taken note with interest of a certain number of declarations which have been communicated to the Director-General of the International Labour Office since its last session, in conformity with the provisions of article 35 of the Constitution. In this connection the Belgian Government in communicating its instruments of ratification for the Migration for Employment Convention (Revised), 1949, No. 97, the Right to Organise and Collective Bargaining Convention, 1949, No. 98, and the Holidays with Pay (Agriculture) Convention, 1952, stated that these Conventions were not applicable to the Belgian Congo and Ruanda-Urundi. When it ratified, the Holidays with Pay (Agriculture) Convention, 1952, No. 101, the New Zealand Government stated that this Convention was not applicable to the Tokelau Islands, that it reserved its decision with regard to

the Cook Islands and that the questions covered by the Convention lay within the self-governing power of the Trust Territory of Western Samoa. On 28 December 1953 the Director-General of the International Labour Office also registered a declaration transmitted by the Italian Government in the name of the Trust Territory of Somalia by which Somalia accepts without modification the obligations contained in the Medical Examination of Young Persons (Sea) Convention (No. 16), 1921 and, subject to certain modifications, the obligations contained in the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), the Minimum Age (Sea) Convention, 1920 (No. 7), the Minimum Age (Agriculture) Convention, 1921 (No. 10), and the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15). Finally, during the present session of the Committee the French Government has sent to the Office a declaration of application to the Cameroons, French Equatorial Africa, French Settlements in India, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, and Togoland, of the Maternity Protection Convention, 1919 (No. 3), the Minimum Age (Industry) Convention, 1919 (No. 5), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); according to the declaration only the Maternity Protection Convention, 1919 (No. 3), is subject to a modification.

31. The Committee has noted that, according to the statements made by a number of government delegates during the 36th Session of the Conference, the governments concerned contemplate declaring certain ratified Conventions formally applicable to their non-metropolitan territories. The Committee has also taken note of the views expressed by the United Kingdom Government, which considers that, with the exception of Conventions which contain a specific clause to this effect, it is under no obligation to make a declaration regarding the application of Conventions which were ratified before the coming into force of the amended Constitution.

List of Declarations concerning the Application of Conventions to Non-Metropolitan Territories

32. Last year the Committee took note with great interest of a document prepared by the Office and which was appended to the Committee's report as Appendix VII, in which were listed all the declarations regarding the application of Conventions to non-metropolitan territories, whether communicated to the Secretary-General of

the League of Nations until 1946 or to the Director-General of the International Labour Office after that date. In this connection the Committee expressed the wish that the governments concerned should check the relevant information and communicate to the Office any comments they might have to make on the contents of this document. The Committee has learned with satisfaction that the Office has received only one request for a correction (due to a material error) to this document.

33. The Committee has also taken note of the views expressed as regards this document in the Conference Committee on the Application of Conventions and Recommendations. According to the report of that Committee, some of its members "stressed the fact that in certain cases Conventions on which declarations of application have not been made may nonetheless be applied through local legislation and that it would thus be misleading to use this list for the purpose of measuring the actual effect given to the social standards of the International Labour Organisation in non-metropolitan territories". The Committee fully associates itself with this view. The Committee wishes, indeed, to stress the fact that the list of declarations published last year in Appendix VII to the Committee's report merely constituted a recital of the obligations formally accepted by Members responsible for non-metropolitan territories—obligations by which the States concerned have undertaken to apply certain Conventions to these territories.

34. At the same time, the Committee feels that it would meet a very general desire if it could from time to time produce a document giving a broad general indication of the extent to which ratified Conventions are in fact applied in the various non-metropolitan territories. The Committee will accordingly try to compile such a document from the information supplied by governments on the occasion of the detailed five-yearly review to be made next year and referred to below.

Five-Yearly Review of Reports

35. In the course of the 31st Session of the Conference (1948), the Conference Committee on the Application of Conventions and Recommendations approved the suggestion made by the Committee of Experts to the effect that all governments responsible for the international relations of non-metropolitan territories should be requested to include in their reports for the following year and at five-yearly intervals thereafter precise information on the extent to which ratified Conventions are applied in their non-metropolitan territories. In conformity with the request formulated by the Conference, the governments

concerned supplied in 1949 and 1950 detailed information, for which the Committee of Experts expressed its appreciation.

36. Last year the Committee of Experts expressed the hope "that the effort . . . undertaken . . . 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". In order to be in a position to undertake this detailed study the Committee therefore requests the governments concerned to devote special attention to the preparation and submission of reports in respect of the period 1953-54 and to bear in mind that the objects of the special study are to try to assess the progress made during the five-yearly period in the extent of application of ratified Conventions to the territories concerned and to see whether developments in local conditions are duly reflected in progressive application in whole or in part of these Conventions or in further elimination of modifications which are no longer necessary in the light of changes that have taken place in such conditions.

37. With a view to facilitating the task of governments in this respect, the Committee feels that it would not be inappropriate to make certain suggestions in connection with the supply of information for the use of the Committee; these suggestions are contained in Appendix V to this report.

V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

38. As it has done each year since the coming into force of the amended Constitution of the International Labour Organisation, the Committee had to examine the information supplied by the various member States concerning the measures taken to bring the Conventions and Recommendations adopted by the Conference before the competent national authorities. The information requested this year related in the first place to the Conventions and Recommendations adopted by the Conference at its 35th Session (session immediately preceding the period of 18 months laid down as a maximum by article 19 of the Constitution), and in the second place to the decisions taken by the Conference at the four sessions held since the coming into force of the amended Constitution (1948).

39. During the period which elapsed between the last session of the Committee and 15 March 1954, the opening date of the present session, information relating to the measures taken to bring the various texts adopted by the Conference since 1948 before the competent national authorities has been supplied by the following 44 States: Afghanistan, Australia, Austria, Belgium, Bolivia, Burma, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Finland, France, the Federal Republic of Germany, Guatemala, Haiti, Iceland, India, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Poland, Portugal, Sweden, Switzerland, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela and Yugoslavia.

40. Most of this information concerned the measures taken towards submission of the Conventions and Recommendations adopted by the

Conference at its 35th Session (1952). The other information supplied contained additional data concerning the texts adopted at the 31st, 32nd, 33rd and 34th Sessions. According to this information, out of the 66 States Members of the Organisation, the following 25 States took measures to bring all texts adopted at the 35th Session before the competent national authorities: Afghanistan, Austria, Belgium, Burma, Canada, Ceylon, Denmark, Finland, the Federal Republic of Germany, Iceland, India, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, and Yugoslavia.

41. The present position of States Members with regard to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference since the coming into force of the new provisions of the Constitution is summarised in the following table:

POSITION OF STATES MEMBERS WITH REGARD TO SUBMISSION OF THE DECISIONS ADOPTED AT THE 31ST TO 35TH SESSIONS OF THE INTERNATIONAL LABOUR CONFERENCE (1948-1952)

Number of States in which, according to information supplied by governments:	31st Session (June 1948)		32nd Session (June 1949)		33rd Session (June 1950)		34th Session (June 1951)		35th Session (June 1952)
	20 Mar. 1950	15 Mar. 1954	27 Mar. 1951	15 Mar. 1954	17 Mar. 1952	15 Mar. 1954	16 Mar. 1953	15 Mar. 1954	15 Mar. 1954
all the decisions have been sub- mitted	16	31 ¹	17	26 ²	21	31 ³	25	30 ⁴	25 ⁵
some of these decisions have been submitted	7	10 ⁶	2	11 ⁷	—	— ⁸	4	3 ⁹	3 ¹⁰
none of these decisions has been submitted (or no information has been received)	36 [*]	17 ¹¹	41 [*]	22 ¹²	41 [*]	31 ¹³	35	31 ¹⁴	38 ¹⁵
Doubtful cases	—	1 ¹⁶	—	1 ¹⁶	—	—	—	—	—

* Rectified figures.

¹ Afghanistan, Austria, Belgium, Canada, Ceylon, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Finland, Guatemala, Iceland, India, Iran, Ireland, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Portugal, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, the United States.

² Afghanistan, Austria, Canada, Ceylon, Cuba, Denmark, the Dominican Republic, Finland, Iceland, India, Iran, Ireland, Israel, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, the United States.

³ Afghanistan, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Denmark, the Dominican Republic, Finland, France, Iceland, India, Iran, Ireland, Israel, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, the United States, Viet-Nam.

⁴ Afghanistan, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Cuba, Denmark, Ecuador, Finland, France, the Federal Republic of Germany, Iceland, India, Ireland, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, the United States, Viet-Nam, Yugoslavia.

⁵ Afghanistan, Austria, Belgium, Burma, Canada, Ceylon, Denmark, Finland, the Federal Republic of Germany, Iceland, India, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, Yugoslavia.

⁶ Australia, Brazil, Bulgaria, Burma, France, Greece, Iraq, Syria, Turkey, Uruguay.

⁷ Australia, Belgium, Brazil, Czechoslovakia, France, Greece, Guatemala, Iraq, Portugal, Turkey, Uruguay.

⁸ At its 33rd Session the Conference adopted only one instrument: the Vocational Training (Adults) Recommendation, 1950 (No. 88).

⁹ Dominican Republic, Mexico, Uruguay.

¹⁰ France, Israel, Uruguay.

¹¹ Albania, Argentina, Bolivia, Chile, China, Costa Rica, Egypt, Ethiopia, Haiti, Hungary, Lebanon, Liberia, Panama, Peru, Poland, El Salvador, Venezuela.

¹² Albania, Argentina, Bolivia, Bulgaria, Burma, Chile, China, Colombia, Costa Rica, Egypt, Ethiopia, Haiti, Hungary, Lebanon, Liberia, Mexico, Panama, Peru, Poland, El Salvador, Syria, Venezuela.

¹³ Albania, Argentina, Bolivia, Bulgaria, Chile, China, Colombia, Costa Rica, Czechoslovakia, Ecuador, Egypt, Ethiopia, Greece, Guatemala, Haiti, Hungary, Indonesia, Iraq, Lebanon, Liberia, Mexico, Panama, Peru, Poland, Portugal, El Salvador, Syria, Turkey, Uruguay, Venezuela.

¹⁴ Albania, Argentina, Bolivia, Bulgaria, Chile, China, Colombia, Costa Rica, Czechoslovakia, Ecuador, Egypt, Ethiopia, Greece, Guatemala, Haiti, Hungary, Indonesia, Iran, Iraq, Italy, Lebanon, Liberia, Pakistan, Panama, Peru, Poland, El Salvador, Syria, Thailand, Turkey, Venezuela.

¹⁵ Albania, Argentina, Australia, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, the Dominican Republic, Ecuador, Egypt, Ethiopia, Greece, Guatemala, Haiti, Hungary, Indonesia, Iran, Iraq, Italy, Lebanon, Liberia, Libya, Mexico, Pakistan, Panama, Peru, Poland, El Salvador, Syria, Turkey, the United States, Venezuela, Viet-Nam.

¹⁶ Ecuador.

42. The Committee noted with satisfaction that whereas last year 15 States only had fully discharged their obligations, this year 22 States (Afghanistan, Austria, Canada, Ceylon, Denmark, Finland, the Federal Republic of Germany, Iceland, India, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom and Yugoslavia) have taken measures to submit all the decisions adopted by the Conference since its 31st Session to the competent authorities.

43. The table above similarly shows that the States are gradually regularising their situation by submitting the texts adopted by the Conference at its previous sessions to the competent national authorities. Slow as the progress is, it will nevertheless be seen that it is continuous, and this the Committee considers as an encouraging sign.

44. Last year the Committee had to draw the attention of the Governing Body to the fact that eight States systematically ignored their obligation under paragraphs 5 (c), 6 (c), 7 (a) and 7 (b) (iii) of article 19 of the Constitution to "inform the Director-General of the International Labour Office of the measures taken . . . to bring the Convention (or Recommendation) before the competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them". The Committee noted with regret that six of these States had once again failed to supply any of the information requested (Ethiopia, Hungary, Lebanon, Liberia, Panama, El Salvador). The Committee hopes that these States will find it possible to explain the reasons for their persistent silence to the Conference, and it hopes that the new procedure to be adopted beginning this year will enable them better to understand the nature of the obligation resulting from article 19, paragraphs 5, 6 and 7 of the Constitution.

45. In this connection, the Committee had suggested in 1953 to the Governing Body that it might examine the possibility of establishing for member States a form or a memorandum which would be a reminder of the various points on which information should be supplied. The Committee was gratified to note that this suggestion had met with the unanimous approval of the Conference Committee and that, as a result of its proposals, the Governing Body had adopted a memorandum embodying the main rules which States should observe in order to discharge their obligations under article 19, paragraphs 5 (b), 6 (b), 7 (a) and 7 (b) of the Constitution, and containing a few very simple questions to which States were requested to reply. The Committee

hopes that this memorandum will make it possible for a greater number of governments properly to assess the extent of their constitutional obligations and will thus simplify their task.

46. The Committee was pleased to note that a number of countries (e.g., Australia, Belgium, India, the Netherlands, New Zealand, Pakistan, Switzerland, the United Kingdom and the United States) now regularly send to the Office, together with the information supplied concerning the measures taken to bring the Conventions and Recommendations adopted by the Conference before the competent authorities, the report of their Delegation to the Conference as well as the parliamentary document containing the proposals submitted by the government to the competent authorities concerning the action which it proposes to take in regard to each Convention and Recommendation. The Committee thanks these governments for the highly useful supplementary material thus placed at its disposal, and it would be pleased if the remaining governments would be good enough to adopt a similar practice.

47. As it did last year, the Committee has embodied in Appendix III of its report the observations which it considers appropriate with regard to the information supplied by the various governments as well as such requests for supplementary information as it has seen fit to make.

VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(a) *Supply of Reports*

48. This year is the fifth 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 two Conventions and two Recommendations dealing with labour clauses in public contracts and with the protection of wages as follows:

Labour Clauses (Public Contracts) Convention, 1949 (No. 94);

Protection of Wages Convention, 1949 (No. 95);

Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84);

Protection of Wages Recommendation, 1949 (No. 85).

49. The reports concerning the Conventions and Recommendations in question cover the period up to 1 January 1953, and the governments were requested to send in their reports before 1 July 1953.

50. The total number of reports due was in the neighbourhood of 240. The total number received by the time the Committee met was 56 reports on the unratified Conventions and 71 reports on the Recommendations. A table showing in detail the number of reports supplied by the various governments will be found in Appendix IV. B.

51. The Committee has repeatedly expressed its disappointment at the small proportion of the reports received on unratified Conventions and on Recommendations, notwithstanding the fact that the number of texts on which reports are called for has, in recent years, been greatly reduced, and the fact that the texts in question are of recent date and deal with matters of current interest. While the position is still far from satisfactory it represents a considerable advance on previous years. Nevertheless, the Committee would again remind governments that the obligation to submit these reports as called for by the Governing Body is specifically imposed by the Constitution of the Organisation, and that omission to supply them is a regrettable failure of the countries concerned to co-operate in the procedure of the supervision of the application of Conference decisions. It renders it difficult to assess, as such reports were intended to assist in doing, the effect which Conventions, even though not ratified, and Recommendations have had on national law and practice. It also places difficulties in the way of arriving at any conclusions, as these reports were intended to assist in doing, regarding difficulties which have prevented or delayed ratification of Conventions and acceptance of Recommendations. On the other hand the Committee is pleased to note a definite improvement this year in the quality of the reports submitted, many of which are comprehensive and highly informative.

(b) *Examination of Reports by the Committee*

52. As in the case of the reports submitted by the governments under article 22 on ratified Conventions, the reports on unratified Conventions and on Recommendations were examined by individual members of the Committee and their conclusions, which were approved by the Committee as a whole, will be found in Appendix IV. A.

53. Although it is not intended to repeat here the general conclusions appearing in Appendix

IV. A, it may be of interest to summarise certain figures showing the tangible results which these Conference decisions have had during the five years since their adoption. In so far as labour clauses in public contracts are concerned, the Committee finds that 11 countries have ratified the Convention, that nine further States are considering the possibility of doing so, and that eight other countries intend to modify their national law or practice with a view to giving effect to all or some of the provisions of the Convention and the Recommendation. In the field of wages protection, some basic legislation or regulations on the subject exist in practically all the reporting countries. Nine countries have, in fact, already ratified the Convention while nine others are either examining the possibility of ratification or intend to modify their law and practice to bring them into closer accordance with the standards adopted by the International Labour Conference.

54. The Committee noted that, while the forms of report on unratified Conventions and on Recommendations call for information regarding modifications in national legislation which have been made for the purpose of giving effect in whole or in part to these texts, no such information is called for in the report forms under article 22 on ratified Conventions. The Committee considers that it would be of assistance in drawing more precise conclusions regarding the impact which Conference decisions have had upon national legislation if governments were asked to supply similar information in the latter case also.

* * *

55. The Committee is sincerely grateful to all officials of the International Labour Office who were associated with it in the work of the session and the preparations therefor. Their skill and knowledge were placed fully at the disposal of the Committee and materially assisted it in the performance of its tasks.

Geneva, 27 March 1954.

(Signed) P. TSCHOFFEN,
Chairman.

H. S. KIRKALDY,
Reporter.

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¹ These numbers are those of the Conventions in question.

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APPENDICES

APPENDIX I

OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION CONCERNING ANNUAL REPORTS ON RATIFIED CONVENTIONS (Article 22 of the Constitution)

A. General Observations

Bulgaria. The Committee regrets to have to note once again this year that this country, which is a party to a very large number of Conventions (some of them ratified in recent years), has again failed to supply reports on the effect it has given to the provisions of these Conventions.

China. The Committee can only take note of the Government's continued inability to submit annual reports on the Conventions ratified by China.

Colombia. Once again this year, the Government has failed to communicate its reports before the meeting of the Committee of Experts. This failure is all the more regrettable as the Conference Committee had found it necessary in 1953 to make a number of observations concerning the application of Conventions by Colombia (Nos. 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26).

The Committee took note of the general assurance given by a Government representative to the Conference Committee that all the Conventions ratified by Colombia were fully applied. It trusts, therefore, that the Government's reports for the period 1952-53 will reply in full to the detailed queries raised as regards the Conventions enumerated above, thus confirming the statement made to the Conference in 1953.

Czechoslovakia. The Committee noted the statement of a Government representative in the Conference Committee in 1953 that the reports for the period 1952-53 would take into account the observations made by the present Committee as regards Conventions Nos. 4, 17, 35, 36, 37, 38, 39, 40 and 43. As the Government's reports have not yet been received, the Committee cannot but refer to the comments which it had made last year concerning the above-mentioned Conventions.

It also must draw attention again, with regret, to the absence of the Government's first reports on the application of the ten Conventions (Nos. 26, 34, 44, 45, 48, 52, 63, 88, 89, 90) ratified in 1950.

Egypt. The Committee finds that the Government's reports do not contain any indication that copies thereof have been communicated to the representative employers' and workers' organisations in accordance with article 23, paragraph 2, of the Constitution. As previous reports had also failed to make any mention of this point the Committee would be glad if the Government would in future supply information on the matter, as requested in the forms of report.

Haiti. The Committee would be glad if the Government would indicate to which representative organisations of employers and workers copies of its reports have been communicated, in accordance with article 23, paragraph 2, of the Constitution.

Hungary. Once again this year, the Government has failed to submit any reports on the various Conventions ratified by Hungary.

Indonesia. The Committee took note with interest of the Government's first reports on the application of the four Conventions (Nos. 19, 27, 29 and 45) by which Indonesia declared herself bound in 1951. While the reports contain information on the legislation giving effect to the Conventions, very little information is supplied on their practical application. The Committee would be glad, therefore, if the Government could include such information in the next reports, as provided for under Questions IV, V and VI of the forms of report.

The Committee would also appreciate it if the Government would indicate in its next reports whether copies thereof have been communicated to the representative employers' and workers' organisations as provided for in article 23, paragraph 2, of the Constitution.

Iraq. The Committee noted with interest the Government's reply to its general observation made in 1953, that although some employers' and workers' organisations of minor importance existed in Iraq there were no truly representative ones to which copies of the reports could be communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation. The Government was good enough to add that it would not fail to discharge this obligation as soon as such organisations came into existence.

Mexico. The Government's reports for the period 1951-52, which had been received too late for examination by the Committee of Experts in 1953, had given rise to a number of observations by the Conference Committee. As the information supplied for 1952-53 consists in many cases of a textual repetition of previous reports, the Committee has had to repeat in these cases the observations made by the Conference Committee.

The Committee expresses the sincere hope that the Government will find it possible in future not merely to communicate formal reports but to include in them particulars on the points previously raised so as to supply as accurate and as up-to-date a picture as possible of the extent to which effect is given to the Conventions in question.

Norway. 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 1953.

Peru. In accordance with a decision taken by the Conference Committee in 1953, the present Committee examined the reports for the period 1951-52, particularly in cases (Conventions Nos. 1, 4, 11, 14, 19, 41 and 45) where no reports have as yet been received for the current period. Certain observations resulting from that examination are given below under the individual Conventions.

B. Observations and Requests for Supplementary Information on the Application of Conventions

Convention No. 1: Hours of Work (Industry), 1919.

Number of reports requested: 22.

Number of reports received: 17.

Reports missing: 5.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua, Peru.)

Canada (ratification: 21.3.1935). The Committee thanks the Government for its very detailed report from which it notes with interest the gradual extension of the eight-hour day to new categories of workers and the continual lowering of working hours in several provinces of the country. It feels sure, therefore, that in spite of the difficulties still encountered, as the report explained, in the road transport industry, due to the great distances involved, it will be possible, in the near future, to extend the eight-hour day to all workers in this industry.

Dominican Republic (ratification: 4.2.1933). The Committee appreciates the detailed information supplied by the Government on the various points raised by the Committee in 1953. It finds it necessary, however, to make the following comments on some of these points.

Article 2. Although the Government states that section 137 of the Labour Code, which provides that the normal hours of work shall not exceed eight per day or 48 per six-day week, does not in practice violate the provisions of the Convention (eight hours per day and 48 per week), the Committee suggests that the necessary modifications should be made in the legislation to confirm this practice.

The Committee also considers that it would be advisable to specify in the relevant legislation that the exception provided in respect of persons employed in small establishments in rural districts (section 138 (4) of the Code) relates only to family or one-man undertakings, falling, as is indicated in the report, under paragraph (a) of this Article of the Convention.

Article 4. The Committee takes note of the Government's statement that authorisations to increase hours of work to 12 per day and even to 84 per week (section 149 of the Labour Code) are only granted where it is shown that there is a shortage of manpower. It points out that such a large-scale derogation, and for such causes, is not provided for in the Convention and that the national legislation should be modified accordingly.

Article 6, paragraph 1 (a). The permanent exceptions which may be authorised under this provision of the Convention relate only to preparatory or complementary work or to intermittent work. The Committee considers that road transport workers would not fall in one or the other of these categories. It notes the Government's statement that the workers in question are in practice covered by the eight-hour daily and 48-hour weekly provisions and hopes that the Government will find it possible to put the legislation into harmony with this practice.

Article 6, paragraph 2. The Committee would be glad to know whether regulations exist fixing the maximum number of additional hours which may be authorised under paragraph 1 of this Article.

Article 7. The Committee draws the Government's attention to the observation made by it last year respecting the list of necessarily continuous work processes communicated by the Government, which includes such general items as "transport agencies" and "any other establishment or undertaking which by its nature cannot suspend its activities" (section 163 of the Labour Code). The Committee observes

that this list enumerates undertakings other than those normally considered as engaged in necessarily continuous work processes and would like to have additional information on this point.

Greece (ratification: 19.11.1920). The Committee notes the statement contained in this year's report to the effect that the observations of this Committee and of the Conference Committee have been carefully considered by the Government Co-ordination Council which, while expressing a wish to rectify the position, stresses that owing to continuous financial and economic difficulties it is not possible to apply the eight-hour day to all railway workers, and that the question would be settled as soon as conditions improved.

The Committee hopes that the Government will be able to overcome these difficulties in the near future and would be glad to be informed of any progress achieved in this connection.

Haiti (ratification: 31.3.1952). The Committee examined with much interest the information supplied by the Government in its first report. It appears that some Articles of the Convention are not entirely covered by the general provisions of the Act of 5 May 1948 respecting conditions of employment. Thus no precise indication exists as to the scope of application of the legislation, although the report states that it applies to industry as well as to commerce. Moreover, the report does not give a list of the exceptions permitting additional hours of work which have been authorised under Articles 3, 4, 5, 6 (1) and 7 of the Convention. The report indicates that ten hours may be worked in any one day—instead of nine hours as provided by Article 2 of the Convention.

The Committee would be obliged if the Government would be good enough to supply in its next report detailed information on these points.

Israel (ratification: 26.6.1951). The Committee wishes to thank the Government for its detailed report on the application of this Convention, the main provisions of which appear to be fully applied by the national legislation.

The Committee would, however, be grateful if the Government would be good enough to supply, in its next report, additional information on the number of hours worked in processes which are considered to be necessarily continuous (Article 4 of the Convention), as well as on the regulations made under Article 6, and their application.

The Committee notes that sections 25 and 32 of the Hours of Work and Rest Act, which are designed to give effect to Article 8, paragraph 1, have not yet been brought into force, and expresses the hope that the Government will find it possible to put these sections into operation at an early date.

Convention No. 2: Unemployment, 1919.

Number of reports requested: 30.

Number of reports received: 26.

Reports missing: 4.

(Bulgaria, Colombia, Hungary, Nicaragua.)

Turkey (ratification: 14.7.1950). The Committee took note with interest of the information supplied to the Conference Committee in 1953 and referred to in the Government's report, to the effect that the final formalities for the approval of the Regulations setting up advisory committees on the lines indicated in Article 2 of the Convention would be completed shortly. It hopes that the Government will be able to state in its next report that the Regulations in question have been brought into force.

The Committee appreciates the undertaking given by the Government to supply quarterly information on the placing activities of the employment service, and notes that the Government has already supplied information relating to the third quarter of 1953.

Union of South Africa (ratification: 20.2.1924). The Committee takes note with interest of the detailed information supplied by the Government in writing to the Conference Committee in 1953 in response to the observations made by the Committee of Experts.

Uruguay (ratification: 6.6.1933). The Committee refers to the general observation which it made last year under Convention No. 2 and notes that no information has yet been received by the Office from Uruguay concerning unemployment and the measures taken to combat it (Article 1 of the Convention). The Committee would be glad to know the present position with regard to the reorganisation of the National Labour Institute which, according to the Government's previous report, was to be completed within three months.

The Committee also notes that, although there are a number of employment exchanges in Uruguay, these deal only with certain specified industries; it considers that they cannot therefore be regarded as "a system of free public employment agencies under the control of a central authority" (Article 2) and would be glad to know what steps the Government is contemplating with a view to rectifying this discrepancy. The Committee would also like to know whether advisory committees have been set up for each of the employment exchanges now in existence and mentioned in the Government's report (Article 2).

Venezuela (ratification: 20.11.1944). The Committee takes note with interest of the following information supplied by the Government representative to the Conference Committee in 1953, and reproduced in detail in this year's report. With the help of the I.L.O. Advisory Manpower Mission, the Government will be able to set up committees including representatives of employers and workers, co-ordinate the activities of the only two free employment agencies which exist, and collect the necessary statistical data.

Convention No. 3: Maternity Protection, 1919.

Number of reports requested: 16.

Number of reports received: 12.

Reports missing: 4.

(*Bulgaria, Colombia, Hungary, Nicaragua.*)

Brazil (ratification 26.4.1934). With reference to the observations which it has made in the past, the Committee expresses its appreciation of the detailed information given by the Government as regards insurance funds for different branches of activity and the amount of maternity benefits paid out by these funds. The Committee notes with satisfaction that section 1 of Act No. 1890 of 13 June 1953 makes the provisions of the Consolidation of Labour Laws concerning maternity protection (sections 391-398) applicable to women employed in public and private industrial and commercial undertakings as defined in the Convention.

As regards Article 3 of the Convention, the Government expresses the opinion in its report that the Brazilian legislation providing for payment to the woman by the employer of benefits during the authorised periods of absence before and after confinement is more favourable to the persons concerned than is the Convention. As the Committee cannot agree with this view, it noted with particular interest the Government's statement that a Bill on social insurance which is now before Parliament not only maintains the provision of maternity benefits for

working women but also exempts the employer from the obligation to provide such benefits. Under this Bill, maternity allowances equal to the salary of the woman concerned during the period of maternity leave, as well as the lump sum to be paid at confinement and the expenses of medical assistance will all be borne by the appropriate social insurance institution.

The Committee hopes that these new measures will soon become effective and ensure compliance with the provisions of the Convention.

Chile (ratification: 15.9.1925). With reference to the observations which it made in 1953, the Committee notes with interest that the Directorate-General of Labour has proposed that the present revision of the Labour Code should take due account of nursing periods (Article 3 (d) of the Convention) for women salaried employees (including women employed in commerce).

The Committee hopes that the necessary legislative amendments will soon be made and will be glad to have further information in the next annual report.

France (ratification: 16.12.1950.) With reference to the observations made in 1953, the Committee takes note of the information supplied by the Government representative to the Conference Committee that year, to the effect that, although by virtue of article 26 of the French Constitution the Convention may be deemed to have abrogated the law which allows employers to provide nursing breaks limited to 20 minutes each if appropriate facilities are available on the premises, yet nevertheless the penal sanctions provided for in the national legislation come into play only in the case of non-observance of the 20-minute break. The Government promised that legislation on this point would be changed in the course of the general revision at present in progress.

The Committee hopes that the next report will contain information on these legislative changes.

Federal Republic of Germany (ratification: 31.10.1927). The Committee takes note of the information submitted by the Government in writing to the Conference Committee in 1953, and of the comments contained in this year's report, in response to the observations made by the Committee last year.

Article 3 (c). According to the information submitted in writing to the Conference Committee, section 12 of the Maternity Protection Act of 1952 provides that the employer must continue to pay the normal remuneration during statutory periods of absence before and after confinement to women who are not covered by compulsory insurance (salaried employees in industry and commerce earning more than 6,000 marks a year). The number of women affected by this provision is relatively small.

As in the cases dealt with in section 12 of the above-mentioned Act, the German employer did not pay the contributions which he would pay if the women in question were covered by an insurance scheme, it did not appear unreasonable in the Government's view to impose an obligation for him to continue to pay remuneration to make up for the amounts so saved. There have in fact been no indications that difficulties have arisen in connection with section 12, and, in the opinion of the Government, it can be assumed that the provisions of this section will not in future be to the disadvantage of women.

The Convention, however, does not provide for any exception from the requirements of Article 3 (c) that maternity benefits are to be provided either out of public funds or by means of a system of insurance; the Committee is bound to note, therefore, that the national legislation is not in conformity with the Convention on this point.

Article 3 (d). In the information submitted to the Conference Committee in 1953 the Government stated

that in its opinion the legislation (section 7 of the Maternity Protection Act) did not appear to differ from the provisions of the Convention on the question of the granting of nursing periods. However, the Committee ventures to point out that the legislation does not appear to grant a nursing period of half-an-hour *twice a day, in any case*, as laid down in the Convention. In fact, according to the terms of paragraph 1 of section 7 of the Maternity Protection Act, only women working for an uninterrupted period of more than eight hours a day are entitled to two nursing periods of at least 45 minutes each (or only one nursing period of 90 minutes if there is no nursing accommodation near the workplace); the uninterrupted period of work is defined as one which is not interrupted by a rest period of at least two hours. The Committee points out that no conditions of this kind are laid down in the Convention. Moreover, even if—as observed by the Government—the above-mentioned Act only lays down minimum standards and does not exclude women from being granted more frequent or longer nursing periods at their request, this Act does not guarantee to the women concerned the full benefit of Article 3 (d) of the Convention.

Article 4 (d). The Committee notes that, according to the report for this year, the competent authorities make only a very sparing use of their power to authorise the dismissal of a woman during her absence on postnatal or prenatal leave in particular cases and as an exceptional measure, and further that up to now such authorisations have been given by a number of provinces only in isolated cases, e.g., in the event of bankruptcy or of the closing down of an undertaking.

The Committee has taken note of the comments made by the German Confederation of Trade Unions concerning the observations made by the Committee last year. The Government was good enough to append a copy of these comments to its report. The views of the Confederation appear to be in accord with the position taken by the Government. Nevertheless the Committee feels bound to reaffirm the legal position it has previously taken on these points.

Greece (ratification: 19.11.1920). The Committee takes note with satisfaction of the information given in this year's report, to the effect that the Social Insurance Institute (I.K.A.) is continuously being expanded so that at present only a few very small localities remain uncovered by the social insurance system.

The Committee expresses the hope that, in the near future, all women workers will be protected by the Convention.

Italy (ratification: 22.10.1952). The Committee takes note of the information supplied by the Government of Italy in its first report and, while expressing its appreciation of the data given therein, would draw the attention of the Government to the following points.

Article 3. According to section 1 (b) of Presidential Decree No. 568, the employer's relations by blood and marriage, to the third degree, living with him and maintained by him, are excluded from the scope of the legislation governing maternity protection (Act No. 860 of 26 August 1950). This exception appears to be defined in broader terms than the corresponding exception in Article 3 of the Convention, which is restricted to undertakings in which only members of the same family are employed.

Article 3 (c). Section 17 (b) of Act No. 860 provides that maternity benefit is to be paid directly by the employer as regards women workers who are not entitled in the case of sickness to cash benefit from the National Sickness Insurance Institution. The Committee would be grateful to receive information regarding the categories of women who are excluded from

receiving maternity social insurance benefits, and wishes to draw the attention of the Government to the fact that all women covered by the Convention should be paid maternity benefits either out of public funds or by means of a system of insurance.

Section 17 of Act No. 860 further states that the provisions laying down rules for the granting of benefits to women employed in undertakings belonging to the State, to the regional, provincial or communal authorities or to other public bodies shall remain unchanged. In view of the fact that the Convention applies to women employed in public as well as in private industrial and commercial undertakings, the Committee would be glad if the Italian Government would either communicate the text of these rules or indicate their provisions.

Finally, the Committee notes that, according to the statistics appended to the report, statutory maternity leave for which no benefits were paid was granted in 1952 to 2,990 women in industry and 382 women in commerce. The Committee would be grateful if the Government would be good enough to explain in what circumstances maternity leave without benefits had to be granted to these women.

Uruguay (ratification: 6.6.1933). The Committee took note of the information supplied by a Government representative in 1953 and of that contained in the report for this year, in response to the observations made in 1953 as regards Article 3 of the Convention. However, the Committee regrets to have to draw once again the attention of the Government to certain discrepancies which still exist between the national legislation and the provisions of the Convention.

Article 3 (a) and (b). The Government states that, although Act No. 11577 of 14 October 1950, as supplemented by section 37 of the Children's Code, does not specify clearly what part of the statutory four months' maternity leave is allowed before and after confinement, this leave is divided into postnatal and prenatal periods by the doctor or midwife.

The Committee would be glad to be informed whether, in dividing the maternity leave into prenatal and postnatal periods, care is taken to ensure that a woman shall not be permitted to work during the six weeks following her confinement, in conformity with the provisions of the Convention.

Article 3 (c). Maternity benefits are paid by the employer and it is not possible for such benefits to be paid out of the budget of the country. Moreover, under the present social security system, it is not possible to organise a separate branch of maternity insurance; the Government adds, in this connection, that in no case have the interests of the beneficiaries been prejudiced by the system in force.

The Committee again points out that the discrepancy between the national legislation and the Convention (which stipulates that maternity benefits shall be paid out of public funds or by means of a system of insurance) in this respect still persists.

The Committee notes with satisfaction that the Government has "requested the promulgation of a decree to incorporate in the national legislation" the provisions of clause (d) of Article 3 of the Convention, which provides that a woman who is nursing her child shall be allowed half an hour twice a day during her working hours for this purpose. It would be glad to have further information on this procedure in the next report.

Venezuela (ratification: 20.11.1944). With reference to the observations which it made in 1953, the Committee takes note with satisfaction of the information submitted by the Government representative to the Conference Committee, and reproduced in this year's report, according to which a four-year plan has been adopted for the extension of social insurance, including maternity insurance, to 23 cities of more

than 10,000 inhabitants, which were not up to the present included in the scope of the insurance scheme. The Committee would be glad to have information regarding the further progress achieved in this connection.

Convention No. 4: Night Work (Women), 1919.

Number of reports requested: 21.

Number of reports received: 15.

Reports missing: 6.

(Albania, Bulgaria, Colombia, Czechoslovakia, Nicaragua, Peru.)

Afghanistan (ratification: 12.6.1939). The Committee notes with interest that draft legislation intended to bring the national law into line with the international instruments to which Afghanistan is a party has been submitted to the national legislature. The Committee would be glad to be informed of the progress made in this connection.

Austria (ratification: 12.6.1924). See under Convention No. 89.

Burma (ratification: 14.7.1921). With reference to the observations which it made in 1953, and in the absence of any new information in the yearly report, the Committee takes note of the statement made by a Government representative to the Conference Committee, to the effect that the only infringements of the Factories Act had occurred in connection with work for the parboiling of rice for milling, and that the chief inspector of factories had given administrative instructions to the effect that such infringements should cease to occur. The Committee would be glad if the Government would supply further information on this point in its next report.

Ceylon (ratification: 8.10.1951). The Committee notes that on 16 February 1954 Ceylon denounced this Convention on which it had submitted observations in 1953.

Chile (ratification: 8.10.1931). With reference to previous observations, the Committee notes that in its report for this year the Government again states that it has not yet been possible to obtain a decision by the National Congress regarding the ratification of Conventions Nos. 41 and 89 and that, if it does not prove possible to obtain the ratification of Convention No. 89, the Government will envisage the possibility of extending the prohibition of night work to women salaried employees and to include a provision to this effect in the amendments to the Labour Code which are at present under consideration.

The Committee hopes that the Government will soon be able to take the necessary steps to bring the legislation into conformity with the Convention.

France (ratification: 14.5.1925). The Committee takes note of the statement made by the French Government representative to the Conference Committee in 1953, to the effect that section 22 (a) of Book II of the French Labour Code (which allows exceptions to the prohibition of night work in undertakings where work concerning national defence is carried on and where a shift system operates) had been introduced by virtue of a wartime text which did not provide for consultation with employers' and workers' organisations, that labour inspectors had now received formal instructions enjoining them to hold such consultations before granting exceptions and that the legislation would be modified in this respect when Convention No. 89 was ratified. In the report for this year, the Government states that no important measure for the regulation of labour is adopted without due consultation with the employers' and workers' organisations concerned.

The Committee again ventures to point out that until Convention No. 4 has been denounced the Government remains bound by these provisions, which do not authorise the above-mentioned exceptions.

Peru (ratification: 8.11.1945). No report has yet been received for the period 1952-53. The Committee notes that in its report for 1951-52, which was received too late for it to be examined by the experts, the Government again states under Article 4 of the Convention that the executive authority may authorise the employment of women for ten hours (day and night work included) on 60 days a year, but only when this is required for the immediate needs of an industry. The Committee points out that this measure does not guarantee to the women concerned the nightly rest period of ten hours laid down in the Convention.

However, the Committee notes that the provisions of the Draft Labour Code (which the Government appends to its report) are in conformity with the provisions of Articles 4 and 6 of the Convention (cases of *force majeure*, work which is necessary to preserve raw materials from certain loss, industries influenced by the seasons).

The Committee would be glad to be informed when the above-mentioned Draft Labour Code is expected to come into force and thus establish conformity between the legislation and the provisions of the Convention.

Uruguay (ratification: 6.6.1933). The Government states that Parliament has under consideration the report submitted by the executive power requesting the ratification of a number of Conventions, including No. 89. Once ratification has taken place the executive power will proceed to draw up the relevant regulations. Moreover, in the above-mentioned report, the executive power has requested the incorporation in the national legislation of the provisions of ratified Conventions as well as additional provisions laying down penalties for infringements of these Conventions.

The Committee takes note of this information with interest but points out that, despite the ratification of Convention No. 89, it is essential for the Government to take steps to protect also the workers covered by Convention No. 4, which it ratified 21 years ago.

Yugoslavia (ratification: 1.4.1927). The Committee takes note of the information submitted by the Government representative to the Conference in 1953, and reproduced in this year's report, to the effect that it has not been possible to promulgate the draft decree relating to industrial relations adapted to the economic system of the country. This draft decree includes provisions designed to bring the national legislation into conformity with the Convention. The Government, as it stated in its report, hopes that it will be in a position to inform the Conference Committee on the Application of Conventions and Recommendations at its next session of the progress made in this connection. The Committee will be happy to hear about the results achieved.

Convention No. 5: Minimum Age (Industry), 1919.

Number of reports requested: 27.

Number of reports received: 22.

Reports missing: 5.

(Albania, Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

Brazil (ratification: 26.4.1934). The Committee takes note with interest of the new and detailed information supplied by the Government on the application of the Convention in Brazil.

As regards Article 2 of the Convention, the Committee notes with satisfaction that the employment of children under 14 years of age is prohibited in

private undertakings by section 403 of the Consolidation of Labour Laws and in public undertakings by section 1 of Act No. 1890 of 13 June 1953, and that before the last-named Act came into force the admission to employment in public undertakings of young persons under 14 years of age was prohibited by Legislative Decree No. 8249 of 20 November 1945.

As regards Article 4, the Committee also notes that the workbook which is required before young persons under 18 years of age may be admitted to any type of employment must contain information relating to the date of birth (section 416 of the Consolidation of Labour Laws), and must be retained by the employer so long as the young person remains in his employment and must be submitted to the supervising authority whenever required.

Dominican Republic (ratification: 4.2.1933). The Committee thanks the Government for its detailed report on the application of this Convention and notes with satisfaction the declaration concerning the implementation of article 223 of the Labour Code, which completely prohibits the employment of children under the age of 14 years, as well as the fact that the Labour Department is no longer empowered to grant the authorisations which were the subject of the observations made by the Committee last year.

The Committee also notes the declaration made by a Government representative to the Conference Committee in 1953 to the effect that no authorisations permitting the employment of children had been granted since the entry into force of the Labour Code.

The Committee notes with satisfaction that authorisation by the legal guardians is not in itself enough to permit the apprenticeship of children of more than 12 years of age, and that previous authorisation by the Labour Department is indispensable.

Uruguay (ratification: 6.6.1933). The Committee had noted in 1936 that the competent authority appointed by the Child Protection Board may authorise the employment of young persons between 12 and 14 years of age holding a primary instruction certificate if their employment is necessary in order to provide for their living or that of their parents, brothers or sisters (section 225 of the Children's Code).

As subsequent reports indicate that the above provision of the Children's Code must be amended to ensure conformity with the Convention and as a Bill to amend sections 223 to 252 of the Code, prepared by the National Labour Institute in 1937, has not yet been passed into law, seventeen years after being first tabled, the Committee cannot but once again draw attention to this unsatisfactory situation.

Convention No. 6: Night Work of Young Persons (Industry), 1919.

Number of reports requested: 28.

Number of reports received: 23.

Reports missing: 5.

(*Albania, Bulgaria, Hungary, Mexico, Nicaragua.*)

Brazil (ratification: 26.4.1934). The Committee thanks the Government for the new and detailed information supplied concerning the application of the Convention.

As regards Article 2 of the Convention, the Committee notes with satisfaction that the provisions of section 404 of the Consolidation of Labour Laws (1 May 1943) prohibiting the employment of young persons under 18 years of age in private undertakings are applicable to public undertakings in virtue of section 1 of Act No. 1890 of 13 June 1953. The Committee also notes with satisfaction that, before the last-named Act came into force, Legislative Decree

No. 8249 of 29 November 1945 prohibited the employment during the night of young persons under 18 years of age in public undertakings.

Burma (ratification: 14.7.1921). See under Convention No. 4.

Ceylon (ratification: 26.10.1950). The Committee notes that Ceylon denounced on 16 February 1954 this Convention on which it had submitted observations in 1952 and 1953.

India (ratification: 14.7.1921). See under Convention No. 90.

Mexico (ratification: 20.5.1937). The Government states that it has not submitted any information concerning this Convention as the Department of Labour and Welfare has denounced it. This action has been taken because it is not possible to implement the Convention owing to the discrepancies which exist between the Mexican Constitution and the Convention.

The Committee takes note of this information. It points out, furthermore, that, until the Government communicates to the Director-General of the International Labour Office its formal denunciation of the Convention, as provided for in Article 13 thereof, it is bound by it and is required to supply an annual report in accordance with article 22 of the Constitution of the International Labour Organisation.

Switzerland (ratification: 9.10.1922). The Committee notes with interest that a circular concerning the night work of bakers' apprentices urging strict adherence to the provisions of the Act relating to the employment of young persons and women in arts and crafts was communicated by the Federal Department of Public Economy to the cantonal authorities on 27 October 1951. The Committee would be glad to have information in due course regarding the effect given to this circular.

Uruguay (ratification 6.6.1933). The Government refers to the information supplied in its report on Convention No. 4 to the effect that the executive power has submitted a report to Parliament to request it, *inter alia*, to incorporate in the national legislation the provisions of ratified Conventions as well as provisions laying down penalties for infringements of these Conventions.

The Committee takes note of this information with interest; it would, however, venture to point out that no action appears to have been taken as yet to ensure that the workers concerned are covered by Article 3 of the Convention, which prescribes a period of night rest of at least 11 consecutive hours; indeed, the national legislation merely prohibits night work between 9 p.m. and 6 a.m. (a period of nine hours).

Yugoslavia (ratification: 1.4.1927). See under Convention No. 4.

Convention No. 7: Minimum Age (Sea), 1920.

Number of reports requested: 29.

Number of reports received: 24.

Reports missing: 5.

(*Bulgaria, China, Colombia, Hungary, Nicaragua.*)

Ceylon (ratification: 2.9.1950). With reference to the observations made in 1953, the Committee notes with satisfaction that every captain or shipmaster carries articles of agreement in which are entered particulars relating to all young persons under 18 years of age employed on board vessels, in accordance with Article 4 of the Convention.

According to the report the legislation regulating the employment of children at sea applies to all sea-

going vessels registered in Ceylon as British ships. It is not therefore quite clear if this legislation covers all vessels as defined in the Convention and the Committee would be glad to have further information on this point.

Japan (ratification: 7.6.1924). The Committee wishes to thank the Government for the detailed additional information supplied as regards the scope of application of the Convention (Article 1) in compliance with its request in 1953.

Uruguay (ratification: 6.6.1933). The Committee regrets to have to note once again that the discrepancy between the national legislation and the Convention still exists, and trusts that, in accordance with the statement contained in this year's report, the executive power will soon issue regulations to incorporate the provisions of the Convention in the laws of the country.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920.

Number of reports requested: 26.

Number of reports received: 23.

Reports missing: 3.

(*Bulgaria, Colombia, Nicaragua.*)

Argentina (ratification: 30.11.1933). With reference to the observation which it made in 1953, the Committee takes note of the statement made by a Government representative to the Conference Committee (and reproduced in the report for this year) and hopes that the discrepancies between section 1004 of the Commercial Code and Article 2, paragraph 2, of the Convention will soon be eliminated by the Code of Social Law which is being prepared as part of the Government's five-year plan.

Ceylon (ratification: 25.4.1951). See under Convention No. 15.

Cuba (ratification: 6.8.1928). The Committee notes with satisfaction that the Government promulgated in 1953 Legislative Decree No. 882 which refers to the Committee's observation and brings the national legislation into conformity with the Convention.

Sweden (ratification: 1.1.1935). The Committee learned with interest of the coming into force of the Seamen's Act (No. 530) of 30 June 1952 which replaces that of 15 June 1922. It noted in this connection that the Royal Notification of 18 May 1934, which was issued in pursuance of the Act of 1922, continues in force; this Notification provides that foreign seamen serving on Swedish ships which are lost through shipwreck, are entitled to unemployment indemnity only if they are nationals of a country which has ratified the Convention, whereas the Convention covers all seamen regardless of nationality (Article 2, paragraph 1). The Committee would be glad if the Government would indicate whether it contemplates, following the coming into force of the new Seamen's Act, amending the above Notification also.

Convention No. 9: Placing of Seamen, 1920.

Number of reports requested: 24.

Number of reports received: 21.

Reports missing: 3.

(*Bulgaria, Colombia, Nicaragua.*)

Mexico (ratification: 1.9.1939). As regards the observations made by the Committee in previous years in connection with the application of Article 5 of the Convention the Government representative informed the Conference Committee in 1953 that agreements for seamen included an "exclusive clause"

in virtue of which the unions undertook to supply employers with seamen, and that, in addition, the Department of Labour had set up a labour exchange for seamen who were not members of the union. For these reasons it had not been considered necessary to adopt special provisions for seafarers.

As the report for this year, which reproduces the information previously supplied, again states that the authorities considered the relevant legislation "very rudimentary" and intend to revise it so as to take account of the observations which have been made, the Committee would be glad if the Government would state what measures it proposes to take to give full effect to the provisions of the Convention.

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 had noted in 1953 that the report had not replied to the last question in the observation made in 1952 concerning cases where admission to employment had been authorised below the minimum age of 14 years.

A Government representative gave an assurance to the Conference Committee in 1953 that no children under 14 years of age worked in agricultural undertakings during school hours, and added that he could give such an assurance because the law prohibited children working before they had finished their school education and it was therefore not possible for them in practice to work before that age.

The Committee takes note with satisfaction of these assurances, which are confirmed in the Government's report.

Uruguay (ratification: 6.6.1933). In 1949 the Committee had noted that the Government's report did not make any mention of the legislation fixing the school period, although the Government had indicated previously that the Children's Code of 1934 was not sufficient to ensure full compliance with the provisions of the Convention.

As subsequent reports merely repeat the information previously supplied, the Committee considers it necessary to draw attention to this point.

Convention No. 11: Right of Association (Agriculture), 1921.

Number of reports requested: 34.

Number of reports received: 28.

Reports missing: 6.

(*Bulgaria, China, Colombia, Czechoslovakia, Nicaragua, Peru.*)

Chile (ratification: 15.9.1925). The Committee took note with satisfaction of the Government's statement in its report that the "commission entrusted with the study of the modifications to be made in the Labour Code takes into account the observations of the Committee and will propose a solution designed to reconcile the Committee's point of view with the realities of the situation existing in Chile". The Committee wishes to thank the Government for this statement and expresses the hope that the work of the commission entrusted with the study of the modifications of the Labour Code will be completed at an early date.

When the Committee had drawn the Government's attention in 1949 to the discrepancies existing in the Chilean legislation between the system governing unions of agricultural workers and that governing unions of industrial workers, the Committee had specially insisted upon two points (sections 431 and

470 of the Labour Code) in respect of which the regulations for agricultural unions appeared, in its opinion, to be less favourable than the regulations for other unions. As the Government has, however, signified its intention this year to undertake a revision of the Labour Code, taking into account the observations made, the Committee undertook a new examination covering, on the one hand, the provisions governing trade unions of industrial workers (Book III of the Labour Code, Parts I, II and III (sections 365-417)) and those, on the other hand, regulating the setting up and the functioning of agricultural trade unions (*ibid.*, Parts IV and V, sections 418-493). This comparative study has led the Committee to arrive at the following conclusions:

1. Under section 366 of the Labour Code, unions of industrial workers may take two different forms: works unions (*industriales*) or trade unions (*profesionales*). However, under section 426 of the Code, agricultural workers may only form unions within an estate.

2. Whereas under section 365 industrial workers may organise themselves in unions, section 433 of the Code provides that agricultural workers who wish to form a trade union must have more than one year's continuous service on the same estate and must represent at least 40 per cent. of the workers on the estate. Thus the conditions governing the setting up of a union of agricultural workers not only are clearly stricter than those governing the setting up of unions of industrial workers, but also prohibit, in actual fact, seasonal workers from forming unions.

3. Under section 455 of the Code, the employment of the funds of the union of agricultural workers is determined jointly by a committee consisting of the chairman of the union, the employer or his representative, and an officer appointed by the appropriate labour judge. No provision of this nature exists as regards trade unions (*profesionales*) in industry (sections 410-417 of the Code). In the case of works unions (*industriales*) in industry, while section 396 of the Code contains a similar provision concerning the management of their funds, workers employed in an undertaking where this type of union exists receive at least a 10 per cent. share in the profits (section 405).

4. Finally, under section 459 of the Code, unions of agricultural workers must obtain the prior authorisation of the labour inspector to spend sums exceeding 2,000 pesos. While a similar provision exists in the case of works unions in industry (*industriales*) (section 399), this provision does not apply in the case of trade unions (*profesionales*) in industry (section 417).

The Committee expresses the hope that the Government, in revising its legislation, will take account also of these points.

Convention No. 12: Workmen's Compensation (Agriculture), 1921.

Number of reports requested: 22.

Number of reports received: 18.

Reports missing: 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

No observations.

Convention No. 13: White Lead (Painting), 1921.

Number of reports requested: 23.

Number of reports received: 19.

Reports missing: 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

Afghanistan (ratification: 12.6.1939). The Committee notes from the report that the Bills to bring national legislation into full conformity with the

Convention have been drafted and submitted to the National Assembly for approval. The Committee expresses the earnest hope that the proposed legislation will be enacted at an early date.

Argentina (ratification: 26.5.1936). In reply to an observation made by the Committee in 1951 the Government states that the necessary steps to convert into law a Bill prepared by the Ministry of Labour and Social Welfare have already been approved by the Ministries of Justice and Public Health.

The Committee notes with satisfaction that this Bill—a copy of which was forwarded with the report—contains provisions which fully comply with Articles 1, 2 and 3 of the Convention, and expresses the hope that it will shortly be passed into law and also that the regulations mentioned therein will take account of the specific provisions of Articles 5, 6 and 7, thus ensuring full application of the Convention.

Italy (ratification: 22.10.1952). The Committee examined with much interest the detailed information supplied by the Government in its first report on the application of this Convention.

It notes the Government's declaration to the effect that the Italian legislation cannot at present be considered to conform to the provisions of the Convention which, in the meantime, is actually applied in practice, and that the competent services of the Ministry of Labour are preparing the necessary amendments to the legislation to give full effect to the Convention.

The Committee hopes that it will be possible for the Government to bring legislation into conformity with the provisions of the Convention at an early date. It would also be grateful if the Government would be good enough to supply, in its next report, the information requested in Part V of the report form.

Mexico (ratification: 7.1.1938). The Committee notes from the report that the Commission entrusted with the revision of the Industrial Hygiene Regulations has not yet concluded its work, and that, accordingly, the use of white lead, sulphate of lead and of all products containing these pigments, etc., has not as yet been regulated, as required by Articles 2 and 5 of the Convention. The Committee expresses the hope that it will be possible for the Government to adopt the necessary regulations at an early date.

Convention No. 14: Weekly Rest (Industry), 1921.

Number of reports requested: 34.

Number of reports received: 28.

Reports missing: 6.

(Bulgaria, China, Colombia, Czechoslovakia, Nicaragua, Peru.)

Afghanistan (ratification: 12.6.1939). The Committee wishes to thank the Government for the information it supplied in reply to last year's request. It would be grateful if the Government could continue to include in its future reports the list of exceptions granted in virtue of Articles 3 and 4 of the Convention, as provided for in its Article 6.

Chile (ratification: 15.9.1925). The Committee thanks the Government for the information supplied in reply to the request it made in 1953 concerning the consultation of employers' and workers' organisations.

The Committee notes that the information supplied by the Government concerning the number of workers covered by the legislation relating to Sunday rest and public holidays has remained unchanged since the period 1945-46; it would be grateful if the Government could include in its next report the latest available figures concerning these employees and workers.

Denmark (ratification: 30.8.1935). The Committee took note of the statement made in the Government's report, in reply to the request for information formulated by it in 1953, to the effect that transport and construction workers were not covered by present legislation on weekly rest. The Committee draws the attention of the Government to Article 1 of the Convention which includes specifically in its scope construction work and the transport of passengers or goods. The Committee cannot but note that the Convention is not applied in this respect; it would like to know accordingly whether the workers concerned are not in fact guaranteed a weekly rest.

Further, the Committee would be grateful if the Government would indicate in its next report the provisions of the national legislation or regulations under which Article 7 of the Convention is applied (posting of notices and rosters to be kept in cases where a special system of rest is applied).

Greece (ratification: 11.5.1929). The Committee took note with interest of the Government's statement to the effect that all workers in industry were entitled to a rest period of 24 consecutive hours a week. The Committee is not clear, however, as to the exact definition of the term "industry" in Greece and would be most grateful if the Government would indicate in its next report if weekly rest is ensured to the workers employed in all "industrial undertakings", as defined in Article 1 of the Convention specifying the laws and regulations by which this is done.

The Committee recalls that the report for 1951-52 stated that it was hoped that statistics relating to the application of the Convention would be compiled in the following year. It hopes that it will be possible for the Government to include these figures in its next report.

Haiti (ratification: 14.5.1952). The Committee thanks the Government for the detailed information supplied in its first report on the application of the Convention. It would be grateful, however, if the Government would be good enough to indicate what measures it intends to take to give effect to the terms of Article 7 of the Convention, which provides that each employer shall (a) where weekly rest is given to the whole of the staff collectively, make known such days and hours of collective rest by means of notices posted conspicuously in the establishment, or in any other manner approved by the Government; and (b) where the rest period is not granted to the whole of the staff collectively, make known by means of a roster drawn up in accordance with the method approved by the legislation of the country, the workers or employees subject to a special system of rest, and indicate that rest.

India (ratification: 11.5.1923). The Committee wishes to thank the Government for the explanations it supplied to the Conference in response to the request for information made last year, and which indicate that the organisations of employers and workers were consulted prior to the adoption of the Mines Act of 1952, as provided for in Article 4 of the Convention.

Israel (ratification: 26.6.1951). The Committee would be grateful if the Government would indicate in its next report—

(1) whether the decision to authorise certain total or partial exceptions is taken after consultation with the responsible associations of employers and workers, as provided for in Article 4 of the Convention;

(2) whether in cases where the weekly rest is not granted to the whole of the staff collectively, the employer is obliged to make known by means of a roster the workers or employees subject to a special system of rest and to indicate that system, as provided for in Article 7 (b).

The Committee would also be glad if the Government would be good enough to draw up, in accordance with Article 6, paragraph 1, a list of the exceptions made in accordance with Articles 3 and 4 of the Convention, and to communicate thereafter in every second year any modifications of this list.

Italy (ratification: 8.9.1924). The Committee would be glad if the Government could indicate in its next report—

(1) whether the total or partial exceptions provided for by Article 4 of the Convention were authorised after consultation with the responsible associations of employers and workers;

(2) whether the compensatory periods of rest for the suspensions of diminutions made in virtue of Article 4 have been provided for as required under Article 5 of the Convention.

The Committee would also be grateful if the Government would communicate in its next report the list of the exceptions authorised under Articles 3 and 4 of the Convention.

Norway (ratification: 7.7.1937). The Committee notes the following statement in the Government's report: "Before authorising exceptions . . . the authorities usually consult the workers or their organisations, and in some cases also the organisations of employers". As Article 4 of the Convention lays down that both employers' and workers' associations should be consulted prior to such authorisation the Committee trusts that the Government will in future conform to this requirement in all cases.

Turkey (ratification: 27.12.1946). The Committee would be grateful if the Government would be good enough to include in its next report the information on the practical application of the Convention requested in the forms of report, such as extracts from inspection reports, the number and nature of the violations reported, extracts from judicial decisions, etc.

Venezuela (ratification: 20.11.1944). The Committee would be grateful if the Government would be good enough to include in its next report the information on the practical application of the Convention requested in the forms of report, such as extracts from inspection reports, the number and nature of the violations reported, extracts from judicial decisions, etc.

Yugoslavia (ratification: 1.4.1927). The Committee takes due note of the statement made in the Government's report that it hopes to be able to communicate to the Conference, at its next session, information regarding the total and partial exceptions from the weekly day of rest provisions (Article 6 of the Convention).

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). The Committee took note of the Government's statement that the United Kingdom Act of 31 January 1925, which was made applicable to Ceylon by the Order of 18 March 1937, limits the scope of application of the Convention but that administrative practice is substantially in conformity with the main provisions of the Convention. The Committee would be grateful if the Government would supply further information as regards the relevant administrative practice, and also indicate

whether any measures have been taken or are contemplated for the purpose of ensuring that it will in the future be applied consistently and compulsorily.

See also under Convention No. 7.

Federal Republic of Germany (ratification: 11.6.1929). The Committee took note with interest of the information supplied by the Government in reply to its request.

Japan (ratification: 4.12.1930). The Committee took note with interest of the information supplied by the Government in its report. As regards Article 6 of the Convention, which provides that the articles of agreement shall contain a brief summary of the provisions of the Convention, it notes the Government's explanation that the practice of exchanging a written contract does not exist in Japan. The Committee would be glad, however, if the Government would be good enough to consider the possibility of adopting other appropriate measures whereby the attention of the persons concerned could be drawn to the main provisions of the Convention, thus giving effect to the spirit of Article 6.

Uruguay (ratification: 6.6.1933). See under Convention No. 7.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921.

Number of reports requested: 32.

Number of reports received: 27.

Reports missing: 5.

(*Bulgaria, China, Colombia, Hungary, Nicaragua.*)

Brazil (ratification: 8.6.1936). It appears from the information supplied in the report that the medical examination of young seafarers is dealt with in section 416 of the Labour Code of 1943. This section, which provides that "the certificate of physical and mental aptitude must be renewed every two years", is not in conformity with Article 3 of the Convention, under which the employment at sea of children or young persons is subject to a medical examination at intervals of not more than one year.

The Committee ventures to draw the attention of the Government to this obvious discrepancy between the national legislation and the provisions of the Convention and hopes that it will be possible to eliminate it in the near future.

Ceylon (ratification: 25.4.1951). See under Convention No. 15.

Japan (ratification: 7.6.1924). 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: 23.

Number of reports received: 18.

Reports missing: 5.

(*Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua.*)

Argentina (ratification: 14.3.1950). The Committee notes that no progress has as yet been made towards amending national legislation to ensure full conformity with the provisions of the Convention. The Committee expresses the earnest hope that it will be possible for the Government to bring its legislation into harmony with the Convention thus ensuring full compliance with the obligations undertaken by Argentina with the ratification of this Convention.

Chile (ratification: 8.10.1931). In previous years the Committee noted that no progress had been made towards amending the national legislation so as to provide that compensation in cases of permanent and partial incapacity, which is at present limited in Chile to the 12 months following the accident, shall normally take the form of a pension (Article 5 of the Convention). The Committee notes with interest, from this year's report, that the Committee entrusted with the study of amendments to the Labour Code envisages the incorporation of the provisions of this Article in the Code and expresses the hope that this legislative amendment will be enacted at an early date.

Greece (ratification: 13.6.1952). The Committee wishes to thank the Government for the detailed information contained in its first report on the application of this Convention.

In notes that the general system of insurance based on the Emergency Law No. 1846 of 14 June 1951 permits its gradual application to regions and occupations, and also that a considerable number of workers are covered by special branch insurance funds or come under the provision of the Royal Decree of 24 July 1920. The Committee finds, however, that the information furnished is not sufficient to allow a complete and accurate assessment of the extent to which the Convention is applied by these three systems of social insurance. It would be obliged if the Government would be good enough to provide additional information as to the extent to which insurance is being extended to all the regions of the country and to all occupations covered by the Convention. It would further appreciate detailed data on the working of the special insurance funds, including occupations covered by them and their benefits, and also on the scope of the 1920 Royal Decree which, when applicable, does not appear to comply in full with Article 5 (there is no provision ensuring proper utilisation of lump-sum payments) and Article 9 (medical care is limited to a certain cost) and which does not contain any provision whatsoever to apply Articles 8 and 10.

With regard to the basic legislation—Emergency Law No. 1846 of 1951, which put into operation the Social Insurance Institute (I.K.A.)—under which three-quarters of the working population is said to be protected, the Committee wishes to draw the attention of the Government to the following discrepancies:

Article 8. No provision appears to exist as to the measures of supervision and methods of reviewing compensation according to modifications in the degree of incapacity.

Article 9. Although the report states that the I.K.A., as well as other branch insurance funds, provides, free of charge, medical, surgical and pharmaceutical assistance to the insured person, yet, according to article 31 (4) of Law No. 1846, only medical attendance is provided free of charge, since the Institute may, by regulation, require payment by the insured workman not exceeding one-quarter of the total cost of other forms of medical benefits (special treatment, pharmaceutical supplies, therapeutic requisites and the prosthetic appliances, hospitalisation, etc.).

Article 10. This Article does not seem to be applied for the same reason as that given under Article 9, in so far as it relates to surgical appliances and artificial limbs, and also because no reference is found in the legislation to the renewal of such appliances and limbs.

The Committee would therefore be glad to have further information on these points and hopes that it will be possible for the Government to take appropriate steps to ensure full conformity between the national law and the Convention.

Netherlands (ratification: 13.9.1927). The Committee refers to the observation which it made last year, as regards the slight discrepancy between section 17 of the Act of 1921 respecting industrial accidents, and Article 7 of the Convention (additional compensation in cases where injured workers must have the constant help of another person), and notes with satisfaction that a Bill is now in preparation to give effect to these provisions of the Convention. It hopes that the amending legislation will be brought into force at an early date.

Uruguay (ratification: 6.6.1933). The Committee takes note of the information supplied by the Government representative to the Conference Committee in 1953 and of the statement contained in this year's report to the effect that draft legislation is being studied with a view to making insurance compulsory and, as provided for in Article 11 of the Convention, to ensure the payment of compensation to injured workmen or to their dependants, in the event of the insolvency of the employer or insurer.

The Committee would be glad if the Government would be good enough to indicate the progress made towards the adoption of the new legislation.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925.

Number of reports requested: 27.

Number of reports received: 22.

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: 32.

Reports missing: 7.

(Bulgaria, China, Colombia, Czechoslovakia, Hungary, Nicaragua, Peru.)

General Observation

The Committee had referred in its 1953 report to bilateral social security agreements between countries which are parties to the Convention and had asked governments to supply the texts of such agreements concluded in recent years, so that the question of supplementary payments granted to the nationals of the contracting States could be further studied in the light of the relevant provisions of the Convention.

The Committee finds that a number of such agreements provide for the continued payment of cost-of-living allowances, supplementary benefits and other similar increases in the compensation, when a national of either contracting party removes to the territory of the other. Provisions of this type are, for instance, contained in article 23 of the Franco-Belgian Convention of 17.1.1948, article 15 of the Luxembourg-Netherlands Convention of 8.7.1950, article 20 of the Franco-German Convention of 10.7.1950, article 4 of the Swiss-German Convention of 24.10.1950, article 21 of the Danish-French Convention of 30.6.1951, and article 3 of the German-Italian Convention of 15.5.1953.

Since the nationals of the contracting States receive, under the above-mentioned provisions (and presumably under similar provisions contained in other bilateral agreements), special treatment in respect of workmen's compensation when they move into the territory of a State with which their respective countries have concluded contractual arrangements of this kind, the Committee assumes that equally favourable treatment is granted to the nationals of

all other Members which have ratified this Convention (Article 1, paragraph 1). The Committee would be glad if the Governments concerned would indicate in their next report whether this assumption is correct and, if so, what measures have been taken to guarantee such equality of treatment in all cases.

Argentina (ratification: 14.3.1950). The Committee notes that the bi-cameral commission entrusted with the examination of the Employment Injury Compensation Bill, which, according to the Government's report for the period 1950-51, is designed to ensure full conformity with the provisions of the Convention, has not yet completed its work. The Committee expresses the sincere hope that this draft legislation will be adopted at an early date.

Convention No. 20: Night Work (Bakeries), 1925.

Number of reports requested: 10.

Number of reports received: 8.

Reports missing: 2.

(Bulgaria, Colombia.)

No observations.

Convention No. 21: Inspection of Emigrants, 1926.

Number of reports requested: 22.

Number of reports received: 16.

Reports missing: 6.

(Albania, Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua.)

Japan (ratification: 8.10.1928). In view of the statement in the report that the Government has inaugurated an emigration programme, the Committee would be particularly glad if the next report would contain full information, as required under the form of report, on the effect given to the various provisions of the Convention.

Convention No. 22: Seamen's Articles of Agreement, 1926.

Number of reports requested: 28.

Number of reports received: 23.

Reports missing: 5.

(Bulgaria, China, Colombia, Nicaragua, Venezuela.)

Argentina (ratification: 14.3.1950). The Committee took note with interest of the supplementary information supplied by the Government in its report. This indicates, however, that certain discrepancies exist in the national legislation as regards Articles 13 and 14 of the Convention. Thus, while section 1200 of the Argentine Civil Code provides in a general way for the termination of the contract by mutual consent, it does not appear that the national legislation covers either explicitly or implicitly the specific case envisaged in Article 13, paragraph 1, of the Convention, i.e., that the seaman should be permitted to take his discharge whenever he can show that the necessary conditions are fulfilled. In respect of Article 14, on the other hand, no provision of the national legislation mentioned in the report appears to give effect to its paragraph 2, which enables the seaman to obtain at any time a separate certificate as to the quality of his work or, failing that, a certificate indicating that he has fully discharged his obligations under the agreement.

The Committee hopes that the Government will find it possible to bring its national legislation into conformity with the above-mentioned provisions of the Convention, and that it will indicate the steps taken to this effect in its next report.

Belgium (ratification: 3.10.1927). The Committee noted that there remain discrepancies, to which attention had not been drawn recently, between the national legislation and certain provisions of the Convention. Thus, whereas Article 9 of the Convention provides for the termination of an agreement for an indefinite period in any port where the vessel loads or unloads, under Belgian law the agreement may only be terminated in a port of the Kingdom.

The Committee would be grateful if the Government would be good enough to indicate in its next report whether any changes have taken place in this respect and whether the practice now followed in Belgium is in accordance with the above-mentioned provision of the Convention.

France (ratification: 4.4.1928). The Committee noted that there remain discrepancies, to which attention had not been drawn recently, between the national legislation and certain provisions of the Convention. These relate to Articles 5 (delivery to seaman of a document containing record of employment excluding, however, any statement as to the quality of his work or as to his wages), 9 (termination of an agreement for an indefinite period, upon written notice in a port where the vessel loads and unloads) and 14 (issuance to seaman of a certificate separate from the document provided for in Article 5 and indicating the quality of his work).

The Committee would be grateful if the Government would be good enough to indicate in its next report whether any changes have taken place in the matter, and whether the actual practice now followed in France is in accordance with the above-mentioned provisions of the Convention.

Mexico (ratification: 12.5.1934). The Committee notes with regret that the supplementary legislation giving effect to various provisions of the Convention, and, in particular, to Articles 7 (recording of agreement in list of crew), 13 (possibility for seaman to take his discharge in order to obtain a post of a higher grade) and 14 (entry in documents, certifying termination of agreement), has not yet been adopted. It ventures to draw the Government's attention to this necessity, to which it has had to refer on a number of previous occasions.

Poland (ratification: 8.8.1931). In its report for 1951-52 the Government stated that the Act of 28 April 1952 respecting work on board vessels of the mercantile marine would be applied by Orders to give effect to the Convention and would come into effect in 1953.

The Committee took note of this information and ventures to draw the attention of the Government to the following discrepancies which appear to exist between the national legislation and the provisions of the Convention.

Article 9 of the Convention lays down that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, whereas the legislation (section 46 of the above-mentioned Act) lays down that the contract may be terminated in a Polish port as regards Polish seamen and, as regards foreign seamen, in the port specified in the contract or in a port of the country of which the seaman is a national.

Article 10 (c) (termination of an agreement by the loss or total unseaworthiness of the vessel). Polish legislation does not contain any provisions comparable to this Article.

Article 11. The report states that section 48 of the above Act and the Code of Obligations lay down that either party may immediately terminate an agreement for an important reason, but does not give details regarding the circumstances in which the owner or master may immediately discharge a seaman. A clarification in this respect would be appreciated by the Committee.

Article 13. The report states that the provisions of the Convention are applied and that it is not considered necessary for the seaman to supply someone to replace him. The Committee would be glad to have details regarding the legislation relating to this Article of the Convention.

Finally, the Committee would be glad to be informed whether the Government has issued, or contemplates issuing, the proposed Orders to give effect to the Convention.

Uruguay (ratification: 6.6.1933). The Committee regrets to have to note that no legislation has as yet been adopted to give effect to this Convention, although draft Labour Regulations for Seamen had been submitted to the Senate in 1944. As the elimination of this unsatisfactory situation appears to be a matter of urgency, the Committee would be grateful if the Government would do all in its power to ensure the adoption of legislation which is in conformity with the provisions of the Convention.

Convention No. 23: Repatriation of Seamen, 1926.

Number of reports requested: 17.

Number of reports received: 13.

Reports missing: 4.

(*Bulgaria, China, Colombia, Nicaragua.*)

Argentina (ratification: 14.3.1950). The Committee took note with satisfaction of the information supplied by the Government on the application of Article 1 of the Convention (vessels covered by the Convention).

As regards the other information requested by the Committee in 1953 and relating in particular to Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own is repatriated), Article 4 (b) (expenses of repatriation in the case of shipwreck) and Article 5, paragraph 1 (expenses for the maintenance of the seaman up to the time fixed for his departure), the Committee notes with interest that the Argentine Government will take into account the above-mentioned provisions in drafting the Code of Social Law which is being prepared at present. It would be appreciated if the Government would be good enough to indicate in its next report what progress has been made in this respect.

See also under Convention No. 8.

Uruguay (ratification: 6.6.1933). See under Convention No. 22.

Convention No. 24: Sickness Insurance (Industry), 1927.

Number of reports requested: 15.

Number of reports received: 10.

Reports missing: 5.

(*Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua.*)

Peru (ratification: 8.11.1945). The Committee wishes to thank the Government for the detailed information supplied in 1953 in reply to observations made by it in 1951, the report due last year having arrived too late to be examined by the Committee.

It notes with satisfaction the gradual application of the compulsory sickness insurance system to new regions of the national territory and expresses the hope that it will soon cover the whole country. The Committee also hopes that the Government will find it possible, in the near future, to extend the benefits of the sickness insurance to domestic servants.

Uruguay (ratification: 6.6.1933). The Committee takes note with interest of the information contained in the Government's report indicating the manner in which medical care is ensured to the working popula-

tion throughout the country. However, it also notes, with regret, that no progress has as yet been made towards amending the national legislation so as to eliminate the fundamental discrepancy between the Convention, which provides for the setting up of a sickness insurance scheme, and the present situation in Uruguay, where such a scheme does not exist.

In view of the fact that the Government has repeatedly stated, in reply to observations previously made by the Committee, that it would take all necessary measures to eliminate this discrepancy, and that, despite this assurance, no indication exists in this year's report that such measures have been taken or are envisaged, the Committee cannot but express its deep concern at this unsatisfactory situation. It hopes that the Government will take effective steps to discharge the obligations arising out of the ratification of this Convention.

Convention No. 25: Sickness Insurance (Agriculture), 1927.

Number of reports requested: 12.

Number of reports received: 8.

Reports missing: 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

Austria (ratification: 18.2.1929). The Committee takes note with interest of the information contained in the report concerning the special arrangements for the sickness insurance of casual workers in agriculture and forestry, as laid down in the Federal Act of 3 April 1952.

The Committee would like, however, to point out that while qualifying conditions are permitted by the Convention so far as benefits in cash are concerned (Article 3, paragraph 2), they are not permitted in respect of other benefits such as medical treatment and supply of medicines, etc. (Article 4). It would appear from paragraph 2 of section 26 of the Federal Act of 3 April 1952 that the latter benefits are conditional upon the completion of the qualifying periods prescribed in paragraph 1 of the said section. The Committee would be glad if the Government would be good enough to clarify this point in the next report.

Uruguay (ratification: 6.6.1933). As in the case of Convention No. 24, the Committee has, for a number of years, drawn the attention of the Government to the fact that sickness insurance, as required by the Convention, has not as yet been introduced in the country. It notes the statement made in 1953 by the Government representative to the Conference Committee to the effect that he would call the attention of his Government to the possibility of denouncing this Convention if it was found impossible to apply it to the letter. The Committee notes, however, that this year's report contains no indication of the Government's intentions in this respect.

It wishes, therefore, to register, once again, its deep concern at the non-application of this Convention, ratified by Uruguay 21 years ago. It takes the view, already expressed last year, that the Government should indicate, as soon as possible, the measures which it intends to take to give effect to this Convention.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928.

Number of reports requested: 25.

Number of reports received: 19.

Reports missing: 6.

(Bulgaria, China, Colombia, Czechoslovakia, Hungary, Nicaragua.)

Argentina (ratification: 14.3.1950). The Committee noted in 1953 that the National Wage Institute

grants, in exceptional cases, authorisation to abate wages below the minimum rates, and that this authorisation is not subject to the conclusion of a collective agreement as provided for in Article 3, paragraph 3, of the Convention. The Government states in reply that in its opinion the general or special authorisations granted by the competent authority are sufficient to permit an abatement of the wage and that the validity of these measures is not subject to the conclusion of collective or individual agreements. The Government adds that despite this divergent interpretation it has not made use in practice of the possibility of abatement contained in the legislation. The Government points out further that the directorate of the National Wage Institute includes representatives of the workers and of the employers. The agreement of the parties which would be necessary in concluding collective agreements is thus obtained within the framework of this organisation, and the conditions asked for by the Committee are in fact fulfilled.

Finally, the Committee also noted that the minimum wage fixing procedure was actually used as regards certain trades, and therefore asked the Government to be good enough to 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". In reply to this observation the Government states that all the workers in the country benefit from the protection of collective agreements, and appends to its report a list of the collective agreements in force in the various trades where minimum wages are fixed in accordance with Article 5 of the Convention.

The Committee wishes to thank the Government for the detailed information it supplied in response to its various observations. It notes that regardless of the interpretation given by the Government to the provisions of Article 3, paragraph 3, it is clear from the information supplied that the provisions in question are, in fact, applied.

Belgium (ratification: 11.8.1937). The Committee would be grateful if the Government would be good enough to supply statistical data on the number of workers covered by the wages legislation.

Cuba (ratification: 24.2.1936). The Committee would be grateful if the Government would be good enough to supply the available statistics in accordance with Article 5 of the Convention on the number of workers whose wages are fixed by the decisions of the National Minimum Wages Board and of those covered by governmental regulations.

France (ratification: 18.9.1930). The Committee would be glad if the Government would be good enough to supply information on the work of the subcommittee set up within the Higher Commission on Collective Agreements, responsible for following the development of the cost of living, as well as on the effects of the result of its work on the legislation concerning the re-evaluation of the guaranteed national inter-occupational minimum wage. It would also be of interest, in view of the fact that this minimum wage is dependent on changes in the cost of living, if the Government would be good enough to supply legislative and statistical information on this problem. Finally, the Committee would be grateful if the Government would be good enough to supply the statistical information provided for in Article 5 of the Convention, concerning the number of workers in industrial and commercial undertakings covered by minimum wage fixing machinery. It would also be of interest if the Government would give separate figures in its next report, in so far as this is possible on the basis of existing statistics, of the number of men and women, as well as that of adults and of young persons, covered by this machinery.

Federal Republic of Germany (ratification: 30.5.1929). The Committee noted last year that the Convention provides in 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". As 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 asked the Government to 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.

In a statement to the Conference Committee in 1953 the Government indicated that the likelihood of trade unions concluding collective agreements which contain less favourable conditions than those provided for in the minimum conditions of employment is so remote as to be excluded from any practical consideration.

The Committee takes note of this statement, which indicates clearly that collective agreements providing for the abatement of minimum wage rates are not subject to the previous authorisation of the competent authority, as provided for by the Convention. The Committee would be grateful, therefore, if the Government could indicate what measures it intends to take to bring the national legislation into conformity with this provision of the Convention.

The Committee also noted last year 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 had pointed out in this connection that the Convention prohibits any individual agreement involving the abatement of minimum wage rates, even with the authorisation of the competent authority. In its statement at the Conference Committee the Government indicated that the rights accruing from the minimum conditions of employment may not be waived on the basis of an individual agreement. The only thing which is permitted is a subsequent waiving of these rights on condition that this waiving is in the form of a registered mutual agreement. The Government adds that it is clearly in the interest of the worker not to exclude completely this possibility of settling disputes, and signifies its doubt as to whether this case falls within the scope of the prohibition of abatement contained in Article 3, paragraph 2 (3) of the Convention.

The Committee considers that the text of the Convention is sufficiently clear and excludes any possibility of abating by any kind of individual agreement the minimum wage rates which have been fixed. The Committee would therefore be glad if the Government would indicate what measures it intends to take to give effect to the provisions of Article 3, paragraph 2 (3) of the Convention.

Finally, the Committee last year asked the Government to describe in its next report the methods followed to supervise the application of minimum wage legislation, and to supply information on the sanctions laid down and on the organisation and functioning of the inspection service.

The Committee would be glad if the Government would supply information on these various points in its next report.

Italy (ratification: 9.9.1930). The Committee wishes to thank the Government for the statistical information it has again supplied this year. The Committee had already been informed that a Bill regulating the legal relations between employers and workers

was before the Chamber of Deputies, and it had expressed the hope that once this text had been adopted, the Government would include in its report information on those provisions which are relevant to the Convention. The Government indicates in its report that a new Bill concerning the scope of application of collective agreements is shortly to be tabled in Parliament in substitution for the previous Bill. The Committee took note of this information and would also be grateful if the Government would be good enough, after the adoption of this text, to indicate in its report which provisions thereof relate to minimum wage fixing machinery.

Mexico (ratification: 12.5.1934). The Committee wishes to thank the Government for the information given on the minimum wage rates fixed for 1952-53. It would be grateful, however, if the Government would be good enough, as requested last year, to supply, in accordance with Article 5 of the Convention, information on the approximate number of workers covered by minimum wage regulations. The Committee would also be glad if the Government would be good enough to supply any information which is available on the wages of workers employed under collective and individual labour contracts; a Government representative had, in fact, promised at the 1953 Session of the Conference that the next report would contain such information.

Netherlands (ratification: 10.11.1936). The Committee indicated last year that there would be advantage in the Government's communicating, as regards the Special Order of 1945, general information on the points covered by Article 5 of the Convention. In its reply to the Conference, the Government had indicated that in its opinion this Order could not be considered as applying the Convention. This Order implied, on the contrary, that there exists "effective machinery" whereby wages can be fixed. This is done through wages regulations laid down by the Governmental Mediation Board after consultation with the employers' and workers' organisations concerned, or through collective agreements approved by this Board. The Government added that it would not be appropriate to include information on the application of the Special Order of 1945 in the annual report on the application of the Convention, but it would be ready to supply this information separately.

The Committee took note of this statement and would be grateful for any information which the Government could supply, in one form or another, on the application of the Special Order of 1945.

Norway (ratification: 7.7.1933). The Committee would be grateful if the Government would supply information on the results of inspection in the case of minimum wages and would indicate the number of workers covered by minimum wages as well as of those who may have recovered the amount owed to them in cases where wages at less than the minimum rates had been paid to them.

Switzerland (ratification: 7.5.1947). The Committee wishes to thank the Government for the detailed information supplied on the application of the Convention in the cantons. It would be grateful, however, if the Government would be good enough to give in its next report, in accordance with Article 5 of the Convention, available statistics on the number of workers covered by minimum wage legislation.

Uruguay (ratification: 6.6.1933). The Committee wishes to thank the Government for the detailed information supplied in response to its request concerning the various trades or parts of trades in which minimum wage fixing machinery is applied, the number of workers covered by this legislation and the minimum wage rates established.

Venezuela (ratification: 20.11.1944). The report states that the Regulations supplementing the Labour Acts of 1945 and 1947 are now before the Executive Branch, which is considering their possible adoption. The Committee would be grateful if the Government would be good enough to indicate in its next report what progress has been made towards the adoption of the Regulations designed to give effect to the provisions of the Convention and which have been in preparation since 1950.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.

Number of reports requested: 33.

Number of reports received: 28.

Reports missing: 5.

(*Bulgaria, China, Czechoslovakia, Hungary, Nicaragua.*)

Argentina (ratification: 14.3.1950). The Committee took note with great interest of the adoption of Decree No. 9652 dated 2 June 1953 which provides for the marking of weights on heavy packages. It would be glad if the next report would indicate whether the obligation for having the weight marked falls on the consignor or on some other person (Article 1, paragraph 4 of the Convention).

Federal Republic of Germany (ratification: 5.7.1933). The Committee wishes to thank the Government for the definition of the term *Massengüter* given in reply to the request for additional information made in 1953. The Committee notes that certain difficulties have arisen in connection with the marking of large pieces of scrap, and would be glad to know what steps have been taken to overcome these difficulties.

The Committee regrets that no examples are given in the report, as requested, of cases where use is being made of the power to exempt from the obligation to mark objects of more than 1,000 kg. in the case of the frequently recurring transportation of objects of known weight by vessels engaged in inland navigation in local traffic where public harbours are not used. Receipt of this supplementary information would make it possible to ascertain whether this exception falls within the scope of the Convention.

Japan (ratification: 16.3.1931). The Committee noted with interest the supplementary information supplied in the report in reply to the observation made in 1953. According to this information the term "cargo" as used in Article 123 of the Ordinance on Labour Safety and Sanitation, 1947, means "a cargo the content of which is invisible because of packing" and that such items as lumber, stone, iron bars, sheets and similar unpacked materials are therefore excluded from the application of the Convention. The Committee ventures to point out that this exception is not in conformity with the terms of Article 1, paragraph 1 of the Convention, which provides that "any package or object" weighing 1 ton or more should be marked. The Committee hopes that the Government will find it possible to give full effect to this provision.

As regards the statement in the report that both under the Labour Standards Law and the above-mentioned Ordinance the employer must have the weight marked on heavy packages, the Committee would be glad if the Government would indicate which articles of the legislation contain this requirement.

Mexico (ratification: 12.5.1934). As the Government's report for the preceding period had not been received in time for examination by this Committee, reference is made to the observation of the Conference Committee (1953) which read as follows:

The Committee noted that, under section 95 of the Customs Act, as amended on 28 August 1936, the obligation to mark the weight on heavy packages only covers those transported by ocean-going vessels. The report states, however, that under an arrangement between the General Directorate of Merchant Marine and the Secretariat of Labour, packages transported by inland waterway must also be marked.

As the Convention applies, under its Article 1, paragraph 1, both to packages transported by sea and to those sent by inland waterways, the Committee ventures to repeat the suggestion, already made by the Committee of Experts in 1948, that an appropriate amendment might be inserted in the above-mentioned Act.

The Committee noted with interest that a Government representative in the Conference Committee had recognised that the above observation was a pertinent one. The Government's report for the present period does not, however, contain any indication of the action which the Government intends to take to eliminate the discrepancy in question. The Committee expresses the hope, therefore, that such action will be taken at an early date.

Yugoslavia (ratification: 22.4.1933). The Committee took note with interest of the statement made by the Government representative in the Conference Committee in 1953 that the courts and administration considered that the ratification of a Convention gave it the force of national law. However, the provisions of the Constitutional Act of 13 January 1953, mentioned in the report, do not by themselves confirm this statement, and the Committee would be glad if the Government would find it possible to adopt the regulations which are in preparation.

The Committee ventures to point out in this connection that the mere ratification of the Convention would, in any case, not suffice to give effect to its Article 1, paragraph 4, under which "it shall be left to national laws or regulations to determine whether the obligation for having the weight marked . . . shall fall on the consignor or on some other person".

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: 22.

Reports missing: 2.

(*Bulgaria, Nicaragua.*)

General Observation

In 1950 the Committee drew the attention of the governments to the fact that certain provisions of Convention No. 29 concerning forced or compulsory labour were of general concern, and requested governments to be good enough to supply detailed information concerning the law and practice which give effect to the provisions of the Convention in the metropolitan countries.

Certain governments were good enough to supply this information. The Committee would be grateful if other governments concerned would be good enough to supply in their next reports the information indicated below.

Australia (ratification: 2.1.1932). The Committee would be grateful if the Government would be good enough to indicate whether for the Commonwealth metropolitan territory, in conformity with Article 2,

paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

See also under Appendix II, concerning Non-Metropolitan Territories.

Belgium (ratification: 20.1.1944). The Committee would be grateful if the Government would be good enough to indicate whether for the metropolitan territory, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

See also under Appendix II, concerning Non-Metropolitan Territories.

Ceylon (ratification: 5.4.1950). The Committee thanks the Government for the detailed supplementary information which it has supplied in response to the request made in 1953. However, the Committee notes that, according to the Government's report, there is no legislation designed, as provided for by Article 25 of the Convention, to lay down penalties for the illegal exaction of forced or compulsory labour. The Committee would be grateful if the Government would be good enough to state whether any procedure exists which would enable persons who consider that they have been illegally called upon to furnish forced or compulsory labour to make complaints.

Chile (ratification: 31.5.1933). The Committee would be grateful if the Government would be good enough to indicate whether for the metropolitan territory, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Denmark (ratification: 11.2.1932). The Committee would be grateful if the Government would be good enough to state in its next report whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

See also under Appendix II, concerning Non-Metropolitan Territories.

Finland (ratification: 13.1.1936). The Committee thanks the Government for the supplementary information supplied in response to the request made in 1953. However, the Committee would be grateful if the Government would state whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable by penal sanctions. Should this be the case—as the Government's report seems to show it is—the Committee would be grateful if the Government would be good enough to state whether any procedure exists which would enable persons who consider that they have been illegally called upon to furnish forced or compulsory labour to make complaints.

France (ratification: 24.6.1937). The Committee would be grateful if the Government would be good enough to indicate whether for the metropolitan territory, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

See also under Appendix II, concerning Non-Metropolitan Territories.

Indonesia (ratification: 31.3.1933). The Government's first report states that the legislation relating to forced labour was repealed on 1 January 1942 and that there has been no forced or compulsory labour in Indonesia since that date. The Government adds that it is therefore impossible to supply the information requested in the annual report form laid down by the Governing Body. The Committee takes note of this statement but would nevertheless be grateful if the Government would be good enough to supply information regarding the following: (a) the work or service exacted as a consequence of a conviction in a court of law and the methods adopted for the organisation, in conformity with Article 2, paragraph 2 (c) of the Convention, of the work carried out by penal labour; (b) the work or services exacted in case of *force majeure* (war, calamity, etc.), as provided for in Article 2, paragraph 2 (d) of the Convention; (c) penalties provided for by Article 25 of the Convention to suppress the illegal exaction of forced or compulsory labour from any person.

Ireland (ratification: 2.3.1931). The Committee would be grateful if the Government would be good enough to indicate whether, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Japan (ratification: 21.11.1932). The Committee thanks the Government for the detailed information which it has supplied in its report in response to the observations made in 1953. However, the Committee would be grateful if the Government would be good enough to state what measures are taken to enable the workers in question to forward any complaints to the labour inspectors who, according to the provisions of the legislation, are required to ensure that there is no exaction of forced or compulsory labour.

Liberia (ratification: 1.5.1931). The Committee wishes to thank the Government for the detailed and precise reports which it has supplied on the application of the Convention during the periods 1951-52 and 1952-53. The Committee notes with satisfaction that the texts of the revised legislation and the regulations for the hinterland of the country were appended to the report.

Since this is the first occasion on which the Committee has been in a position to examine in detail the application of the Convention in Liberia, it has taken the opportunity to ask for clarification in respect of several matters dealt with in the reports and to draw the attention of the Government to certain discrepancies which seem to exist between the terms of the Convention and the laws and regulations applying the Convention in Liberia. It hopes

that the Government will be in a position, so as to ensure complete harmony between the national legislation and the provisions of the Convention, to enact any necessary legislative amendments.

With regard to compulsory labour on public works (road construction) the Government had previously indicated in reply to the observations made by the Committee that these works were to be considered as part of the normal civil obligations of citizens and thus came within the field of application of Article 2, paragraph 2 (b) of the Convention. The Committee notes that the exception authorised by Article 2, paragraph 2 (b) does not apply to works of maintenance and cleaning of local roads except to macadamised roads. Moreover, the terms of Article 10 require that compulsory labour on public works be progressively abolished. The Committee would be grateful if the Government would indicate what steps have been taken or are envisaged to secure the progressive abolition of compulsory labour on public works.

Under the terms of Article 11 "only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced compulsory labour". The Committee notes, however, that article 1416, section 4 of the Revised Laws of the Republic of Liberia (second volume), amended by the Act of 20 January 1932, provides that "road overseers . . . are authorised to summon all male inhabitants of the township from the age of 16 to 60 years".

With regard to compulsory labour for portage, Article 18 of the Convention provides that such labour shall be abolished within the shortest possible period. In 1938 the Government indicated that these obligations constituted a public utility service for which it assumed the responsibility. The Committee draws the attention of the Government to the fact that according to the provisions of Article 18, pending the abolition of transport labour, the competent authorities shall promulgate regulations requiring that for persons other than officials of the administration such labour shall be employed only "in cases of very urgent necessity". Article 35 of the Revised Laws and Administrative Regulations for governing the hinterland (the text of which is appended to the report) lays down, however, that any traveller requiring carriers shall apply to the Chief of the Section for the desired number, which must be promptly supplied.

Under Article 18, paragraph 1 (d) of the Convention the regulations must fix "the maximum distance from their homes to which these workers (engaged in transport) may be taken". The Government refers in this connection to article 34, paragraph (b) of the Revised Laws. It appears to the Committee that the distances fixed by these paragraphs of article 34 refer to workers engaged in occupations covered by the preceding paragraph, that is to say, employment on construction works and on maintenance of public buildings, roads, trails and bridges. It would not appear that these provisions would cover the question of the maximum distance to which porters may be taken as required by Article 18, paragraph 1 (d) of the Convention.

Article 25 of the Convention provides that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence" and that the Government must "ensure that the penalties enforced by law are really adequate and are strictly enforced". In this connection the report refers to section 64 of the Criminal Code. The Committee notes that this section of the Code is entitled "Slave Trading" and is only applicable to persons who shall, either by force, fraud or deceit, unlawfully carry off another and shall deliver such person into the custody and power of another who has no legal right to hold or detain such person. It appears to the Committee that this article is too limited in its application to constitute an effective penalty for the illegal exaction of all kinds of forced labour.

The Committee notes that the Government indicates in its report with regard to the application of Article 4 of the Convention that it is "under contractual obligations to encourage, support and assist government concessionnaires to secure and maintain an adequate supply of labour". The Committee would be grateful if the Government would be good enough to indicate what means it utilises to assure fulfilment of these contractual obligations.

Netherlands (ratification: 31.3.1933). The Committee would be grateful if the Government would be good enough to indicate whether for the metropolitan territory, in conformity with Article 2, paragraph 2 (c) of the Convention the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

New Zealand (ratification: 22.3.1938). The Committee would be grateful if the Government would be good enough to indicate whether for the metropolitan territory, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

See also under Appendix II, concerning Non-Metropolitan Territories.

Norway (ratification: 1.7.1932). The Committee would be grateful if the Government would be good enough to indicate whether in conformity with Article 2, paragraph 2 (c) of the Convention the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Sweden (ratification: 22.12.1931). In its report the Government states that it does not consider the Convention as applying to such forced labour as may be required of certain persons under an administrative decision, e.g., labour exacted from vagrants and other unsocial persons such as those who fail in their obligation to support their children. The Committee on the one hand notes that under paragraph 1 of Article 2 of the Convention the term "forced or compulsory labour" refers to "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". It appears to the Committee on the other hand that the labour which may be exacted from vagrants and other unsocial persons by administrative decision does not fall within any of the categories enumerated in paragraph 2 of Article 2 of the Convention. The Committee would therefore be grateful if the Government would provide additional information concerning the nature and scope of the labour which may be exacted from the aforementioned persons.

It would also like to know—(a) whether, in accordance with Article 23, paragraph 2, of the Convention, the regulations pertaining to compulsory labour mentioned in the Government's report include rules permitting any person from whom such labour is

exacted to forward all complaints relative to the conditions of labour to the authorities and guaranteeing him that such complaints will be examined and taken into consideration; (b) whether, in accordance with Article 25, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Yugoslavia (ratification: 4.3.1933). The Committee would be grateful if the Government would be good enough to indicate whether, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and that the person concerned is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be glad to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Convention No. 30: Hours of Work (Commerce and Offices), 1930.

Number of reports requested: 10.

Number of reports received: 8.

Reports missing: 2.

(*Bulgaria, Nicaragua.*)

Argentina (ratification: 14.3.1950). The Committee takes note with interest of the detailed information contained in the report. It also notes the statement made by the Government representative to the Conference Committee to the effect that the national legislation does not actually contain any provision limiting the number of additional hours of work—which are limited to 30 hours in Article 5 of the Convention—for the purpose of making up hours of work which have been lost for reasons for which the employee is not responsible, and that the Ministry of Labour is considering a decree which would fully apply the Convention.

The Committee hopes that it will be possible for the Government to bring this decree into force at an early date.

Israel (ratification: 26.6.1951). The Committee wishes to thank the Government for its detailed first report from which it notes with satisfaction that the Act respecting Hours of Work and Rest of 1951, which applies the Convention, ensures, in certain respects, better standards than those laid down in the Convention.

However, the Committee notes that no specific provision appears to exist concerning the cases in which hours of work may be increased for the purpose of making up the hours of work which have been lost for reasons for which the employee is not responsible (Article 5 of the Convention), concerning the daily and yearly maximum of additional hours which may be allowed (Article 7, paragraph 3 of the Convention), and concerning the posting of the hours of work, rest intervals, etc. (Article 11 of the Convention).

The Committee would therefore be obliged if the Government would be good enough to take steps to bring its legislation into complete harmony with the Convention and furnish, in its next report, fuller information on the working of the permits for overtime work, the nature of these permits (permanent or temporary), the number of hours worked and the measures ensuring adequate inspection.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932.

Number of reports requested: 14.

Number of reports received: 12.

Reports missing: 2.

(*Bulgaria, China.*)

Argentina (ratification: 14.3.1950). The Committee notes with regret that the Government has failed again to supply a fuller report as requested in 1952 and 1953. The Committee draws attention to the fact that the Convention contains technical provisions of a very detailed character and in order 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.

Finland (ratification: 23.8.1949). With reference to the observations which it made in 1953, the Committee takes note with satisfaction of the following information, supplied by the Government in writing to the Conference Committee and reproduced as an appendix to the Government's report for this year.

Article 2, paragraph 2 (1). Considerable improvements have been made as regards lighting in a number of ports. Several ports have developed a general lighting scheme. The necessary appropriations for the implementation of these schemes have been included in the municipal budgets for the current years. There has also been progress in the lighting of working places and of the approaches to ships.

Article 16. The shipping companies were informed that—except in certain cases—the period for the renewal or alteration of equipment expired on 1 January 1953 and that the use of equipment which is not in conformity with the instructions is prohibited after that date.

Mexico (ratification: 12.5.1939). The Committee regrets to have to note that the report for this year repeats the information previously supplied, and in this connection ventures to point out that the Government representative to the Conference Committee in 1953 stated that the observations made by this Committee were very pertinent and would be forwarded to the Government in order that account might be taken of them in the preparation of the Bill to amend the legislation.

The Committee, therefore, reiterates the observations made by the Conference Committee last year, and hopes that the Government will take the necessary steps at an early date to ensure conformity between the legislation and the provisions of the Convention.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932.

Number of reports requested: 7.

Number of reports received: 7.

Argentina (ratification: 14.3.1950). With reference to previous observations, the Government states that in Argentina the employment of young persons under 18 years of age on work other than light work or on work dangerous for the morals of the young is prohibited (articles 4, 9, 10 and 11 of Act No. 11317), that the hours of work of young persons under 18 years of age are limited to six a day and 36 a week (article 5 of Act No. 11317), that if the young persons are called upon to work in the morning and in the afternoon their hours of work must be divided by a break of two hours (article 7 of Act No. 11317) and that they benefit by special provisions guaranteeing to them a weekly rest of 36 hours without exception (article 3 of Act No. 4661) and a paid annual holiday of a fortnight (article 9 of Decree No. 32412/45 approved by Act No. 12921).

The Committee takes note of this information, but would nevertheless wish to point out the following.

No provision would seem to exist in the Argentine law providing that children between 12 and 14 years of age can only be employed on light non-industrial work as laid down in Article 3 of the Convention. In addition, article 6 of Act 11317 prohibits young persons under 18 years of age, except in nursing and domestic occupations, from being employed at night,

i.e., between 8 p.m. and 7 a.m. in winter and between 8 p.m. and 6 a.m. in summer, whereas Article 3, paragraph 2 (b) of the Convention prohibits the employment on light work of children between 12 and 14 years of age at night, defined as a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m., a prohibition which applies to all non-industrial work, including nursing and domestic service. As regards domestic work, the Convention allows the exemption of such work only if performed in the family and by members of that family (Article 1, paragraph 3 (b)).

The Committee hopes that the Government of Argentina will be good enough to bring, as soon as possible, the national law into full conformity with Article 3 of the Convention.

Austria (ratification: 26.2.1936). In reply to last year's observations of the Committee, the Government stated in writing to the Conference Committee in 1953 that the provisions of section 4, paragraph 2, of the Act of 1 July 1948 by which children employed in occasional work were exempted from the scope of the Act had been introduced into legislation on the assumption that the employment of children for occasional work, such as the picking of berries, is not child labour within the meaning of the Convention and that it would in fact be impossible to subject such occasional employment of children to any legislative provisions with any hope of practical success; public opinion, the Government added, would not be able to understand such a measure.

The Committee takes notes of this information but would wish to point out that the Convention does not make any distinction between regular and occasional light work. It would therefore, be grateful for an exact definition of the expressions "occasional" and "regular" employment used in the Austrian Act of 1948.

The Government also stated that the supervision of the application of the provisions concerning the employment of young persons in itinerant trading is ensured and facilitated by the provisions of section 26 (1) of the Youth Employment Act, 1948 prescribing the keeping by the employer of a register of the young persons in his employment, such register being open to examination by the labour inspectorate, whose principal duty also consists in supervising the application of the provisions concerning itinerant trading to young persons. In addition the Government states that the police authorities also note and report any violations of the existing regulations. The Committee takes note of this information with interest but finds that it is not entirely satisfactory.

Cuba (ratification: 24.2.1936). The Committee notes with satisfaction that article 2 of the new Legislative Decree No. 883 of 1953 defines the dangerous and unhealthy non-industrial occupations in which the employment of young persons under 16 years of age is prohibited, and thus brings the national law into conformity with Articles 5 and 8 (b) of the Convention.

France (ratification: 29.4.1939). The Committee appreciates the information given by the Government to the Conference Committee in 1953 and in the annual report for 1952-53 as regards the application of section 60 of Book II of the Labour Code. While regretting the delay in taking this necessary measure, the Committee notes that, in order to bring the national law into conformity with the Convention, a Bill will shortly be submitted to the National Assembly amending section 60 of Book II of the Labour Code, so as to extend sanctions to all persons employing children under 16 years of age in occupations dangerous to life, health or morals.

Uruguay (ratification: 6.6.1933). The Committee takes note of the statement made by the Government

in its report on Convention No. 7, to the effect that the ratification of a number of Conventions will make it possible to incorporate in the national legislation the provisions of Convention No. 33, as well as additional provisions laying down penalties for infringements of the provisions of ratified Conventions.

The Committee draws the attention of the Government to the necessity of taking, without any delay, measures to protect the workers covered by the provisions of Convention No. 33, which was ratified by Uruguay more than 20 years ago.

Convention No. 34: Fee-Charging Employment Agencies, 1933.

Number of reports requested: 6.

Number of reports received: 4.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933.

Number of reports requested: 8.

Number of reports received: 6.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

Peru (ratification: 8.11.1945). As regards insurance of domestic servants, which continues to be optional, the Committee must repeat its observations made under Convention No. 24 above. The Committee would also be grateful if the Government would be good enough to indicate, as requested already in 1951, whether it contemplates taking measures in regard to compulsory insurance to cover salaried employees and the liberal professions as provided for by the Convention. Finally, the Committee had previously noted that while Article 11, paragraph 2 of the Convention lays down that "disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers", in Peru disputes are referred to the administration and, in the last instance, to the Governing Council of the Social Security Fund. The Committee would be grateful if the Government would be good enough to indicate the measures it intends to take to eliminate this discrepancy between the provisions of the national legislation and those of the Convention, a discrepancy which has been in existence for several years.

Convention No. 36: Old-Age Insurance (Agriculture), 1933.

Number of reports requested: 7.

Number of reports received: 5.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933.

Number of reports requested: 8.

Number of reports received: 6.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

Peru (ratification: 8.11.1945). See under Convention No. 35.

Convention No. 38: Invalidity Insurance (Agriculture), 1933.

Number of reports requested: 7.

Number of reports received: 5.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933.

Number of reports requested: 5.

Number of reports received: 3.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

Peru (ratification: 8.11.1945). The Committee finds it necessary to repeat the observation made above under Convention No. 35. In addition, the Committee would be glad to know, as already requested in 1951, what progress has been made with a view to replacing the payment of a lump sum by a pension scheme for survivors as provided for in the Convention.

Convention No. 40: Survivors' Insurance (Agriculture), 1933.

Number of reports requested: 4.

Number of reports received: 2.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 41: Night Work (Women) (Revised), 1934.

Number of reports requested: 15.

Number of reports received: 13.

Reports missing: 2.

(Hungary, Peru.)

Afghanistan (ratification: 12.6.1939). See under Convention No. 4.

Brazil (ratification 8.6.1936). The Government states that, in virtue of section 1 of Legislative Decree No. 8249 of 1945, section 379 of the Consolidation of Labour Laws of 1943, which prohibits the night work of women, is applicable to women engaged as employees by private undertakings which subsequently became nationalised. Women engaged after nationalisation are covered by the regulations concerning public services, under which hours of work are fixed so as not to include the night period.

The Committee takes note of this information with interest, but would be grateful if the Government would state whether the provisions of Legislative Decree No. 8249 are applicable to women salaried employees as well as to women manual workers employed in public undertakings.

Burma (ratification: 22.11.1935). See under Convention No. 4.

Ceylon (ratification: 2.9.1950). The Government states that the position remains as outlined in its report for the year 1951-52. The Committee would be grateful if, in future reports, the Government would supply detailed information on the practical application of the Convention.

Iraq (ratification: 28.3.1938). The Committee notes with interest that, according to the statement made by a Government representative to the Conference Committee in 1953 and reproduced in the report for

this year, the new Labour Code which is under consideration by Parliament will contain a provision relating to the exceptions (in case of *force majeure*) provided for in Article 4 of the Convention.

In the report for this year, the Government states that the provisions of the Labour Law do not apply to women who are employed in separate administrative or commercial establishments or undertakings, although such establishments are covered by the Labour Law. In this connection, the Committee ventures to point out that the Convention covers all women employed in industrial undertakings as defined in Article 1, paragraph 1 (or in any branch thereof), with one single exception in respect of "women holding responsible positions of management who are not ordinarily engaged in manual work" (Article 8).

The Committee would be glad to be informed of the progress made towards the adoption of the new Labour Code and hopes that this Code will ensure conformity between the national legislation and the provisions of the Convention as regards the above-mentioned points.

Peru (ratification: 8.11.1945). See under Convention No. 4.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934.

Number of reports requested: 22.

Number of reports received: 19.

Reports missing: 3.

(Bulgaria, Czechoslovakia, Hungary.)

Belgium (ratification: 3.8.1949). The Committee notes with satisfaction that, in order to give effect to the observation it made in 1953, the Belgian Government has enacted the Royal Order of 27 October 1953 to amend the Royal Order of 25 April 1951, which contains the list of diseases and toxic substances which may cause occupational diseases and the list of corresponding trades, industries and processes in which these diseases and poisonings are liable to be contracted.

The Committee wishes, however, to point out that in the list of trades, industries and processes, appearing in the Royal Order of 25 April 1951, the item "manufacture, distillation and use of hydrocarbons of the aliphatic series and their chlorinated derivatives" has been replaced in the new Royal Order by "... and their halogen derivatives", as provided for in the Convention, but no similar modification has been introduced in the list of the diseases and toxic substances.

The Committee would therefore be glad if the Government would be good enough to supply further information on this point.

France (ratification: 17.5.1948). The Committee takes note with satisfaction of the new Decrees Nos. 52-1168 and 52-1169 of 18 October 1952 fixing the new rules for compensating silicosis and asbestosis, for which occupational diseases the national legislation had not provided for compensation in case of temporary incapacity.

It notes with interest the Government's statement that further progress is being made in order to eliminate the remaining slight discrepancy, and trusts that it will be possible to achieve full conformity at an early date.

Mexico (ratification: 20.5.1937). With reference to the statement made by the Government representative before the Conference Committee in 1953, in reply to an observation made by the same Committee, to the effect that his Government would supply, in the report for the period under review, detailed information as to existing special regulations relating to poisoning by phosphorus and its compounds, the

Committee notes that no further details have been supplied in the present report. It would therefore be grateful if the Government would be good enough to supply, in its next report, detailed information on the aforementioned regulations.

Convention No. 43: Sheet-Glass Works, 1934.

Number of reports requested: 8.

Number of reports received: 6.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

France (ratification: 5.2.1938). The Committee has already, on a previous occasion, pointed out that section 6, subsection 1, of the decree of 13 February 1937 to lay down rules for the application of the 40-Hour Week Act of 21 June 1936 to hours of work in glassworks of all kinds, does not provide any extra remuneration for overtime work, whereas Article 3, paragraph 2 of the Convention states that "adequate compensation for all additional hours worked . . . shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned".

The Government states in its reply that an inquiry carried out by the labour inspection services indicates that in practice local or regional agreements have been concluded and provide extra remuneration in respect of the hours in question, subject to the conditions laid down in the Act of 25 February 1946 respecting remuneration for overtime work. Furthermore, workers' and employers' organisations have been invited to reach an agreement with a view to bringing those already concluded in the matter within the framework of the collective agreement covering the entire trade, which is now in preparation and may be concluded in accordance with the Act of 11 February 1950 respecting collective agreements. The Government has stated that in these conditions it considered that there was no need to amend section 6, subsection 1, of the decree of 13 February 1937, since Article 3 of the Convention provides that adequate compensation may be agreed upon by contract.

The Committee notes with satisfaction that the present practice appears to be in keeping with the text of the Convention, in that extra remuneration is granted for overtime work by collective agreement. It notes, however, that the decree of 13 February 1937, which governs hours of work in glassworks of all kinds, does not provide remuneration for overtime work. The Committee cannot fully endorse this situation, which seems likely to create some confusion; it would be grateful if the French Government would examine the possibility of amending section 6 of the decree of 13 February 1937 so as to remove therefrom an apparent contradiction with Article 2, paragraph 2 of the Convention.

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: 26.

Reports missing: 5.

(Bulgaria, China, Czechoslovakia, Hungary, Peru.)

Brazil (ratification: 22.9.1938). The Committee took note with satisfaction of the information supplied by the Government which indicates that the national

legislation strictly prohibits the employment of women for underground work in mines, regardless of whether the undertakings covered are private or public. It also noted that the list of violations committed during the period under review will be communicated to the International Labour Office shortly.

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 has noted the indications supplied by the Government to the effect that a Bill to amend the Invalidity Act is now in preparation, under which section 168 of the Act, which is not in conformity with Article 10 of the Convention, would be abrogated (rights acquired by persons who have been affiliated to an insurance institution of a Member).

The Committee would be grateful if the Government would, in its next annual report, supply information on the measures taken with respect to the Bill in question.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.

Number of reports requested: 7.

Number of reports received: 5.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 50: Recruiting of Indigenous Workers, 1936.

Number of reports requested: 6.

Number of reports received: 6.

See Appendix II. B.

Convention No. 52: Holidays with Pay, 1936.

Number of reports requested: 10.

Number of reports received: 8.

Reports missing: 2.

(Bulgaria, Czechoslovakia.)

Argentina (ratification: 14.3.1950). The Committee noted with interest the supplementary information given in the report, which confirms the statement made by a Government representative in the Conference Committee in 1953.

The Committee takes note with satisfaction of the Government's intention to include in the new Code of Social Law, now in preparation, provisions concerning the effect on the annual holiday of interruptions of attendance at work due to sickness (Article 2, paragraph 3 (b) of the Convention). It would be grateful if the Government would be good enough to indicate in its next report what progress has been made in this connection.

The Committee also notes that the provisions of the Argentine Commercial Code as regards the prohibition of relinquishment of the right to an annual holiday (Article 4 of the Convention) as well as regards the keeping of records (Article 7), apply to workers in industry as well as to those in commerce.

Brazil (ratification: 22.9.1938). The Committee took note with satisfaction of the detailed information supplied in response to the observation made in 1952 and in respect of which certain additional explanations had already been given by a Government representa-

tive to the Conference Committee that year. This observation was concerned in particular with Article 1 (c) of the Convention (persons employed in undertakings engaged in the transport of passengers and goods by inland waterways) and with Article 2, paragraph 3 (exclusion from holidays with pay of public and customary holidays and of interruption of attendance at work due to sickness).

The Committee further notes that it has not yet received the statistical information concerning violations reported during the period under review, the forwarding of which had been promised. It hopes that the Government will embody that information in its next report.

Israel (ratification: 22.8.1951). The Committee takes note with interest of the first report supplied by the Government and wishes to point out the following discrepancies between the national legislation and the provisions of the Convention.

Article 1. The Annual Holiday Act does not apply to "workers whose remuneration consists exclusively of a share in the profits" or to "workers employed in casual work not related to the business or occupation of the employer". The Committee would be grateful if the Government would indicate the reasons why, in its opinion, the Convention does not apply to these two groups of workers, which do not appear to be included among the exceptions referred to in paragraph 3 of Article 1.

Article 2, paragraph 5 (increase of duration of the annual holiday according to length of service) and Article 4 (any agreement to relinquish the right to an annual holiday with pay, etc., shall be void). The Committee notes that the report contains no information regarding legislation to apply these Articles of the Convention and would be glad if the Government would state what measures are taken, or are contemplated, to ensure conformity with the Convention as regards these two points.

Article 7. The report states that the Article is applied under section 26 (a) of the Annual Holiday Act, which requires the employer to keep a holiday register in which he shall enter the details prescribed in the regulations; but adds that no such regulations have been issued up to the present. The Committee hopes that the Government will soon be able to issue the necessary regulations requiring the keeping of records containing the particulars given in the Article of the Convention.

Finally, in view of the fact that section 10 of the Act provides that the employer shall pay the employee for the days of holiday the equivalent of his normal remuneration and that the report states that some cases were reported to the inspectorate where employees, who are not organised, were obliged by their employers to forgo their holiday rights under fear of losing their employment, the Committee presumes that the necessary measures have been taken to secure payment to the workers concerned in lieu of the holiday of which they have been deprived.

Convention No. 53: Officers' Competency Certificates, 1936.

Number of reports requested: 11.
Number of reports received: 10.
Reports missing: 1.

(Bulgaria.)

Egypt (ratification: 20.5.1939). Despite a promise made by a Government representative in the Conference Committee in 1953, the report again fails to include information on the practical application of the Convention as repeatedly requested by the Committee.

Mexico (ratification: 1.9.1939). As the Government's report is identical in every respect with that supplied last year the Committee cannot but repeat the observation made by the Conference Committee in 1953.

The report states under Article 4 of the Convention that competency certificates are not required in the case of masters and officers of merchant vessels engaged in coastal shipping. The Committee ventures to point out that the Convention does apply to vessels engaged in such shipping and that, under paragraph 2 of the above Article, national laws and regulations shall prescribe the minimum age and the minimum period of professional experience for candidates for each grade of competency certificate.

The report also states under Article 5 that Mexican legislation does not yet provide for the cases in which the authorities may detain vessels on account of a breach of the provisions of the Convention (paragraph 2).

The Committee would be glad if the Government would indicate in its next report the measures taken to give effect to the above-mentioned provisions of the Convention.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936.

Number of reports requested: 5.
Number of reports received: 4.
Reports missing: 1.

(Bulgaria.)

Mexico (ratification: 15.9.1939). See under Convention No. 53.

Convention No. 56: Sickness Insurance (Sea), 1936.

Number of reports requested: 4.
Number of reports received: 3.
Reports missing: 1.

(Bulgaria.)

Belgium (ratification: 3.8.1949). The Committee thanks the Government for supplying information in response to the observation made last year.

However, as the information supplied shows that sickness benefits under the general social security scheme are calculated according to the percentage of the remuneration lost as the result of incapacity and as no similar information is given for the calculation of benefits under the seafarers' scheme, the Committee is unable to judge whether the rates of sickness benefits payable to seafarers are at least equal to those payable to insured persons under the general scheme.

The Committee would be grateful, therefore, if the Government would be good enough to supply information regarding the method used for calculating the rates of sickness benefits payable to seafarers.

Convention No. 58: Minimum Age (Sea) (Revised), 1936.

Number of reports requested: 12.
Number of reports received: 11.
Reports missing: 1.

(Bulgaria.)

Belgium (ratification: 11.4.1938). The Committee notes the Government's statement that the situation has not altered since its previous report. As the Government had indicated in 1952 that the Act of 5 June 1928 would be amended shortly so as to bring it into full harmony with Article 2 of the Convention fixing the minimum age for admission of children to employment at sea at 15 years, the Committee would be glad to know when the Government expects to submit the appropriate amendments to Parliament.

Convention No. 59: Minimum Age (Industry) (Revised), 1937.

Number of reports requested: 3.
 Number of reports received: 2.
 Reports missing: 1.

(China.)

New Zealand (ratification: 8.7.1947). The Committee notes with satisfaction that instructions were issued on 24 June 1953 by the Secretary of Labour which require that, in future, no certificates of fitness should be issued under section 37 (1) of the Factories Act, 1946, to any young person under 15 years of age and thus ensure complete administrative compliance with the provisions of the Convention, and that the question of adjusting the legislation on this point will not be lost sight of. The Committee would be glad to be advised as and when the necessary legislative amendment is adopted.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.

Number of reports requested: 2.
 Number of reports received: 1.
 Reports missing: 1.

(Bulgaria.)

New Zealand (ratification: 8.7.1947). The Committee notes with satisfaction that, according to the reply to last year's observations made in 1953 by the Government representative of New Zealand to the Conference Committee, the relevant New Zealand regulations prohibit the employment of young persons under 21 years of age in licensed bars.

The Government delegate also stated that the discrepancies between the legislation and the Convention were merely formal, as child labour was in no way exploited, a statement which has been confirmed in this year's report which adds that there are more pressing problems requiring legislative action so that in the Government's opinion the matters dealt with in the Convention do not warrant a marked degree of priority.

The Committee appreciates the assurance that child labour is not exploited in New Zealand but hopes, nevertheless, that the Government will soon be in a position to ensure complete conformity between the national legislation and the Convention.

Convention No. 62: Safety Provisions (Building), 1937.

Number of reports requested: 8.
 Number of reports received: 7.
 Reports missing: 1.

(Bulgaria.)

Belgium (ratification: 3.10.1951). The Committee wishes to thank the Government for its very detailed first report on the application of the Convention and for the equally full report on the Safety Provisions (Building) Recommendation, 1937, which shows that effect is being given to this latter text to a very considerable degree.

As regards the application of the Convention, the Committee took note with interest of the statement in the report that the Government intends to amend its Regulations so as to bring them into conformity with Article 13 (qualifications and age of crane drivers and hoisting machine operators). The Committee ventures to point out in this connection that the employer does not appear to be required, under the existing Regulations, to verify the security of scaffolds regardless of whether these have been "erected by his workmen or not" (Article 7, paragraph 8).

The Government's future reports will no doubt contain information on the effect given to these provisions of the Convention.

Finland (ratification: 8.4.1947). In its report of 1953 the Committee drew attention to a number of discrepancies noted already in 1951 which continue to exist between certain provisions of the Convention and the national legislation. In the absence of any indication by the Government as to the action it has taken or intends to take to eliminate these discrepancies the Committee can only draw attention once again to this matter.

France (ratification: 16.12.1950). The Committee wishes to thank the Government for the full information given in its report in reply to all the observations made last year. It noted with interest that amendments will be introduced in the decrees of 9 August 1925 and 21 March 1914 with a view to giving effect to the observations concerning Article 7, paragraphs 1, 2, 3 (a) and 5 to 8 (use of scaffolds), Article 9, paragraph 2 (precautions to be taken to prevent falls from a roof), Article 10, paragraph 5 (stacking of materials) and Article 13, paragraph 2 of the Convention (control of hoisting machinery).

As regards the Government's reply concerning the observation made in respect of Article 8, paragraphs 1 (a) and (b) (construction of platforms, gangways and stairways), the Committee notes that sections 2, 43, 46, 47, 48 and 52 of the decree of 9 August 1925 should, according to the report, be sufficient to give effect to these particular provisions of the Convention; however, the sections enumerated above, while providing to a certain extent for measures to reduce the "risks of persons tripping or slipping" do not provide specifically for the construction and maintenance of platforms, etc., so "as to reduce as far as practicable" the risks in question.

As regards the observation concerning Article 10, paragraph 1 (safe access to working places), the Committee notes the Government's statement that sections 44 to 48 of the decree of 9 August 1925 should suffice to ensure the adoption of measures with a view to avoiding falls; the Committee finds, however, that this legislative text does not require specifically that "safe means of access shall be provided".

As regards the Government's reply concerning the observation on Article 16, paragraph 1 (personal safety equipment), the Committee notes that the decree of 9 August 1925 provides for safety belts and goggles only, whereas the expression "necessary personal safety equipment" may also embrace such items as helmets, gloves, etc.

Mexico (ratification: 4.7.1941). As the Government's report for the preceding period arrived too late for examination by this Committee reference is made to the observation of the Conference Committee (1953), which read as follows:

Noting that those provisions of the Convention which have not been expressly incorporated in the national legislation have become an integral part of Mexican law under article 133 of the Constitution, the Committee would be glad if the next report would indicate how effect is given to the provisions enumerated below which necessitate specific measures to be taken by the Government:

(1) In what manner are employers required to bring the General Rules of the Convention to the notice of all persons concerned (Article 3 (a)) ?

(2) How are the persons responsible for compliance with the above Rules defined (Article 3 (b)) ?

(3) What national laws or regulations prescribe the height above which working platforms and gangways shall be closely boarded and suitably fenced, etc. (Article 8, paragraph 2) ?

(4) What national laws or regulations prescribe the height above which precautions shall be taken to prevent the fall of persons or material from a roof (Article 9, paragraph 2) ?

(5) What national laws or regulations prescribe the intervals at which hoisting machinery shall be re-examined and tested (Article 12, paragraph 1) ?

(6) What minimum age has been prescribed by national laws or regulations for persons in control of hoisting machinery or giving signals to the operator of such machinery (Article 13, paragraph 2) ?

The Committee noted with interest the statement made by a Government representative in the Conference Committee that the Department of Labour was examining the possibility of adopting new regulations based entirely on the provisions of the Convention. However the report contains no information regarding the steps taken to frame such regulations. The Committee would therefore be glad if the Government would indicate the measures which it intends to take to fulfil its obligations in relation to this Convention.

Poland (ratification: 17.4.1950). The Committee took note with interest of the full information supplied by the Government to the Conference Committee in reply to the observation made in 1953. It was glad to learn that persons under 18 years of age are prohibited from working with any hoisting machinery (Article 13, paragraph 2 of the Convention) and that further regulations are now being prepared which will *inter alia* give effect to Article 8, paragraph 2 (b), Article 14, paragraph 3 and Article 17 of the Convention.

The Committee notes, however, that paragraph 1 of the Order of 6 November 1946 does not require workers to use the safety equipment provided for them nor does it require the employer to ensure such use, as laid down in Article 16, paragraph 2 of the Convention. In these circumstances the Committee would be glad if the Government could make express provision in the above-mentioned draft regulations for the implementation of this important requirement of the Convention.

Convention No. 63: Statistics of Wages and Hours of Work, 1938.

Number of reports requested: 16.

Number of reports received: 14.

Reports missing: 2.

(*Czechoslovakia, Egypt.*)

Denmark (ratification: 22.6.1939). The Committee is glad to note that as a result of discussions with the Danish Employers' Association a preliminary investigation of hours actually worked in the second quarter of 1953 has been carried out. It trusts that this investigation will lead to the regular compilation of such statistics as required by Article 5, paragraph 3 of the Convention.

France (ratification: 28.6.1951). The Committee took note with interest of the Government's detailed first report on the application of the Convention. As no information is given as regards Articles 7 and 20, which relate to the payment of allowances in kind, such as cheap housing, food or fuel, it would be glad to know whether the allowances paid in the case of coalmining "form a substantial part of the total remuneration of the wage earners" and, if so, whether incorporation of particulars of these allowances in the statistics of average earnings as required by the above-mentioned Articles of the Convention is contemplated.

The Committee would also be glad to be informed when the Government intends to give effect to the following provisions of the Convention:

(1) the publication of statistics of average earnings and of hours of work (Articles 5-12) (according to the report these are prepared only for coalmining for the present, but are to be published for other industries as well);

(2) the compilation of statistics of rates of pay and normal hours of work for the principal occupations in industry (Article 15).

Mexico (ratification: 16.7.1942). As the Government's report for the preceding period arrived too late for examination by this Committee, reference is made to the observation of the Conference Committee (1953) which read as follows:

The Committee noted that the obligations undertaken by the Members which are parties to this Convention (as laid down in its Article 1) are partially complied with by Mexico as the Government has only supplied certain data on the weekly earnings per worker in a limited number of industries, for the period 1945-50. No statistics of hours actually worked in mining and manufacturing industries appear to be compiled as provided for in Article 5 of the Convention, and the statistics of average earnings referred to above do not conform to the requirements of Articles 5 to 11. Nor are statistics of time rates of wages and of normal hours of work in these industries compiled as laid down in Part III (Articles 13 to 21). Finally, no statistics of any kind are available in respect of the wages and hours of work of agricultural workers as provided for in Part IV (Article 22).

The Committee noted the Government's statement in the report that, while all statistics could not be collected at present due to financial difficulties, it was hoped that the compilation of statistics of wages and hours of work would become possible at an early date. The Committee trusts that the various statistical services of the Government referred to in the report will, in due course, be able to undertake the collection and publication of all the data provided for in the Convention and that the next annual report will contain information on the progress achieved in this respect.

The Committee notes with regret that the report for 1952-53 merely repeats the information previously supplied. It therefore expresses the hope that the Government will not fail in future to give "the information asked for or indicate the action taken" to settle the points raised, in conformity with question II of the form of report.

Netherlands (ratification: 9.3.1940). The Committee is glad to note that, in accordance with the Government's promise, statistics of hours worked, as well as shifts, in coalmines have been made available. The Committee ventures to point out, however, that similar figures are not given for lignite mines and that in the absence of these additional data full compliance with Article 5, paragraph 1 of the Convention cannot be secured.

Norway (ratification: 29.3.1940). The Committee is glad to note that, in accordance with the Government's promise, statistics of average hours actually worked in individual manufacturing industries have been compiled for the year 1951. The Committee ventures to point out, however, that Article 1 (b) of the Convention requires the publication of the data collected at intervals of 12 months during the succeeding 12 months.

Union of South Africa (ratification: 8.8.1939). The Committee notes that the index number of average wage rates, compiled in conformity with Article 21 of the Convention, continues to be described as an "interim index" in which further revisions and improvements are contemplated. As the Government had stated in 1950 that the revision of the index had been completed, the Committee would be glad to know the nature of the revisions now contemplated, as well as the date by which they are expected to be completed.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939.

Number of reports requested: 3.

Number of reports received: 3.

See Appendix II. B.

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939.

Number of reports requested: 2.
Number of reports received: 2.

See Appendix II. B.

Convention No. 74: Certification of Able Seamen, 1946.

Number of reports requested: 4.
Number of reports received: 4.

Belgium (ratification: 5.12.1951). The Committee notes from the Government's first report that new regulations giving full effect to the Convention are now being drafted by the Marine Administration and that these are likely to come into force on 1 October 1954 at the latest.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946.

Number of reports requested: 4.
Number of reports received: 3.
Reports missing: 1.

(*Bulgaria.*)

France (ratification: 28.6.1951). The Committee wishes to thank the Government for its very detailed first report on the application of this Convention, from which it notes with satisfaction that the national legislation goes, in certain respects, beyond the provisions of the Convention.

However, with regard to the scope of application, the Committee notes from the report that work in mines, quarries and other works for the extraction of minerals from the earth (Article 1, paragraph 2 (*a*)) is not covered by national legislation, but is subject to special medical labour regulations, applicable and supervised by the Mines Department of the Ministry of Industry and Commerce. It would be appreciated if the Government would provide additional information on this point as well as forward the text of the aforementioned regulations.

The Committee also notes that the undertakings engaged in transport (Article 1, paragraph 2 (*d*)) are likewise not covered by legislation but are under the medical supervision of the competent services of the Ministry of Public Works and Transport. The Committee would appreciate it if the Government would be good enough to give detailed information on the system of medical inspection in force in the transport undertakings and furnish a copy of the regulations which govern this system.

Iraq (ratification: 13.1.1951). The Committee took note with particular interest of the information supplied by the Government in its first report on the application of this Convention. It wishes, however, to draw attention to the discrepancies which appear to exist between the following provisions of the Convention and the legislation in force.

Article 1. Section 1, paragraph 1 (3), and section 7, paragraph 3, of the Labour Law exempt from its scope the undertakings in which only the family members of the owner of the undertaking are employed and section 23 of the Regulation for Workshops and Factories, exempts workshops and factories which are the property of or are administered by the Government, whereas the Convention does not provide for such exceptions.

Article 3. Section 18 (*b*) of the Regulation for Workshops and Factories provides that only in specified dangerous and unhealthy industries—instead of in all industrial undertakings covered by the Convention—all employees shall be subject to medical inspection, at the place of work.

Article 6. It is not indicated whether appropriate measures are taken to ensure vocational guidance and physical and vocational rehabilitation of children and young persons not suitable for certain types of work or with physical handicaps or limitations.

Article 7, paragraph 1. National legislation provides that records of the medical inspection of employees must be maintained at the factory or workshop, for supervision by the local health authority, only in dangerous and unhealthy industries, and not, as provided by the Convention, in all the industrial undertakings.

The Committee expresses the hope that it will be possible for the Government to take steps, at an early date, to ensure full conformity between the national law and the Convention as regards the various points mentioned above.

Poland (ratification: 11.12.1947). With reference to the observation it made last year on the medical examination of persons up to 21 years of age on entry into occupations involving grave health risks, the Committee notes the Government's reply to the Conference Committee to the effect that all persons who are to be employed in work involving great risks to their health are required to undergo preliminary medical examination regardless of their age and of the size of the industrial undertakings. It is glad to note that Article 4 of the Convention is thus fully applied.

The Committee would appreciate it if the Government would be good enough to append to its next report a copy of the regulations which ensure the preliminary medical examination aforementioned.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946.

Number of reports requested: 3.
Number of reports received: 2.
Reports missing: 1.

(*Bulgaria.*)

France (ratification: 28.6.1951). The Committee wishes to thank the Government for its very detailed first report, from which it notes with satisfaction that the French legislation goes, in certain respects, beyond the provisions of the Convention.

The Committee notes, however, that the national legislation does not fully cover the scope of application of the Convention. Thus, Article 1, paragraph 1 lays down that the Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, while the French legislation only applies to wage-earning young persons. Moreover, paragraph 2 of this Article covers non-industrial occupations, which include all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations, but the national law does not seem to cover domestic service and certain other occupations in hotels, restaurants, hospitals, etc.

It further notes that no provisions appear to exist regarding the measures of identification to be adopted for ensuring the application of the system of medical examination to children and young persons engaged in itinerant trading or in occupations carried on in the streets or in places to which the public have access, as prescribed by Article 7, paragraph 2 (*a*) of the Convention.

The Committee hopes that it will be possible for the Government, at an early date, to take steps to ensure full conformity between Article 1, paragraphs 1 and 2 and Article 7, paragraph 2 (*a*) of the Convention and the national legislation.

Poland (ratification: 11.12.1947). The Committee refers to the observation it made in 1953 and notes with satisfaction that legislation in the course of

preparation will prohibit the employment of young persons as domestic servants, as required by Article 1 of the Convention.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946.

Number of reports requested: 2.

Number of reports received: 1.

Reports missing: 1.

(Bulgaria.)

Poland (ratification: 11.12.1947). The Committee took note with interest of the information which the Government supplied to the Conference Committee in 1953 in reply to the Committee's observations at its last session, as well as of the information given by the Government in its report.

It notes with satisfaction that the relevant national legislation, i.e., the decree of 2 August 1951, applies to all young persons employed in the various branches of the economy and therefore also to those employed in non-industrial occupations (Article 1, paragraph 1 of the Convention) and that the competent authority has therefore not defined the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations (Article 1, paragraph 3 of the Convention).

The Committee also noted with satisfaction that the penalties mentioned in Article 6, paragraph 1 (d) of the Convention, although not provided for in the above-mentioned decree of 2 August 1951, are called for in section 29 of the Order of the President of the Republic dated 14 July 1927 and in section 42 of the decree of 13 June 1946.

On the other hand, the Committee notes that the report does not give any indication concerning night work in respect of the categories of children mentioned in Article 2, paragraph 1 of the Convention, i.e., children under 14 years of age who are admissible for full-time or part-time employment and children over 14 years of age who are still subject to full-time compulsory school attendance. The Committee would be grateful if the Government would supply particulars in this respect.

As regards the keeping of registers and official records and the particulars which they must contain (Article 6, paragraph 1 (b) of the Convention) the Committee notes that mention of the hours of work which the above-mentioned paragraph of the Convention requires is not provided for in the national legislation. It would be grateful if the Government would be good enough to eliminate this discrepancy.

Finally, it is not clear from the information supplied whether the registers and records in question and the detailed indications they must contain are required not only in the case of young persons between 14 and 16 years of age, but also in the case of those between 16 and 18. The Committee would be grateful if the Government would supply further information on this point and, if necessary, take appropriate measures to ensure conformity between the national legislation and this provision of the Convention.

Convention No. 81: Labour Inspection, 1947.

Number of reports requested: 13.

Number of reports received: 12.

Reports missing: 1.

(Bulgaria.)

Austria (ratification: 30.4.1949). The Committee took note with interest of the *Montan Handbuch*, which contains, as regards mining, the various particulars to be included in the annual Inspection Report under Article 21 of the Convention.

France (ratification: 16.12.1950). The Committee wishes to thank the Government for the supple-

mentary information supplied in reply to the observation of 1953. It was glad to note that the Inspection Report for 1952 is in preparation and would be glad if a copy of this document could be sent in due course.

Iraq (ratification: 13.1.1951). The Committee wishes to thank the Government for its comprehensive first report on the application of the Convention, to which effect appears to have been given in the legislation and practice to a very considerable extent. The Committee would be glad, however, if the Government would indicate the steps it intends to take to implement—

Article 9 (association of technical experts and specialists in the work of inspection);

Article 12, paragraph 1 (c) (iv) (possibility for inspectors to remove samples of materials for purposes of analysis);

Article 13, paragraph 2 (b) (powers for inspectors to pass orders with immediate executory force);

Article 15 (a) and (c) (prohibition for inspectors to have any interest in undertakings under their supervision, or to divulge the source of any complaint);

Article 19 (submission of periodical reports by inspectors); and

Articles 20 and 21 (publication of an annual General Report on the work of the inspection service).

It is also not clear from the report whether women are eligible for appointment to the inspection staff (Article 8) and whether the national legislation provides for adequate penalties for obstructing labour inspectors in the performance of their duties (Article 18).

The Committee noted with interest in this connection from the Government's report that an I.L.O. expert had recently rendered technical assistance in the field of labour inspection.

Ireland (ratification: 16.6.1951). The Committee took note with interest of the Government's first report on the application of the Convention. It would be grateful if fuller particulars could be given in the next report on the extent to which the staff carrying out visits of inspection includes technical experts and specialists, as requested in the form of report under Article 9 of the Convention.

Netherlands (ratification: 15.9.1951). The Committee wishes to thank the Government for its first report on the application of the Convention. As no information is, however, supplied on the effect given to Articles 12, 15, 17 and 21, it would be glad if the next report would contain particulars in respect of these provisions of the Convention.

Turkey (ratification: 5.3.1951). The Committee took note with interest of the Government's detailed first report on the application of the Convention. It would be grateful if fuller particulars could be given in the next report of the extent to which the staff carrying out visits of inspection includes technical experts and specialists, as requested in the form of report (Article 9 of the Convention).

In addition, the Committee wishes to draw attention to the following points where effect does not appear to have been given as yet to certain provisions of the Convention:

(1) labour inspectors are not empowered in Turkey to take measures with immediate executory force in the event of imminent danger to the health or safety of workers as provided for in Article 13, paragraph 2 (b);

(2) no arrangement seems to have been made whereby the Inspection Service is notified of industrial accidents and cases of occupational diseases (Article 14);

(3) no annual General Report on the work of the Inspection Service is published (Articles 20 and 21).

The Committee will be glad if the Government will indicate in the next report the steps contemplated to give effect to these provisions.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948.

Number of reports requested: 12.

Number of reports received: 12.

General Observation

The Committee draws attention to the prohibition in the legislation of certain countries which prevents foreigners from participating in the management of a trade union. The question may arise whether this provision is compatible with Article 3 of the Convention which prescribes that "workers' and employers' organisations shall have the right . . . to elect their representatives in full freedom". It must be recognised that the text of Article 3 is not entirely clear. The Committee in fact notes that the preparatory work preceding the adoption of the Convention must have led the ratifying governments to believe that they were left with a certain amount of latitude as regards the measures applying the terms of the Convention.

Denmark (ratification: 13.6.1951). The Committee took note with interest of the Government's first report which relates exclusively to the constitutional provisions guaranteeing in a general way the free exercise of the right of association and which states that there exist no other legal provisions respecting the subject matter of the Convention.

In these circumstances, the Committee would consider it of interest if the Government could supply, in its next report, information concerning the application of the provisions of the Convention, either in virtue of customary law or practice, or in virtue of the decisions of courts of law or other courts. The Committee would, in particular, be grateful if the Government could supply the text of the awards which, according to the report, have been made by the Permanent Court of Arbitration and which touch upon questions of principle relating to the application of the Convention.

France (ratification: 28.6.1951). The Committee took note with interest of the information contained in the Government's first report on the application of the various provisions of the Convention which indicates that effect is given to practically all of its provisions.

As regards Article 9 of the Convention, the Committee noted with interest the information given in the report on the extent to which the guarantees provided for in the Convention apply to the police, and would be glad if the Government would supply information as regards the applicability of the Convention to the armed forces.

Mexico (ratification: 1.4.1950). The Committee took note with interest of the Government's first report which, having been received too late to be examined by it last year, had been submitted to the Conference Committee. It noted with satisfaction, as had already the Conference Committee, that according to the detailed information contained in the report most of the provisions of the Convention seem to be applied in Mexico.

The Conference Committee had found that the report contained no information on the effect given to Article 5 of the Convention, which provides that any organisation, federation or confederation of workers and employers shall have the right to affiliate with international organisations of workers and employers. The Committee notes in this connection

the statement of the Government representative to the Conference Committee that the Mexican workers and employers are able to affiliate with international organisations of their choice.

Pakistan (ratification: 14.2.1951). The Committee wishes to thank the Government for its first report on the application of the Convention, which appears to indicate that the legislation in force does on the whole give effect to its provisions. The Committee notes, however, that in the case of government employees, certain provisions laid down in the Cabinet Secretariat's Notification of 30 August 1948 do not appear to be in conformity with the Convention. Under sections 2 and 3 of this Notification, separate associations of government employees must be set up for each of the various categories into which government servants are broadly classified and the latter may belong only to the associations representing their category. This provision does not appear to be in harmony with Article 2 of the Convention, which provides that workers shall have the right to establish, subject only to the rules of the organisation concerned, and to join, organisations of their own choosing.

The Committee would be grateful if the Government would be good enough to indicate what measures it intends to take to bring the above-mentioned national provisions into harmony with the Convention.

Sweden (ratification: 25.11.1949). The Committee wishes to thank the Government for the information which in accordance with the Committee's request last year it was good enough to supply as regards judicial decisions involving questions of principle relating to the application of the Convention, and for appending the text of these decisions to its report.

Convention No. 88: Employment Service, 1948.

Number of reports requested: 11.

Number of reports received: 9.

Reports missing: 2.

(*Bulgaria, Czechoslovakia.*)

Australia (ratification: 24.12.1949). The Committee thanks the Government for the detailed information submitted on the application of the various Articles of the Convention and would be grateful if the Government would be good enough to supply further information as regards the following points:

Articles 4 and 5 of the Convention. From the information contained in the report, it would appear that the provisions of these Articles are not fully applied. Although power is vested in the Minister for Labour and National Service to appoint advisory committees no such committees have so far been appointed. However, the report indicates that the general policy of the employment service has developed after consultation with representative employers' and workers' organisations. In order to be able to form a clear opinion as regards the application of these two Articles the Committee would welcome further information concerning: (a) the procedure used in consulting workers' and employers' organisations with regard to the general policy of the employment service, and (b) the intention of the Government as regards the establishment of the advisory committees provided for in legislation.

Article 6. This Article is complied with in all respects except that no mention is made of assistance to applicants for employment in obtaining vocational training or retraining. As the Government states in its report that the employment service assists the Repatriation Department in the operation of vocational training schemes to rehabilitate ex-members of the armed forces, the Committee would be glad if the Government would supply information concerning the arrangements that might exist within the frame-

work of the employment service to assist any other applicants—where this is appropriate—to obtain vocational training or retraining.

Article 11. This Article is complied with in respect of employment agencies conducted by universities and professional institutions, but no information is supplied concerning co-operation with other employment agencies not conducted with a view to profit. The Committee would be glad if the Government would be good enough to supply information concerning the co-operation between the employment service and such other private employment agencies.

Iraq (ratification: 22.6.1951). The Committee takes note of the first report supplied by the Government. The Convention appears to be applied in some respects, but the Committee would be grateful if the Government would be good enough to supply fuller information on the following points:

Article 1 of the Convention. Whether the Government intends to extend the scope of its employment service to workers other than those covered by the Labour Law of 1936 (industrial workers).

Article 3. Whether, in view of the limited number of existing employment offices, any arrangements have been made to enable the employment service to cater for employers and workers situated at a distance from an employment office.

Article 4. Whether any measures are contemplated to set up the advisory committees provided for in section 31 of the Labour Law of 1936 (according to which the Government may form committees representing the employers and workers for consultation in regard to general questions respecting the administration of employment in general).

Article 5. Whether the Central Employment Board, which, according to section 4 (1) of Regulation No. 37 of 1946, "shall be established in Baghdad to advise on employment questions", is responsible for developing the general policy of the employment service.

Article 6. Whether measures have been taken as regards paragraph (a) (iv)—co-operation between one employment agency and another; paragraph (b) (i), (ii) and (iii)—measures to facilitate the mobility of workers; paragraph (c)—collection, analysis and dissemination of information on the employment market; paragraph (d)—co-operation in measures for the relief of the unemployed; paragraph (e)—assistance in planning to ensure a favourable employment situation.

Turkey (ratification: 14.7.1950). The Committee takes note with interest of the detailed information supplied by the Government to the Conference Committee in 1953, in response to the observations made last year. The Government's report refers to this information. The Committee notes that, according to the above-mentioned information, the employment service in Turkey is still in the early stages of development. However, the Committee expresses the hope that the Government will soon be in a position to ensure strict compliance with the provisions of the Convention, in particular, as regards Article 6 (b) (i) (appropriate measures to facilitate occupational mobility), Article 6 (c) (collection and analysis of information on the situation of the employment market) and Article 7 (measures to facilitate within the employment offices specialisation by occupations and by industries etc.).

Convention No. 89: Night Work (Women) (Revised), 1948.

Number of reports requested: 8.

Number of reports received: 7.

Reports missing: 1.

(Czechoslovakia.)

Austria (ratification 5.10.1950). As the report states that the situation remained unchanged, the Committee takes note of the information supplied by the Government to the 1953 Session of the Conference in response to the observations made last year.

As regards the discrepancy referred to in Point 1 of these observations (prohibited interval of at least seven consecutive hours during the nightly rest period) under Article 2 of the Convention, the Government states that section 19, paragraph 1, of the Hours of Work Order prohibits the employment of women workers between 8 p.m. and 6 a.m. The Committee ventures to point out that this provision of the legislation appears to apply only to women manual workers (*Arbeiterinnen*), whereas the Convention also covers women salaried employees.

As regards Points 2, 3 and 4 of its observations, the Committee notes with satisfaction that the new Hours of Work Order, which is at present under consideration, will take account of the following requirements of the Convention: consultation of employers' and workers' organisations, under Articles 2 and 5 of the Convention; exceptions allowed under Article 4 (b) to prevent the loss of materials subject to rapid deterioration and exceptions allowed under Article 7 for climatic reasons.

The Committee notes with interest that, should it be decided to include in the new Hours of Work Order provisions corresponding to those of Article 8 of Convention No. 89 (to except from coverage women holding managerial posts, etc.), the Government would denounce Convention No. 4 in due course.

India (ratification: 27.2.1950). The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1953 and reproduced in this year's report, according to which a daily rest period of 12 consecutive hours for women and young persons employed in mines is ensured under the provisions of section 30 (2) of the Mines Act, which fixes a maximum limit of 12 hours for the spreadover of the daily working period. The provision empowering the Chief Inspector of Mines to increase the period of the spreadover to 14 hours in any day is intended to be used only in the case of exceptional circumstances covered by Articles 4, 6 and 7 of Convention No. 89 and Article 4 of Convention No. 90.

The Committee would be grateful if the Government would be good enough to state whether measures have been taken or are contemplated to ensure that any exceptions granted in this connection are made subject to the conditions laid down in the corresponding Articles of the above-mentioned Conventions, so as to ensure that exceptions are limited to 60 days of the year and that compensatory rest is given to the workers concerned.

The Committee notes with interest that the Bill to amend the Factories Act, 1948, so as to ensure harmony between the national legislation and Conventions Nos. 89 and 90 was introduced in the Council of States on 3 September 1953, and that the Government hopes that this Bill will be passed shortly by Parliament.

Pakistan (ratification: 14.2.1951). The Committee takes note with interest of the detailed information supplied by the Government in its first report and according to which the legislation was generally in conformity with the Convention. It ventures however to draw attention to the following points, which deal with the implementation of Article 5, paragraph 1 of the Convention. Neither section 8 of the Factories Act nor section 46 (2) of the Mines Act—which empower the Government to grant exceptions from, *inter alia*, the provisions prohibiting the night work of women—appears to provide for the consultation of the employers' and workers' organisations concerned, as prescribed by the Convention.

Section 46 (1) of the Mines Act appears to give the Central Government general powers to grant exemptions from the provisions of the Act whereas the Convention only authorises the suspension of the prohibition of night work of women in specified circumstances (when in case of serious emergency the national interest demands it).

The Committee would be grateful if the Government could enlighten it on these two points.

Syria (ratification: 1.12.1949). The Committee takes note with interest of the first report supplied by the Government. While the legislation does not appear to be in complete harmony with the Convention, in particular, as regards Article 1 (scope) and Article 2 (definition of the term "night"), the report states that in virtue of the provisions of paragraphs 2 and 3 of Article 64 of the Syrian Constitution, the provisions of the Convention have the force of national law. Any treaties or conventions which are adopted by the Chamber of Deputies and promulgated by the President of the Republic abrogate all existing legislation which is not in conformity with their provisions.

As regards Point II of the annual report form, the Committee would be glad if the Government would specify the measures taken to make effective the provisions of Article 2 of the Convention, which requires the national authority to take steps for their implementation. Indeed, this Article lays down that, after consultation with the employers' and workers' organisations concerned, the competent authority may prescribe different intervals for the nightly rest period of at least 11 consecutive hours—including an interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m.

The Committee would also be glad to find in the next report, in response to Point II of the form, some information on the steps which have been taken to bring the provisions of the Convention to the attention of the parties concerned.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948.

Number of reports requested: 3.

Number of reports received: 2.

Reports missing: 1.

(Czechoslovakia.)

India (ratification: 27.2.1950). With reference to the observations which it made last year, the Committee takes note of the following indications which can be found in this year's report:

Article 2, paragraph 1 of the Convention (period of consecutive rest). Information relating to the spreadover of hours of work, under section 30 (2) of the Mines Act, is given by the Government in its report on Convention No. 89; reference should consequently be made to the first two paragraphs of the observation made in respect of Convention No. 89.

Article 3, paragraph 2 (exception authorising the employment of young persons under 18 years of age for purposes of apprenticeship and vocational training). The Government refers to its letter dated 1 June 1953, by which it informed the International Labour Office that it proposed to permit the employment at night of children as apprentices or for the purpose of receiving vocational training only in respect of activities and occupations which are required to be carried on continuously; the necessary rules to this effect would be framed by the Government at an early date. The Committee would be glad to have a copy of these rules in due course.

Article 6, paragraph 1 (e) (registers of young persons employed). According to the information supplied in writing to the Conference Committee in 1953, the certificate of fitness (a counterfoil of which

is kept in the factory) prescribed by sections 68 and 69 of the Factories Act for all young persons under 18 years of age gives details regarding the age of the young person as certified by the certifying surgeon. The entry relating to age does not refer to the date of birth as, in India, owing to the high percentage of illiteracy among workers, the correct dates of birth are seldom known and birth registration is not yet generally applied. However, the Government is considering the amendment of the form of the certificate of fitness so that whenever the date of birth is available it will be shown in the form. The Committee takes note with satisfaction of this information and would be grateful if the Government would advise it of the action taken in this respect.

Pakistan (ratification: 14.2.1951). The Committee wishes to express its appreciation of the detailed first report supplied by the Government. While the legislation generally is in conformity with the Convention, the Committee, however, takes note of the statement made by the Government to the effect that the Factories Act, 1934, has not yet been amended to enforce some of its provisions on account of certain administrative difficulties, but that a draft amending Bill is under consideration. The Government supplied a text of this Bill with its report. Moreover, rules on the implementation of the Mines and Employment of Children Acts are now being drafted, which will also deal with the employment of children and young workers during the night for apprenticeship and vocational training purposes.

In the light of this information, the Committee ventures to draw the attention of the Government to the following points: paragraphs 2 and 3 of Article 3 allow exceptions for purposes of apprenticeship or vocational training only in specified industries or occupations which are required to be carried on continuously, after consultation with the employers' and workers' organisations concerned and provided that the young persons covered by the Convention are granted a rest period of at least 13 consecutive hours between two working periods.

Moreover, the Committee notes that section 46 (1) of the Mines Act gives the Central Government general powers to grant exemptions from the provisions of this Act; the Committee draws attention to the fact that Article 5 of the Convention only authorises the suspension of the prohibition of the night work of young persons in specified circumstances (when in the event of serious emergency the public interest demands it).

The Committee would be glad if the Government would supply information concerning the progress made with the amendment of the Factories Act and the framing of Rules under the Employment of Children Act and hopes that it will soon be possible for the Government to bring its legislation into complete harmony with the Convention.

Convention No. 94: Labour Clauses (Public Contracts), 1949.

Number of reports requested: 4.

Number of reports received: 4.

Austria (ratification: 10.11.1951). The Committee took note with interest of the detailed first report on the application of the Convention. It appears from the information supplied that, apart from the Cabinet Order of 3 April 1909, which was couched in very general terms, there exist as yet no specific provisions requiring public contracts to include labour clauses, as laid down in Article 2 of the Convention. In these circumstances the Committee would be glad to know whether the Government contemplates adopting measures to this effect, for example by including appropriate provisions in the Bill concerning the award by the State of contracts for supplies and works which, according to the report, is being drafted to replace the above-mentioned Order.

Finland (ratification: 22.12.1951). The Committee took note with great interest of the Government's statement in its first report that measures will be taken to insert appropriate labour clauses in public contracts, so as to ensure conformity with the provisions of the Convention. As effect can be given to the Convention only by means of the inclusion of such clauses in the contracts (Article 2), the Committee trusts that the Government's next reports will contain full particulars of the steps taken to ensure application of the Convention.

The Committee would also be glad to have information at that time on the scope of application of the Convention to work carried out by subcontractors (Article 1, paragraph 3) as well as on the effect given to the provisions of the Convention concerned with its practical implementation and with its enforcement (Articles 4 and 5).

France (ratification: 20.9.1951). The Committee took note with interest of the first report on the application of the Convention. It would be grateful to have additional information on the following points:

(a) The clauses for public contracts quoted in the report provide that a reduction of up to 30 per cent. may be made in the wages of workers "whose physical aptitudes place them in a manifestly inferior condition as compared with workers of the same category". The Committee would be glad to know whether the national legislation or the collective agreements in force contain similar provisions for reducing wage rates in the case of physically handicapped workers employed otherwise than in connection with public contracts (Article 2, paragraphs 1 and 2, of the Convention). The Committee would also be interested to learn whether appropriate measures are taken to inform persons tendering for contracts of the terms of the clauses (paragraph 4).

(b) The Government's report does not contain any information on the manner in which the laws, regulations, etc., giving effect to the Convention are brought to the notice of all the persons concerned (Article 4, paragraph (a) (i)).

(c) Finally, the Committee would be grateful if the Government would reply to the Questions in the report form, concerning the authorities responsible for ensuring the application of the relevant legislation, etc. (Point III), and general information on the application of the Convention (Point V).

United Kingdom (ratification: 30.6.1950). The Committee took note with much interest of the first reports on the application of the Convention in Great Britain and Northern Ireland. It would be glad if the next report on Northern Ireland would include information showing whether the Fair Wages Resolution applies to all government contracts and how far it is applied to contracts awarded by authorities other than central authorities (Article 1, paragraphs 1 and 2); also whether the organisations of employers and workers concerned are consulted before the terms of the clauses are determined (Article 2, paragraph 3).

Convention No. 95: Protection of Wages, 1949.

Number of reports requested: 3.

Number of reports received: 3.

Austria (ratification: 10.11.1951). The Committee thanks the Government for its detailed first annual report, from which it is apparent that the Convention is well applied on the whole. The Committee would, however, be glad to have further information on the following:

Article 6 of the Convention. The report states that the freedom of a worker to dispose of his wages is guaranteed in Austria by the laws and regulations, which state that in principle wages must be paid in cash, and restrict wage payments in the form of goods,

board and lodging, and tools and materials needed for the performance of work.

The Committee ventures to point out that laws and regulations which ensure the cash payment of wages, while they can be regarded as giving effect to the provisions of Articles 3 and 4, do not necessarily fulfil the purpose of Article 6. It would therefore be grateful if the Government would indicate whether there is any specific legislation which stipulates that employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

Norway (ratification: 29.6.1950). The Committee took note with interest of the Government's first report and was glad to find that substantial effect is given to the Convention. It would however be grateful if the Government would be good enough to indicate in its next report whether the payment of wages is prohibited in taverns or other similar establishments (Article 13, paragraph 2) and, if so, under what legislative provision.

As regards the exemption of Spitzbergen from the application of the Convention in accordance with its Article 17, the Committee would be glad to know whether this exemption was decided upon after consultation with the organisations of employers and workers concerned.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949.

Number of reports requested: 3.

Number of reports received: 3.

Finland (ratification: 22.12.1951). The Committee noted with satisfaction the first report which contains general information on the application of the essential points of the Convention. However, the Committee would be glad if the Government would be good enough to supply in its next report additional and more precise information, in particular, on the following points:

(a) Whether the meaning attaching in Finland to the term "fee-charging association carrying on employment exchange work" corresponds to the definition of the term "fee-charging employment agency", given in Article 1 of the Convention.

(b) Whether all fee-charging employment agencies conducted with a view to profit have been abolished (Article 3).

(c) To what extent has use been made of the exceptions permitted under Article 5?

(d) Whether conditions have been determined by the laws and regulations for the placing and recruiting of workers abroad (Article 11 (c)).

(e) Whether the application of the Convention covers all parts of the country (Article 15).

Norway (ratification: 29.6.1950). The Committee wishes to thank the Government for the detailed information submitted in reply to the observation made in 1953. It has noted with satisfaction that no areas of the country have been exempted from the application of the Convention under Article 15, and that cases of infringement have decreased sharply as the prohibition of private employment agencies has become more widely known.

Sweden (ratification: 18.7.1950). The Committee wishes to thank the Government for the full reply given in its report to the request for supplementary information made last year. While the position appears to be satisfactory in respect of three of the four points raised, no new information is given concerning the placing or recruiting abroad of musicians, theatrical artists, etc., by fee-charging agencies not conducted with a view to profit.

Article 6, paragraph (c) of the Convention authorises the placing or recruiting of workers abroad only "if permitted . . . by the competent authority and under conditions determined by the laws or regulations in force". As the report states that the Act of 18 April 1935, which prohibits placing or recruiting abroad, does not apply to musicians, theatrical artists, etc., the Committee would be glad if the Government would indicate whether such operations are in fact permitted, and if so, under which laws or regulations.

Convention No. 97: Migration for Employment (Revised), 1949.

Number of reports requested: 2.
Number of reports received: 2.

No observations.

Convention No. 98: Right to Organise and Collective Bargaining, 1949.

Number of reports requested: 5.
Number of reports received: 5.

Finland (ratification: 22.12.1951). The Committee took note with interest of the information supplied in the first report on the application of the Convention. It noted the Government's statement that no cases have occurred in recent years where the violation of the principles contained in the Convention has led to the submission of the matter to a court of law, and that the employers' and workers' organisations have not submitted observations on the practical application of the principles of the Convention, but that "some employers not belonging to employers' organisations have in certain cases attempted to dismiss or to transfer workers under various pretexts

when in fact it was obviously for the reason that the workers concerned were active members or organisers of a trade union".

The Committee considers that it would be of interest if the Government would supply particulars in its next report of the manner in which these difficulties have been overcome. The Committee ventures to stress in this connection that the protection which the Convention provides for the workers must be ensured both in the case of employers affiliated with employers' organisations and in the case of employers who are not so affiliated.

France (ratification: 26.10.1951). The Committee took note with interest of the detailed information contained in the Government's first report which indicates that effect is given to the various provisions of the Convention.

As regards Article 5 of the Convention, the Committee took note of the information supplied in the report on the extent to which the guarantees provided for in the Convention apply to the police, and would be grateful if the Government would supply information as regards the applicability of the Convention to the armed forces.

United Kingdom (ratification: 30.6.1950). The Committee would be grateful if the Government would be good enough to include in its next report information on any judicial decisions involving questions of principle which relate to the application of the Convention and, if such decisions have been taken, would enclose their text as provided for in the form of report.

The Committee has noted that certain observations relating to the application of the Convention were received from an organisation of workers and it would be glad if the Government would supply more detailed information as to the nature of these observations.

C. Reports Received or Still Due 15 March 1954

Total requested: 1,026. Reports received: 840. Reports still due: 186.

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Afghanistan	5	4, 13, 14, 41, 45	0	—
Albania	0	—	4	4, 5, 6, 21
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	23	2, 4, 5, 6, 10, 11, 13, 17, 18, 19, 21, 24, 25, 27, 33, 42, 45, 81, 87, 89, 94, 95, 98	0	—
Belgium	37	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, 62, 64, 74, 87	0	—
Brazil	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58	0	—
Bulgaria	0	—	54	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 60, 62, 77, 78, 79, 81, 88

Application of Conventions and Recommendations

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Burma	14	1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 41	0	—
Canada	14	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 58, 63, 74, 88	0	—
Ceylon	12	4, 5, 6, 7, 8, 11, 15, 16, 18, 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	19	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63, 87	0	—
Dominican Republic	4	1, 5, 7, 10	0	—
Egypt	4	19, 41, 45, 53	1	63
Finland	31	2, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 29, 30, 32, 42, 45, 52, 53, 62, 63, 81, 87, 94, 96, 98	0	—
France	48	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, 63, 74, 77, 78, 81, 87, 94, 98	0	—
Germany (Federal Republic)	17	2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26, 27	0	—
Greece	18	1, 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 41, 45	0	—
Haiti	2	1, 14	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	4	19, 27, 29, 45	0	—
Iraq	8	18, 19, 41, 42, 58, 77, 81, 88	0	—
Ireland	28	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, 81	0	—
Israel	5	1, 14, 20, 30, 52	0	—
Italy	26	2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, 23, 26, 27, 29, 32, 35, 36, 37, 38	0	—

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Japan	14	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29, 42, 50	0	—
Liberia	1	29	0	—
Luxembourg	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28	0	—
Mexico	29	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	1	6
Netherlands	30	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, 81, 87, 88	0	—
New Zealand	30	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, 97	0	—
Nicaragua	0	—	29	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30
Norway	28	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, 95, 96	0	—
Pakistan	17	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 87, 89, 90	0	—
Peru	4	24, 35, 37, 39	7	1, 4, 11, 14, 19, 41, 45
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	1	89	0	—
Turkey	7	2, 14, 34, 42, 45, 81, 88	0	—
Union of South Africa	6	2, 19, 26, 45, 63, 89	0	—
United Kingdom	38	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, 94, 95, 97, 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	16	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 26, 27, 29, 41, 45	1	22
Yugoslavia	23	2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 29, 48	0	—

D. Statistical Table 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 before 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	826	84.2
1952-1953	1,026	840	81.8	—	—

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 II

OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION ON THE APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES (Articles 22 and 35 of the Constitution)

A. General Observations

Australia

In 1953 the Committee had noted that the reports received dealt with a greater number of ratified Conventions than in the previous years, but had drawn the attention of the Government to the fact that no reports had been furnished with regard to a certain number of Conventions. The missing reports arrived at the International Labour Office at the end of the Committee's session, and it had to postpone their examination until the present session. Again this year only the reports relating to Conventions Nos. 8, 27 and 29 have been received by the Office. The Committee requests the Government to spare no effort so that the required reports arrive in future in sufficient time for the Committee to examine them.

Last year the Committee had recalled that it had taken note of a statement, made in 1951 by an Australian Government representative in the Conference Committee, in which the Government was considering extending the application of the Minimum Age (Sea) Convention, 1920 (No. 7) and the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16) to certain non-metropolitan territories. As the Government has not communicated any information with regard to the extension of these Conventions the Committee again expresses the hope that next year's reports will indicate the results of the studies which have been undertaken and that the Government will be in a position to communicate its decision with regard to these Conventions. The Committee also hopes that the Government will continue to study the possibility of extending to all these territories, or at least to some of them, the application of other Conventions ratified by Australia.

Belgium

The Committee wishes to thank the Government for the detailed information which it has supplied on the application to the Belgian Congo and Ruanda-Urundi of ratified Conventions declared inapplicable to these territories.

In 1953 the Committee had expressed the hope that the Government would be able to send reports on all ratified Conventions, and to state, with regard to those not declared applicable, the local circumstances impeding their application. As no report on these Conventions has been supplied this year, the Committee earnestly requests the Government to be good enough to supply these reports next year so that the Committee can undertake its special five-yearly review.

In 1953 the Committee, basing itself on the reports and previous information supplied by the Government, had been led to wonder whether the latter would continue to refrain from formally declaring applicable to these territories certain ratified Conventions which appeared to be applied in practice. In reply a Belgian Government representative, at the 36th Session of the Conference, stated that the White Lead (Painting) Convention, 1921 (No. 13), the

Weekly Rest (Industry) Convention, 1921 (No. 14) and the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the terms of which are already applied under local legislation, would be declared applicable in the near future. The Committee is glad to take note of this statement and expresses the hope that the contemplated declarations of application will be communicated to the Director-General as soon as possible.

The Committee also notes with the greatest satisfaction the statement that the declarations of non-application communicated by the Belgian Government are not final, and that every effort is being made to ensure the application of the ratified Conventions to the Belgian Congo and Ruanda-Urundi. The Committee is especially glad to note that, according to the indications given by the Government representative, "the reservation made with regard to the ratification of the Night Work (Women) Convention, 1950 (No. 89), was only provisional" and that "the Convention would be declared applicable as soon as the new decree at present in preparation had brought about the reorganisation of the social legislations of these territories".

Denmark

The Committee wishes to thank the Government for the reports which it has submitted on the application of ratified Conventions to the Faroe Islands and Greenland.

It has, however, noted that generally speaking these reports do not contain detailed information and often consist of only one supplementary paragraph added to the report on metropolitan territories.

The Committee would be grateful to the Government if it would be good enough in future to supply for each of these territories a separate report giving all the indications requested in the report forms adopted by the Governing Body.

France

The Committee notes with satisfaction that the reports submitted this year by the Government contain much more detailed information and cover a greater number of Conventions. It is also glad to note that, generally speaking, the Government has indicated that the reports have been communicated to the local employers' and workers' organisations.

The Committee learns with satisfaction that the Government has just declared certain Conventions (Nos. 3, 5, 14, 26, 33, 87) applicable to the territories administered by the Ministry of Overseas France.

Algeria and Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion).

The Committee has noted with interest the information supplied by the representative of the French Government to the Conference at its 36th Session concerning the constitutional status of the various territories of the French Union.

With regard to Algeria and the Overseas Departments, to which the request for information made to the Government more particularly referred, the Committee believes that it may conclude from the declaration of the French Government representative—

(a) that in internal matters the Constitution of 1946 and the Act of 11 September 1947 determining the status of Algeria placed Algeria and the Overseas Departments, from the point of view of legislation and implementation of treaties, on the same footing as the metropolitan territory;

(b) that, nevertheless, by virtue of article 73 of the French Constitution of 1946, the metropolitan legislature preserves the right of sovereign decision as to whether a law, and particularly a law authorising the ratification of an international labour Convention, shall be applicable or not to Algeria and the Overseas Departments or to certain of these territories only;

(c) that, moreover, since the representative of the French Government explicitly stated that "the difficulty remains, from the point of view of international labour law, of knowing whether these Departments are metropolitan or non-metropolitan territories. This question can only be decided by a decision of the French Government and Parliament", it appears that nothing is changed from the *status quo ante* and that, consequently, the French Government intends to continue to take advantage of the provisions of article 35 of the Constitution of the I.L.O. with respect to these Departments.

This conclusion finds further confirmation in the provisions of the Act of 21 December 1953 authorising the ratification of Convention No. 101 concerning holidays with pay in agriculture, 1952. Using article 73 of the French Constitution, the legislature in fact provides in article 2 of this Act that "this ratification shall only be valid for the metropolitan territory and Algeria, the above-mentioned text being at present inapplicable in the Overseas Departments . . .". None of the provisions contained in Convention No. 101 concerning holidays with pay in agriculture, 1952, provides for the possibility of restricting in this way the territorial field of application of the Convention, and this decision can only be based on the exception provided for in article 35 of the Constitution of the I.L.O. For this reason, the Committee believes itself justified in seeing here a proof that the French Government does not intend to cease to take advantage of the provisions of article 35 of the Constitution of the I.L.O.

It appears to the Committee, nevertheless, that, although it is clear that the provisions of article 35 of the Constitution of the I.L.O. remain in force with respect to Algeria and the Overseas Departments, it would be desirable if the French Government would be good enough to furnish certain further information.

This information should in the first place relate to all Conventions ratified by France between 1947 and 1954 which have not yet been the subject of an explicit declaration on the part of the Government. The Committee would therefore be grateful to the Government if it would be good enough to communicate as soon as possible to the International Labour Office a statement indicating which of these Conventions are applicable, with or without modification, to Algeria and the Overseas Departments, or which are considered to be inapplicable by reason of local conditions.

With regard to ratifications which will be deposited in future by France, the Committee expresses the desire that the Government will be good enough to state in the letter transmitting each instrument of ratification whether it has utilised or not the provisions of article 73 of the French Constitution and whether, consequently, the ratified Convention is applicable or not to Algeria and the Overseas Departments.

Finally, the Committee notes that, although the reports on the application of Conventions to Algeria are numerous and sufficiently detailed, the reports on

the application of ratified Conventions to the four Overseas Departments contain, for the most part, only references of a general character. The Committee expresses the hope that the Government will spare no effort to submit next year very detailed reports with regard to these four Departments and, in particular, will supply all the information requested in the report forms prepared by the Governing Body.

Overseas Territories and Associated Territories.

The Committee wishes to thank the Government for the detailed reports which it has supplied. It would be grateful if the Government would supply all the available information on local measures which may be taken to apply the Act of 15 December 1952 instituting a Labour Code. The Committee notes with satisfaction that in the majority of cases it is stated that the reports have been communicated to the local employers' and workers' organisations. It appears from the information contained in the reports that Conventions Nos. 11, 14, 17, 19, 27, 52, 77 and 94 could be declared applicable. The Committee would be grateful if the Government would be good enough to consider this possibility.

French Settlements in India.

The reports supplied are often limited to a general reference to the legislation in force. The Committee would be grateful to the Government if it could, on the occasion of the five-yearly examination which the Committee will carry out next year, submit reports based on the report forms prepared by the Governing Body.

French Settlements on Oceania.

With regard to the reports supplied for the French Settlements in Oceania, the Committee makes the same observation as in respect of French Settlements in India.

Morocco.

The reports on the maritime Conventions indicate that an important text (Dahir of 6 July 1953) was adopted after the expiry of the period under review. This text will be analysed on the occasion of the next annual report. It appears from the information supplied in the other reports that Conventions Nos. 5, 6, 12, 14, 17, 18, 26, 27 and 81 could be accepted or declared applicable. The Committee would be grateful if the Government would be good enough to consider this possibility.

Tunisia.

In 1953 the Committee had noted that the reports on the application of Conventions to Tunisia were usually limited to general declarations. It notes with satisfaction that this year the reports supplied are much more detailed and follow closely the report forms prepared by the Governing Body. It expresses the hope that this progress will be continued. It appears from the indications supplied in the reports that Conventions Nos. 4, 12, 14, 17, 26 and 81 could be accepted or declared applicable. The Committee would be grateful if the Government would be good enough to consider this possibility.

Italy

The Committee wishes to thank the Government for the detailed reports which it has supplied in respect of the application of ratified Conventions to the Trust Territory of Somalia.

The Committee is pleased to note the declarations of acceptance which the Government has communicated to the Director-General of the International Labour Office with regard to Conventions Nos. 6, 7, 10, 15 and 16, in the name of the Trust Territory of Somalia. It hopes that the efforts of the Government to extend the application of international labour Conventions to this Territory will be continued.

The Committee further noted that the reports on the application of Conventions Nos. 17 and 65 have not been received by the Office.

Netherlands

The Committee has noted that for some years no reports have been supplied on the application of ratified Conventions to the Netherlands Antilles, Netherlands New Guinea and Surinam. Although fully aware of the difficulties which may have been created by the initiation in these territories of a new constitutional régime, the Committee hopes that no effort will be spared to ensure that very complete and detailed reports are available next year on the application of ratified Conventions in these territories.

Portugal

The Committee wishes to thank the Government for the detailed reports which it has supplied on the application of ratified Conventions to the majority of its non-metropolitan territories. The Committee notes, however, that for some years no report has been supplied on the application of Conventions to Macao. It hopes that on the occasion of the five-yearly examination which the Committee will carry out next year the Government will be good enough to send reports for this territory.

In 1953 the Committee had expressed the hope that the Government would shortly be in a position to renounce the reservations which it had made with regard to the extension of ratified Conventions to its non-metropolitan territories, in particular, according to the information supplied with regard to the Weekly Rest (Industry) Convention, 1921 (No. 14), and the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19). The Committee feels sure that the Government will not fail to take these suggestions into consideration. It is noted from the report supplied that the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) and the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), could also be made the subject of a renunciation of previous reservations as far as Angola, Cap Verde, Portuguese Guinea and Mozambique are concerned.

United Kingdom

The Committee notes with appreciation that the Government has provided virtually a full set of reports in respect of British territories on the Conven-

tions ratified by the United Kingdom; reports have been received for all territories with the exception of the Channel Islands and the Isle of Man.¹

These reports reveal that there has been relatively little change in the position as regards the application of the Conventions to the territories; most of the new information provided consists of statistical and related data which from their very character change from year to year.

It is noted, however, that, during the period under review, the legislation applying several Conventions in a number of territories has been substantially revised or that early modification is proposed. This has notably been the case in connection with the Conventions dealing with aspects of workmen's compensation ratified by the United Kingdom (Nos. 12, 17, 19 and 42) and also in regard to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26).

In view of the fact that the Conventions dealing with various aspects of social security are among those which have received least practical application in non-metropolitan territories, the Committee has studied with special interest the reports on Cyprus relating to Conventions Nos. 35, 36, 37, 38, 39, 40 and 44, which provide information on the inquiries which have been undertaken with a view to introducing a general social insurance scheme.

The Committee has noted with interest the substantial number of cases in which reports state that draft legislation is under consideration to give effect to the provisions of Conventions which have not yet been applied, or have been applied only with modifications, to the territories concerned; in some cases it is indicated that the early adoption of such draft legislation is likely. The Committee therefore ventures to express the hope that it will be able to record further progress in the application to these territories of the Conventions ratified by the United Kingdom when, next year, the Committee undertakes the five-yearly review proposed.

United States

The Committee wishes to thank the Government for the information which it supplied at the 36th Session of the Conference in response to the request for supplementary information which the Committee had submitted in 1953. The Committee expresses the hope that the Government will find it possible to apply the Conventions ratified by the United States to the Trust Territory of the Pacific Islands, as soon as the development of local conditions permits.

B. Observations and Requests for Supplementary Information on the Application of Conventions

CONVENTION NO. 2: UNEMPLOYMENT, 1919

Number of reports requested: 5.

Number of reports received: 1.

Reports missing: 4.

(*Netherlands: Netherlands Antilles, Surinam; United Kingdom: Channel Islands and Isle of Man.*)

Denmark

Faroe Islands.

The report of the Government states that, although article 41 of the Unemployment Act provides for the possibility of extending the application of this Act to the Faroe Islands, up to the present time no legislative provision has been adopted with regard to unemployment insurance in that territory. The Government adds that by virtue of article 2 of Act No. 137 of 23 March 1948, concerning the autonomous admini-

nistration of the Faroe Islands, the adoption of the necessary legislation lies within the competence of the local government which, by virtue of article 3, is invested with the legislative and administrative authority on these matters.

The Committee notes this information with interest. It observes, however, that, in its letter of 10 October 1921, addressed to the Secretary-General of the League of Nations, transmitting the instrument of ratification of the Convention, the Government, after indicating that it had not thought it advisable up to that time to apply to the Faroe Islands the Acts of 29 April 1913 on Unemployment Insurance Funds and Placement, stated that: "For considerations of mere formality, however, the Faroe Islands have been included in the ratification of the Conven-

¹ The absence of these reports is no doubt explained by the fact that these Islands were only recently declared to be non-metropolitan territories.

tion". Moreover, the Committee notes that under article 5 of Act No. 137 of 23 March 1948, to which the Government's report also refers, "the competence of the Faroe Islands authorities will be limited by the rights and obligations already in existence under the terms of treaties and other international conventions".

The Committee would be grateful if the Government would be good enough to indicate the measures which it intends to take to bring the legislation of the Faroe Islands into harmony with the Convention which, under the terms of article 18, section 3, of the Act, came into force in that territory on 13 April 1921.

CONVENTION NO. 4: NIGHT WORK (WOMEN), 1919

Number of reports requested: 16.

Number of reports received: 16.

France

French Equatorial Africa.

The Committee would be glad if the Government would supply further information regarding the draft Order prohibiting the employment of women in industrial undertakings between 10 p.m. and 5 a.m. which—according to the report—is to be submitted shortly to the Governor-General of French Equatorial Africa for signature.

Morocco.

The Committee wishes to thank the Government for the detailed report which it supplied on the application of the Convention to Morocco. It would be grateful if the Government would be good enough in its next report to furnish all the available information on the number and character of infringements which had been detected and on the measures taken to put a stop to them.

CONVENTION NO. 6: NIGHT WORK OF YOUNG PERSONS (INDUSTRY), 1919

Number of reports requested: 16.

Number of reports received: 16.

France

Algeria.

The report indicates that with regard to the baking industry the Algerian legislation provides for an interval between 10 p.m. and 4 a.m. as defining the term "night". The Committee draws the Government's attention to the fact that under Article 3, paragraph 1, of the Convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning and that under the terms of paragraph 3 of the same Article the interval between 9 o'clock in the evening and 4 o'clock in the morning may in the baking industry be substituted for the interval between 10 o'clock in the evening and 5 o'clock in the morning. The Committee notes that the definition of the term "night" given in the Algerian legislation covers a shorter period than that provided by the Convention. The Committee would be grateful if the Government would be good enough to indicate the measures it intends to take to bring the Algerian legislation into harmony with the terms of the Convention.

French Equatorial Africa.

The Government's report indicates that a new Order will shortly be issued, after consultation with the employers' and workers' organisations and with the Technical Hygiene and Safety Committee, which will fix the conditions of juvenile employment in different classes of undertakings, in application of article 118 of the Act of 15 December 1952. The

Committee would be grateful if the Government would be good enough to indicate in its next report whether the draft Order in question has come into force and to supply detailed information on the provisions which it entails.

CONVENTION NO. 13: WHITE LEAD (PAINTING), 1921

Number of reports requested: 17.

Number of reports received: 17.

France

Saint Pierre and Miquelon.

The Committee notes that the Government states in its report that no local administrative text exists to govern the application of the Convention in the territory. The Government adds that painting work, in which white lead is in any case rarely used, is reserved for men and young workers over 18 years of age and is limited to the upkeep of houses and boats. The Committee wishes to thank the Government for this information. It would, however, be grateful if the Government would be good enough to indicate the measures it intends to take to ensure the application in the territory of the provisions of the Convention under which the employment of white lead, sulphate of lead and all products containing these pigments should be prohibited in internal painting of buildings, except in certain cases authorised under Articles 1 and 2 of the Convention.

CONVENTION NO. 19: EQUALITY OF TREATMENT (ACCIDENT COMPENSATION), 1925

Number of reports requested: 8.

Number of reports received: 5.

Reports missing: 3.

(*Netherlands: Surinam; United Kingdom: Channel Islands and Isle of Man.*)

France

Tunisia.

The Committee would be grateful if the Government would be good enough, in its next report, to let it have the detailed information requested in the report form adopted by the Governing Body on the manner in which the provisions of the Convention, which has been declared applicable without amendment in Tunisia, are in fact applied in that territory.

CONVENTION NO. 29: FORCED LABOUR, 1930

Number of reports requested: 76.

Number of reports received: 70.

Reports missing: 6.

(*Netherlands: Netherlands Antilles, Netherlands New Guinea, Surinam; United Kingdom: Channel Islands, Isle of Man, Southern Rhodesia.*¹)

Australia

Nauru, New Guinea, Norfolk.

The Committee would be grateful if the Government would be good enough to indicate whether, in conformity with Article 2, paragraph 2 (c) of the Convention, the work exacted from a person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

¹ This report was received at the end of the Committee's session.

Papua.

In 1949 the Committee had noted, on the one hand, that whereas Article 19 of the Convention only authorises "recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies", under the Ordinance of 1925-1934 concerning Native Cultivation the establishment and maintenance of native cultivations and the disposal of their produce are devoted to the agricultural instruction and direct benefit of the natives. On the other hand, Article 19 of the Convention stipulates that "the food or produce shall remain the property of the individuals or the community producing it", whereas in Papua a portion of the harvest remains the property of the Crown. In its 1950 report, the Government indicated that compulsory cultivation was less frequent because of the activity of co-operative productive societies which are undertaking an increasing responsibility for this cultivation. The Committee would be grateful if the Government would be good enough to indicate in its next report whether there still exist compulsory cultivations imposed under the Ordinance of 1925-1934 and, if so, what measures it intends to take to eliminate this discrepancy between the provisions of the legislation applied in Papua and the terms of the Convention.

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

The Committee notes with satisfaction that, according to the Government's report, a plan for the abolition of all unpaid compulsory work except that of an educational character (culture and hygiene) is at present under examination, and that it was anticipated that the new provisions would come into force by 1 January 1954. The Committee is also glad to note that the Government of the Belgian Congo is at present collecting statistics relating to free workers and prisoners employed on public works, and that it hopes to be able to supply these statistics in the near future.

*Denmark**Faroe Islands and Greenland.*

The Committee would be grateful if the Government would be good enough to state whether, in conformity with Article 2, paragraph 2 (c) of the Convention, work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

*France**Algeria and Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee would be grateful if the Government would be good enough to state whether, in conformity with Article 2, paragraph 2 (c) of the Convention, any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also like to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Overseas Territories.

The Committee notes with satisfaction that the Act of 15 December 1952, which is in force in all territories and associated territories of Overseas

France, ensures the application of the provisions of the Convention in a more satisfactory manner than the Act of 11 November 1946, by giving a precise definition of forced or compulsory labour and by providing for penalties in case of infringement.

The Committee would be glad to be informed whether it would not be possible for the French Government, under present conditions, to remove the reservations made when the Convention was ratified and to declare the Convention applicable henceforth without modification to all French overseas territories.

Cameroons.

The Committee would be grateful if the Government would be good enough to supply, for this territory, the same information as it requests for Algeria.

St. Pierre and Miquelon.

The Committee would be grateful if the Government would be good enough to supply, for this territory, the same information as it requests for Algeria.

Togoland.

The Committee would be grateful if the Government would be good enough to state in its next report:

(a) whether, in conformity with Article 2, paragraph 2 (c) of the Convention, only persons convicted in a court of law are liable to forced labour in prisons;

(b) whether, in conformity with the same provisions, work or service exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

*New Zealand**Cook Islands and Western Samoa.*

The Committee would be grateful if the Government would be good enough to state whether, in conformity with Article 2, paragraph 2 (c) of the Convention, work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also like to know whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

United Kingdom

The Committee would be grateful if the Government would be good enough to supply for the following territories the information requested below: Aden, Bahamas, Bechuanaland, British Honduras, British Somaliland, Dominica, Falkland Islands, Grenada, Jamaica, Leeward Islands, Malta, Mauritius, St. Helena, St. Lucia, St. Vincent, Sarawak, Swaziland, Trinidad and Tobago:

(a) whether, in conformity with Article 2, paragraph 2 (c) of the Convention, any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations; and (b) whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a legal offence and whether the Government has ensured that the penalties imposed by law are really adequate and are strictly enforced.

Bechuanaland.

The Committee notes that, whereas Article 11 of the Convention provides that only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour, the information supplied by the Government indicates that no age limit has been fixed because, according to the report, tribal rule is considered a sufficient guarantee of the prohibition of forced labour on the part of children or aged or sick persons. Moreover, no measures appear to have been taken in respect of Article 11, paragraph (a) of the Convention, which provides for prior determination as far as possible by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out. The Committee would be grateful if the Government would be good enough to indicate the measures proposed for the application of the terms of Article 11 of the Convention.

Bermuda, British Guiana, Kenya, Uganda.

The Committee would be grateful if the Government would be good enough to state in its next report whether, in conformity with Article 2, paragraph 2 (c) of the Convention, any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

Hong Kong.

The Committee would be grateful if the Government would be good enough to state whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

Federation of Malaya.

In 1949 the Committee had noted that, in case of necessity, forced labour could be imposed upon any industrial worker for a maximum period of three hours over and above the normal eight hours. In the reports supplied for the years following, the Government indicated that the new Employment Code, designed to suppress this discrepancy between the local legislation and the Convention, had not yet come into force. In its present report the Government indicates that the new Employment Code has now been published as a Bill and is under consideration by a Select Committee of the Legislative Council. The Committee would be glad to be informed when this new Employment Code will come into force.

Seychelles.

The Committee notes that Ordinance No. 18 of 1945 providing for the possibility of imposing compulsory cultivations of crops is still in force. In its last reports the Government indicated that it was taking active measures to repeal this legislation. The Committee would be grateful if the Government would be good enough to indicate in its next report whether the above Ordinance has been repealed.

Singapore.

The Committee had noted in a previous report that, in case of necessity, forced labour could be imposed upon any industrial worker for a maximum period of three hours over and above the normal eight hours. In its last reports the Government indicated that this provision would be omitted from the new Labour Code which was in course of preparation. The Committee would be grateful if the Government would be good enough to indicate in its next report whether the new Labour Code has come into force.

Tanganyika.

In 1953 the Committee had asked the Government to be good enough to state the character of the minor communal services covered in the statistics appended to the report. In its report this year the Government states that these services are performed by the members of the community in the direct interests of the said community and could be regarded as part of the minor communal services covered by paragraph 2 (e) of Article 2 of the Convention. The services comprise specifically the laying of water pipe-lines, drainage, tree planting, etc. The Committee wishes to thank the Government for this information.

Zanzibar.

In 1949 the Committee noted that compulsory cultivation was still exacted under wartime regulations dating from 1943 and it felt that extraordinary legislation adopted during a war should not be invoked for more than three years after the end of hostilities. In a note appended to its report the Government indicates that it has not yet been possible to adopt new legislation to replace that now in force relating to compulsory cultivation. It recognises, however, that these regulations are not suited to peacetime conditions and ought to be replaced. The Committee would be grateful if the Government would indicate in its next report the measures proposed for the abolition of this difference which has existed for several years between the local legislation and the terms of the Convention.

CONVENTION No. 50:

RECRUITING OF INDIGENOUS WORKERS, 1936

Number of reports requested: 39.

Number of reports received: 36.

Reports missing: 3.

(United Kingdom: Channel Islands, Isle of Man and Southern Rhodesia.¹)

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

In 1953 the Committee had asked the Government to state whether the issue of licences for recruiting provided under Article 12 of the Convention was subject to the different formalities and guarantees laid down in Article 13. In the reply given at the Conference the Government indicated that all recruiting licences had to be renewed on 31 December of each year and that they could be suspended or withdrawn in cases of infringement; the issue of licences is subject to all the financial and administrative guarantees laid down by the Convention.

The Committee wishes to thank the Government for the information which it supplied in answer to its request last year. It would, however, be grateful if the Government would be good enough to state whether it has been possible to adopt the draft decree submitted to the competent Department with a view to adapting the legislation to international standards, which was mentioned in the Government's report for the period 1951-52, and if so, it would be grateful if the Government would send a copy with its next report.

*United Kingdom**British Somaliland.*

In 1953 the Committee, in referring to its report of 1952, had noted that a draft text designed to give effect to the provisions of the Convention was under examination by the Colonial Office and had expressed the hope that no effort would be spared to find a

¹ Voluntary report received at the end of the Committee's session.

satisfactory solution to the problem of recruitment of manpower. In its report this year the Government indicates that the possibility previously contemplated of engaging Somaliland workers for employment outside the territory has not been realised and that, as a consequence, the insertion of the provisions of the Convention in the draft legislation appears superfluous. The Government adds that the provisions of the Convention will, nevertheless, be re-examined when it becomes necessary to amend the Ordinance on indigenous manpower.

The Committee wishes to thank the Government for this information and expresses the hope that no effort will be spared to give effect as soon as possible to the Convention, which it had declared applicable without modification to British Somaliland at the time of its ratification in 1939.

Hong Kong.

In 1953 the Committee expressed the hope that the adoption of legislative measures designed to give effect to the Convention would not be overlooked by the Government which, when it ratified the Convention in 1939, declared that the provisions of this text would be applied without modification to the territory of Hong Kong. In its report this year the Government recognises the necessity of revising the Ordinance of 1915 concerning migration of Asian people in so far as it concerns workers migrating to other territories to find employment. This revision would have the result of supplementing the administrative measures under which the application of the provisions of the Convention is at present ensured. The Committee wishes to thank the Government for this information and expresses the hope that it will be possible to adopt the legislative amendments envisaged in the near future.

Sarawak.

The Committee wishes to thank the Government for the detailed information which it has supplied on the application of the Convention and would be grateful if it would be good enough to attach to its next report a copy of the new Ordinance No. 24 of 1951 concerning manpower.

CONVENTION NO. 64: CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS), 1939

Number of reports requested: 41.

Number of reports received: 39.

Reports missing: 2.

(United Kingdom: Channel Islands and Isle of Man.)

United Kingdom

Sierra Leone.

The Committee noted from the previous report that it was hoped to proceed to a revision of the Ordinance concerning Employers and Workers. The report for the period 1949-50 stated in effect that the legislation of the territory was not completely in harmony with the provisions of the Convention and that the necessary amendments would be incorporated in the projected new Ordinance. The report supplied this year by the Government contains no new information regarding this draft legislation. The Committee would be grateful if the Government would be good enough to indicate the measures contemplated to bring the provisions of the legislation into harmony with the Convention, which was declared applicable without modification to this territory at the time of its ratification in 1943.

Trinidad and Tobago.

In 1953, the Committee had noted that the Government, in its report on the application of Convention

No. 64 to St. Vincent, indicated that the authorities in that territory were waiting until the necessary legislative measures had been taken to apply the Convention to Trinidad and Tobago before taking action on similar lines. The Committee had asked the Government to be good enough to indicate in its next report what measures were contemplated in order to bring the legislation of these territories, to which the Convention had been declared applicable without modification at the time of its ratification in 1943, into harmony with the provisions of that text.

In its reply, the Government explained that the workers of these territories liable to be considered as "indigenous workers" in the sense of Article 1 of the Convention, did not conclude employment contracts of the kind indicated in Article 3 of this text.

In effect, the employment conditions of these workers are generally analogous to those prevailing in the United Kingdom in the sense that workers are employed by the hour, day, or week during an indeterminate period of time and are not bound to their employers for a period equivalent to six months. Moreover, the problem of the families or dependants of workers being implicitly bound by employment contracts did not arise; and the possibility of compulsory transfer of workers from one employer to another was also not envisaged. It follows that, according to the Government's report, the law and practice in the territory is in no way contrary to the provisions of the Convention, which explains why no text designed to apply the Convention has been brought into force. It is very improbable that the local Legislative Council would contemplate the promulgation of an Ordinance which would have no practical effect.

The Government added that these statements are also valid for other territories of the British West Indies, and that it is at present making a study of the question.

The Committee took note of this information.

St. Vincent.

See under Trinidad and Tobago.

CONVENTION NO. 65: PENAL SANCTIONS (INDIGENOUS WORKERS), 1939

Number of reports requested: 44.

Number of reports received: 42.

Reports missing: 2.

(United Kingdom: Channel Islands and Isle of Man.)

United Kingdom

British Somaliland.

In its reports of previous years, the Government had indicated that it was going to examine a Bill to give effect to the provisions of the Convention.

The Committee would be grateful if the Government would be good enough to state in its next report what measures are being taken to apply the provisions of the Convention, which were declared applicable without modification to Somaliland at the time of its ratification in 1943.

CONVENTION NO. 84: RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES), 1947

New Zealand

Cook Islands (Voluntary Report).

The Committee wishes to thank the Government for its second voluntary report on the application of the Convention to the Cook Islands. In 1953 the Committee noted, on the one hand, that the reports had been communicated to the representative organi-

sations of employers and workers in the metropolitan area and, on the other hand, that the report on the application of the Convention No. 84 mentioned the establishment of the Cook Islands Industrial Union (with the exception of Niue) and had pointed out that it was not clear whether the report had been communicated to that organisation. In its report this year, the Government states that "the Cook

Islands Industrial Union" is affiliated to the Labour Federation of New Zealand, that the administrators of this Federation assisted in the creation of the Cook Islands Industrial Union and that it furnishes advice and assistance to the local officials whenever requested to do so. The Committee notes this information with interest and wishes to thank the Government for supplying it.

C. Reports Received or Still Due 15 March 1954

(Conventions Which Have Been the Subject of a Formal Declaration of Application or Acceptance)

Total requested: 392. Reports received: 299. Reports still due: 93.

Countries and territories	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
<i>Australia:</i>				
Nauru	2	27, 29	0	—
Norfolk	1	29	0	—
New Guinea	2	8, 29	0	—
Papua	2	8, 29	0	—
<i>Belgium:</i>				
Belgian Congo . . .	6	12, 17, 18, 29, 50, 64	0	—
Ruanda-Urundi . .	6	12, 17, 18, 29, 50, 64	0	—
<i>Denmark:</i>				
Faroe Islands . . .	13	2, 5, 6, 7, 8, 9, 14, 15, 16, 18, 19, 29, 53,	0	—
Greenland	1	29	0	—
<i>France:</i>				
Algeria	5	4, 6, 13, 29, 41	0	—
Cameroons	5	4, 6, 13, 29, 41	0	—
French Equatorial Africa	5	4, 6, 13, 29, 41	0	—
French Settlements in India	5	4, 6, 13, 29, 41	0	—
French Guiana . . .	5	4, 6, 13, 29, 41	0	—
French Settlements in Oceania	5	4, 6, 13, 29, 41	0	—
French Somaliland .	5	4, 6, 13, 29, 41	0	—
French West Africa .	5	4, 6, 13, 29, 41	0	—
Guadeloupe	5	4, 6, 13, 29, 41	0	—
Madagascar	5	4, 6, 13, 29, 41	0	—
Martinique	5	4, 6, 13, 29, 41	0	—
Morocco	4	4, 13, 19, 41	0	—
New Caledonia . . .	5	4, 6, 13, 29, 41	0	—
Réunion	5	4, 6, 13, 29, 41	0	—
St. Pierre and Miquelon . .	5	4, 6, 13, 29, 41	0	—
Togoland	5	4, 6, 13, 29, 41	0	—
Tunisia	2	13, 19	0	—
<i>Italy:</i>				
Somalia	4	19, 22, 23, 29	2 ¹	17, 65
<i>Netherlands:</i>				
Netherlands Antilles.	0	—	6	2, 29, 74, 81, 87, 88
Netherlands New Guinea . . .	0	—	2	29, 87
Surinam	0	—	9	2, 19, 29, 41, 42, 62, 81, 87, 88
<i>New Zealand:</i>				
Cook Islands	6	11, 14, 29, 50, 64, 65	0	—
Tokelau Islands . .	1	29	0	—
Western Samoa . . .	5	14, 29, 50, 64, 65	0	—
<i>United Kingdom:</i>				
Aden	3	29, 64, 65	0	—
Bahamas	3	29, 50, 65	0	—
Barbados	3	29, 50, 65	0	—
Basutoland	3	29, 64, 65	0	—
Bermuda	2	29, 65	0	—
Bechuanaland . . .	3	29, 64, 65	0	—

¹ Unratified Conventions. The Italian Government forwarded a declaration accepting, in the name of the Italian Trust Territory of Somalia, the provisions of these Conventions.

Countries and territories	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
<i>United Kingdom (contd.)</i>				
British Guiana . . .	4	29, 50, 64, 65	0	—
British Honduras . .	4	29, 50, 64, 65	0	—
British Somaliland . .	4	29, 50, 64, 65	0	—
Brunei	4	29, 50, 64, 65	0	—
Channel Islands . . .	0	—	36 ¹	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, 94, 98
Cyprus	1	29	0	—
Dominica	4	29, 50, 64, 65	0	—
Falkland Islands . . .	1	29	0	—
Fiji	4	29, 50, 64, 65	0	—
Gambia	4	29, 50, 64, 65	0	—
Gibraltar	1	29	0	—
Gilbert and Ellice Islands . .	4	29, 50, 64, 65	0	—
Gold Coast	4	29, 50, 64, 65	0	—
Grenada	4	29, 50, 64, 65	0	—
Hong Kong	4	29, 50, 64, 65	0	—
Jamaica	4	29, 50, 64, 65	0	—
Kenya	4	29, 50, 64, 65	0	—
Leeward Islands . . .	4	29, 50, 64, 65	0	—
Federation of Malaya . .	4	29, 50, 64, 65	0	—
Malta	1	29	0	—
Isle of Man	0	—	36 ¹	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, 94, 98
Mauritius	4	29, 50, 64, 65	0	—
Nigeria	4	29, 50, 64, 65	0	—
North Borneo	3	29, 50, 65	0	—
Northern Rhodesia . .	4	29, 50, 64, 65	0	—
Nyasaland	4	29, 50, 64, 65	0	—
St. Helena	3	29, 64, 65	0	—
St. Lucia	4	29, 50, 64, 65	0	—
St. Vincent	4	29, 50, 64, 65	0	—
Sarawak	4	29, 50, 64, 65	0	—
Seychelles	4	29, 50, 64, 65	0	—
Sierra Leone	4	29, 50, 64, 65	0	—
Singapore	4	29, 50, 64, 65	0	—
Solomon Islands . . .	4	29, 50, 64, 65	0	—
Southern Rhodesia . .	0	—	2 ²	29, 50
Swaziland	3	29, 64, 65	0	—
Tanganyika	4	29, 50, 64, 65	0	—
Trinidad and Tobago . .	4	29, 50, 64, 65	0	—
Uganda	4	29, 50, 64, 65	0	—
Zanzibar	3	29, 64, 65	0	—
<i>Union of South Africa:</i>				
South West Africa . .	2	19, 45	0	—
<i>United States:</i>				
Alaska	3	53, 55, 58	0	—
American Samoa . . .	3	53, 55, 58	0	—
Guam	3	53, 55, 58	0	—
Hawaii	3	53, 55, 58	0	—
Puerto Rico	3	53, 55, 58	0	—
Virgin Islands	3	53, 55, 58	0	—

¹ Special case. See General Observations, page 49.² Reports received at the end of the Committee's Session.

APPENDIX III

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 regarding the action taken to submit to the authorities considered as competent the Conventions and Recommendations adopted by the Conference at its 35th Session. The Committee would, however, be grateful if the Government would be good enough to state for each of these instruments whether proposals were appended to this communication. It would also be grateful if the Government would, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General in due time of the decisions taken by the competent authorities.

Further, the Committee took note of the fact that the Government reaffirms that in its view the Council of Ministers may be regarded as the competent authority, and in this respect makes reference to article 51 of the national Constitution of 11 November 1931 as modified on 22 February 1933, which reads as follows: "Whenever the necessity for new laws is felt, the proposal is initiated by a ministry and put before the National Council by a minister or the prime minister and will come into force after it has passed the National Council and received the assent of His Majesty the King".

With reference to paragraph 46 (b) of its 1953 report, the Committee draws the Government's attention to the fact that "the expression 'competent authority', means the body empowered to legislate in respect of the questions which are the subject of the Convention and Recommendation". In fact, it seems to the Committee that, under articles 41, 44, 51, 57, 68 and 69 of the Constitution of 11 November 1931, the National Assembly is the body generally empowered to legislate and in any case participates necessarily in the adoption of legislation.

Argentina

The Government has not this year supplied any information in reply to the observation made by the Committee in last year's report. The Committee would therefore be grateful if the Government would, in accordance with the provisions of article 19, paragraphs 5 (c), 6 (c) and 7 (b) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Australia

The Committee noted with satisfaction that, in placing before Parliament the Conventions and Recommendations adopted by the Conference at its 34th Session, the Government adopted a new procedure which in all respects fulfils the obligations provided for in article 19 of the Constitution and that,

particularly as provided in paragraph 7 (b) (i) and (ii) of this article, the Government examines, in agreement with the governments of the constituent states, the possibility of giving effect to the Conventions and Recommendations.

The Committee is conscious of the fact that the studies and the preliminary consultations which will take place between the federal Government and the constituent states may delay the submission procedure; it is confident, however, that the Government will spare no effort to submit the Conventions and Recommendations within the required time of 18 months after their adoption by the Conference. The Committee would be grateful if the Government would be good enough to send as soon as possible all information concerning the submission of the instruments adopted at the 35th Session.

Austria

The Committee thanks the Government for the information supplied regarding the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c), 6 (c) and 7 (b), to inform also the Director-General of the International Labour Office in due time of the decisions taken by the competent authorities.

Belgium

The Committee thanks the Government for the very detailed information supplied on the action taken to submit to Parliament the Conventions and Recommendations adopted by the Conference at its 35th Session, together with certain Conventions adopted during the previous sessions.

It would, however, be grateful if the Government would spare no effort to fulfil its constitutional obligations concerning submission to Parliament of the following Conventions, although their ratification is not contemplated for the moment:

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949.

Convention No. 92: Accommodation of Crews (Revised), 1949.

Convention No. 93: Wages, Hours of Work and Manning (Sea) (Revised), 1949.

Bolivia

The Committee thanks the Government for the information supplied concerning the Conventions and Recommendations adopted by the Conference at its 35th Session. It hopes that the Government will find it possible in the near future to bring these texts before the competent national authorities. In addition the Committee noted that, in the information supplied in previous years, the Government had indicated

that the Conventions and Recommendations adopted by the Conference since its 31st Session, the contents of which are already partially embodied in national legislation, were to be submitted for approval to Congress at its next session. The Committee hopes that it has finally been possible to bring these texts before Congress and would be grateful if the Government would, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority with particulars of the action taken by them.

Brazil

The Committee noted that the Government did not this year supply any information on the action taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before the competent authorities. The Committee would be grateful if the Government would, when supplying the information requested, specify, as requested by the Committee last year, which authority should be considered as the competent authority and under what provisions of the national constitution such competence is conferred.

Bulgaria

The Government has not supplied any information in reply to the request made last year by the Committee. The Committee would be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c), inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Burma

The Committee thanks the Government for the information supplied. It would, however, be grateful if the Government would be good enough to state the date of submission of the text of the Conventions and Recommendations to the competent national authorities, whether proposals were appended to this communication and, if so, what were these proposals. Finally, the Committee would be glad if the Government would be good enough to supplement the information and state what is the national authority which it considers as competent for the purposes of article 19 of the Constitution of the I.L.O.

Ceylon

The Committee thanks the Government for the information supplied on the action which it has taken to submit the Conventions and Recommendations adopted by the Conference since the entry into force of the amended provisions of the Constitution of the I.L.O. It would be grateful if the Government would keep the Committee informed of the result of the studies being undertaken at the moment and of the proposals which will be submitted to Parliament.

Chile

The Committee understands that the additional texts of Conventions and Recommendations requested by the Government have been sent to it by the International Labour Office. It hopes that the Government has thus been able to complete the preparatory work aimed at bringing these texts before the competent authorities, and to fulfil its constitutional obligations. This being the case, the Committee

hopes that the Government will find it possible in the near future, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform the Director-General of the International Labour Office of the action taken to bring the Conventions and Recommendations before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

The Committee would also be grateful if the Government would, when supplying this information, take into account the request for supplementary information made by the Committee last year concerning, on the one hand, the definition of the authority competent to deal with Recommendations and, on the other hand, the action taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

China

The Committee thanks the Government for the information supplied on the progress of the procedure of submission and would be grateful if the Government would be good enough to indicate: the date of submission to the Legislative Yuan of the text of the Conventions and Recommendations adopted at the 31st Session; whether the Government's proposals were appended to this submission; and, if so, what were these proposals.

Colombia

The Government has supplied the International Labour Office with extremely complete reports on the national law and practice giving effect to the Conventions adopted by the Conference at its 35th Session. The Committee thanks the Government for this material, which will undoubtedly be of considerable interest to the technical services of the Office. It wishes, nevertheless, to draw the attention of the Government to the fact that article 19 of the amended Constitution lays down two separate obligations.

On the one hand, paragraphs 5 (c) and 6 (c) provide that a Member shall "inform the Director-General of the International Labour Office of the measures taken . . . to bring the Convention (or Recommendation) before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them".

On the other hand, under paragraphs 5 (e) and 6 (d), when Conventions and Recommendations have been brought before the competent authorities, Members must report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of their law and practice in regard to the matters dealt with in such Conventions or Recommendations. Since no choice has yet been made among the Conventions adopted at the 35th Session of the Conference to determine which should form the subject of article 19 reports on unratified Conventions, Colombia was not under any obligation this year to furnish the detailed report which it has supplied to the Office.

On the other hand, the Committee wishes to draw the attention of the Government to the obligation laid down under paragraphs 5 (b) and (c) and 6 (b) and (c) of article 19 of the Constitution, and it hopes that the Government will shortly find it possible to inform the Director-General of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 32nd Session before the competent authorities.

Costa Rica

The Government has not supplied any information in reply to the request made last year by the Committee. The Committee would be grateful if the

Government would, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority, and of the action taken by the latter.

Cuba

The Committee would be grateful if the Government would supply all the necessary information concerning any action taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session, as well as the Vocational Training (Adults) Recommendation, 1950 (No. 88) before the competent authorities.

Czechoslovakia

In reply to the observations made by the Committee last year, the Government representative at the Conference indicated that the Conventions and Recommendations would be brought before the competent authorities as soon as possible. The Conference Committee noted this promise. Since no information has been supplied by the Government, the Committee would be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 33rd Session, as well as the Recommendations adopted at the 32nd Session, before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Dominican Republic

The Committee noted with satisfaction the information supplied by the Government to the Conference as the result of the observation made by the Committee last year. It would, however, be grateful if the Government would supply information concerning the action taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before the National Congress.

The Committee would also wish the Government to supplement this information by sending all necessary data concerning any action taken to bring the Conventions not yet ratified and the Recommendations adopted by the Conference at its 32nd, 33rd and 34th Sessions before the competent authorities.

Ecuador

The Committee draws attention to the observation which it made last year. It hopes that, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, the Government will inform the Director-General of the International Labour Office of the measures taken to bring the Recommendations adopted by the Conference since its 31st Session, as well as the Conventions adopted at the 31st and 35th Sessions, before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Egypt

The Government has not supplied any information in reply to the request made by the Committee last year. The Committee would be grateful if the Government would, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the

Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority, and of the action taken by the latter.

Ethiopia

See General Report (paragraph 44).

France

The Committee would be grateful if the Government would supply information on the action taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before Parliament. It hopes that the Government will, in the near future, find it possible to supplement the information already supplied with regard to Conventions Nos. 90 and 93, and Recommendations Nos. 86, 87, 89, 91 and 92.

Federal Republic of Germany

The Committee thanks the Government for the information supplied regarding the action taken to submit to the *Bundestag* and the *Bundesrat* the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform also the Director-General of the International Labour Office in due time of the decisions taken by the competent authorities.

Greece

No information has been supplied by the Government in reply to the request made last year by the Committee. The Committee hopes that the Government will, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the action taken to bring the Conventions and Recommendations adopted by the Conference since its 33rd Session as well as Recommendations adopted at the 31st and 32nd Sessions before the competent authority, with particulars of the action taken by the competent authority.

Guatemala

In reply to the observations made by the Committee last year the Government had indicated that it did not receive the texts of the Conventions adopted by the Conference and that it therefore was unable to examine these texts. The Committee was informed that certified translations of all Conventions and Recommendations adopted by the Conference since its 31st Session were sent to the Government as a result of this statement. This being the case, it hopes that the Government will, without undue delay, take all necessary action to submit these texts to the competent authorities, and also that it will, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the unratified Conventions and the Recommendations adopted by the Conference since its 31st Session before the competent authorities, with particulars of the authorities regarded as competent, and of the action taken by them.

Haiti

The Committee would be grateful if the Government would supply information on the action taken to submit to the competent authorities the texts of the Conventions and Recommendations adopted by the Conference since its 31st Session. It would also be grateful if the Government would be good enough to state what is the authority which it considers as the

competent authority for the purposes of article 19 of the Constitution of the International Labour Office. Finally, the Committee, referring to paragraph 46 (a) of its 1953 report, draws the attention of the Government to the fact that the Conventions and Recommendations should be submitted to the competent authorities in all cases and not only when the ratification of a Convention seems possible or when it is felt desirable to give effect to the provisions of a Recommendation.

Hungary

See General Report (paragraph 44).

Iceland

The Committee thanks the Government for the information which it has supplied. It would, however, be grateful if the Government would indicate whether or not the Conventions and Recommendations, when submitted to Parliament (*Althing*), were accompanied by any proposals from the Government and if so what were these proposals. The Committee would also be grateful if the Government would in future indicate the date on which any Convention or Recommendation has been brought before Parliament.

Indonesia

The Government has not supplied any information in reply to the observations made by the Committee last year. The latter would therefore be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 33rd Session before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Iran

The Government has not supplied any information in reply to the observations made by the Committee last year. The latter would therefore be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 33rd Session before the competent authorities, with particulars of the action taken by them.

Iraq

The Government has not supplied any information in reply to the observations made by the Committee last year. The latter would therefore be grateful to the Government if it would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring Conventions Nos. 87, 89 and 90, as well as the Conventions and Recommendations adopted by the Conference since its 32nd Session, before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Ireland

The Committee thanks the Government for the information supplied. It would, however, be grateful if the Government would be good enough to state, as the Committee requested in its last year's report, whether in submitting the decisions of the Conference to the Parliament any proposals of the Government were appended to this communication, and if so what were these proposals.

Israel

The Committee has noted with interest the information supplied to the Conference in reply to the request which the Committee addressed to the Government last year. In its reply the Government indicated that the Conventions and Recommendations adopted by the Conference at its 34th Session would be brought before Parliament during the summer of 1953. The Committee hopes that the Government will thus find it possible, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations before the competent authorities, with full particulars of the action taken by them. The Committee would also like this information to be supplied in respect of the unratified Conventions, as well as of the Recommendations adopted by the Conference at its 35th Session.

Italy

The Committee has noted with interest the information supplied by the Government in reply to the observation which the Committee made last year. It hopes that the Government will in the near future find it possible to supply all necessary information concerning the measures taken with a view to bringing the Conventions and Recommendations adopted by the Conference at its 34th and 35th Sessions before the competent authorities.

Japan

The Committee thanks the Government for the information supplied regarding the action taken to submit to the competent authorities the Convention and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform also the Director-General of the International Labour Office, in due time, of the decisions taken by the National Diet in respect of these instruments.

Lebanon

See General Report (paragraph 44).

Liberia

See General Report (paragraph 44).

Libya

The Committee would be grateful to the Government if it would, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Luxembourg

The Committee wishes to thank the Government for the information which it has supplied on the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. The Committee notes, however, that the Government indicates that the Recommendations "have been submitted for application to the services of the Department of Labour and Social Security". The Committee refers in this connection to paragraph 46 (b) of its report

of 1953 where it is indicated "that the expression 'competent authority' means the authority which has the power to legislate with regard to the questions covered by the Convention or the Recommendation". The Committee would be grateful if the Government would be good enough to indicate whether the Recommendations adopted by the Conference since its 31st Session have in fact been submitted to the authority which has the power to legislate with regard to these questions.

Mexico

The Government has not supplied any information in reply to the observations made by the Committee last year. The latter would therefore be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions adopted by the Conference at its 32nd and 35th Sessions, as well as the Recommendations adopted since its 32nd Session, before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Netherlands

The Committee thanks the Government for the detailed information supplied regarding the action taken to submit to the States General the Conventions and Recommendations adopted by the Conference at its 35th Session, together with the supplementary information concerning the Conventions and Recommendations adopted by the Conference at its 34th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c), to inform also the Director-General of the International Labour Office, in due time, of the decisions taken by the competent authorities.

New Zealand

The Committee thanks the Government for the detailed information supplied regarding the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c), to inform also the Director-General of the International Labour Office, in due time, of the decisions taken by the competent authorities.

Norway

The Committee thanks the Government for the detailed information supplied regarding the action taken to submit to the national competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of Article 19, paragraph 5 (c), to inform also the Director-General of the International Labour Office, in due time, of the decisions taken by the competent authorities.

Pakistan

The Committee thanks the Government for the supplementary information which it has sent. It would, however, be grateful if the Government would, as soon as possible and in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the measures taken to bring the Conventions and Recommendations adopted by the Conference at its 34th and 35th Sessions, before the competent authorities, with full particulars of the action taken by them.

Panama

See General Report (paragraph 44).

Peru

The Government has not supplied any information in reply to the observations made by the Committee of Experts last year. The latter would therefore be grateful if the Government would, in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Philippines

The Committee thanks the Government for the very detailed information supplied on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. The Committee also took note with satisfaction of the supplementary information supplied by the Government to the Conference in reply to the request made last year. It would be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform also the Director-General of the International Labour Office in due time of the decisions taken by the competent authorities.

Poland

The Committee thanks the Government for the information supplied on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session, as well as some of the decisions adopted at previous sessions. The Committee hopes that the Government will find it possible, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform the Director-General of the International Labour Office, in due course, of the decisions taken by the competent authorities.

Portugal

The Committee would be grateful if the Government would supply the information which it requested last year regarding the nature of the competent authority.

El Salvador

See General Report (paragraph 44).

Switzerland

The Committee thanks the Government for the detailed information supplied on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. The Committee would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, to inform also the Director-General of the International Labour Office in due course of the decisions taken by the Federal Assembly following the proposals which were submitted.

Syria

The Government has not supplied any information in reply to the observations made by the Committee last year. The latter, therefore, would be grateful if the Government would, in accordance with the pro-

visions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring Convention No. 87, as well as the Conventions and Recommendations adopted by the Conference since its 32nd Session, before the competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them.

Thailand

The Committee thanks the Government for the information which it has supplied concerning the measures taken to bring all Conventions and Recommendations adopted by the Conference since its 32nd Session before the National Assembly. It would be grateful if the Government would, in due course and in accordance with article 19, paragraphs 5 (c) and 6 (c) of the Constitution, inform also the Director-General of the International Labour Office of the action taken by the National Assembly in respect of these texts.

Turkey

In reply to the observations made by the Committee in 1953 the Government stated at the Conference that the Turkish Constitution does not allow for the submission to the Grand National Assembly of the Conventions which it did not propose to ratify and in respect of which it could, in consequence, take no measures. In taking note of this declaration the Conference Committee on the Application of Conventions and Recommendations referred to its General Report in which it drew attention "to the general character of the obligation under the Constitution of the I.L.O. to submit to the competent authorities all the Conventions and Recommendations adopted at each session of the Conference" and in which it expressed the wish "that the member States concerned could make the necessary internal arrangements to fulfil this obligation". As the Government has supplied no information on the measures taken to submit to the competent authority the unratified Conventions and the Recommendations adopted by the Conference since its 31st Session, the Committee hopes that it will shortly be in a position to inform the Director-General of the measures taken to bring the Conventions and Recommendations before the competent authorities in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, with particulars of the action taken by them.

Union of South Africa

The Committee thanks the Government for the detailed information supplied regarding the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough to supplement this information and state whether any proposals as to the action to be taken were made to the competent authorities as regards the Social Security (Minimum Standards) Convention, 1952 (No. 102), and if so, what were these proposals.

United States

The Committee thanks the Government for the efforts it has made to submit to the First Session of the 83rd Congress, within the period of 18 months provided by the I.L.O. Constitution, the Conventions and Recommendations adopted by the Conference. It would be grateful if the Government would indicate whether the Conventions and Recommendations have

been brought before Congress at its Second Session, whether any proposals were made in connection therewith, and if so, what were these proposals. The Committee would also wish to know which of the Conventions and Recommendations adopted by the Conference at its 35th Session are appropriate under the constitutional system for federal or state action.

Uruguay

The Committee thanks the Government for the information which it has supplied concerning the measures taken to bring non-ratified Conventions before the "General Assembly". The Committee would be grateful if the Government would supplement this information by indicating what measures it proposes to take to bring the Recommendations adopted by the Conference since its 31st Session before the competent authorities.

Venezuela

Last year the Committee drew the attention of the Governing Body to the case of a certain number of countries who had up to that time supplied no information on the measures which they should have taken to submit to the competent authorities the decisions of the Conference. Venezuela being one of the countries to which the Committee had thus referred, the Government representative stated at the Conference that "while the Government had not been in a position to submit the text to Parliament, it had concentrated on pursuing the study of the Conventions which might possibly be ratified and which, in the absence of Parliament, had been transmitted to the Department of International Labour Relations and Industrial Law". He added that the observation would be transmitted to the Minister of Labour and his attention drawn to the necessity for supplying information.

The Committee notes that the Government nonetheless has submitted no information this year. It hopes, however, that the Government will, as soon as possible, fulfil its constitutional obligations and, in conformity with article 19, sections 5 (c) and 6 (c) of the Constitution, inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations before the competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them.

Viet-Nam

The Government has this year supplied no information on the measures taken to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before the competent authorities. The Committee expresses the hope that the Government will shortly be able to supply all the necessary information in this connection.

Yugoslavia

The Committee thanks the Government for the detailed information supplied regarding the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th Session. It would, however, be grateful if the Government would be good enough, in accordance with the provisions of article 19, paragraphs 5 (c) and 6 (c) of the Constitution, also to inform the Director-General of the International Labour Office in due time of the decisions taken by the competent authorities.

APPENDIX IV

REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(Article 19 of the Constitution)

A. General Remarks concerning Reports Submitted by Governments

LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949 (No. 94) AND RECOMMENDATION, 1949 (No. 84)

Introduction

The Conference decided in 1949 on the adoption of a Convention and a Recommendation concerning labour clauses in public contracts to ensure the observance of a socially acceptable minimum standard of labour conditions in work carried out in this way. Such standards would, it was felt, prove of value for a number of reasons. First, as government contracts are usually awarded to the lowest bidder, contracting employers may be tempted to improve their competitive position by economising on labour costs through lower wages and other conditions of work clearly less favourable than those usually established for the trade or industry concerned. Second, the setting by governments of reasonable labour standards in respect of the various categories of work and services contracted for by them is bound to have a positive influence on the standards prevailing in the trades and industries involved, and may thus lead to improvements in labour conditions affecting many more workers than those employed directly in the limited sphere of government contracts. Third, clauses in public contracts may exercise a normalising and standardising influence upon labour conditions in cases where no general legislation or regulations exist on the matter, owing for instance to the federal structure of a country or to the stage of industrial development attained. All these considerations, as well as the growing volume of work done under public contracts in various countries, increase the practical importance of such labour clauses and their role in reinforcing social standards in general.

The Conference had already given consideration to the question of labour standards in public works when it adopted the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51) and the Public Works (National Planning) Recommendation, 1937 (No. 51). It should be noted, however, that the questions dealt with in these texts are substantially different in scope and application from the subject-matter covered by the Convention and Recommendation now under review; the latter relate exclusively to cases in which the government does not employ labour on its own account but enters into contracts with private employers involving employment of workers by them.

Briefly, Convention No. 94 defines the various types of contracts to which it applies, specifies the general content of the labour clauses to be included in these contracts, lays down safeguards for their observance and calls for sanctions in the case of violations; Recommendation No. 84 supplements the Convention by calling on governments to broaden the scope of its application and to define more fully the conditions of labour prescribed in the clauses, as rapidly as national conditions allow.

The Labour Clauses (Public Contracts) Convention has so far been ratified by 12 Members (Austria,

Belgium¹, Cuba, Finland, France, Guatemala, Israel, Italy, the Netherlands, the Philippines, the United Kingdom² and Uruguay). The Governments of these countries are required to submit annual reports on its application under article 22 of the Constitution, and the Committee's observations in respect of some of these reports are contained in Appendix I of the present report. The Convention came into force on 20 September 1952.

Reports Received

The following 28 countries have submitted reports in accordance with article 19 of the Constitution on the measures taken to give effect to any of the provisions of both the Convention and the Recommendation: Afghanistan, Argentina, Australia³, Canada, Ceylon, Chile⁴, Colombia⁵, Denmark, the Dominican Republic, the Federal Republic of Germany, Greece, Iceland, India, Indonesia, Ireland, Japan, New Zealand, Norway, Pakistan, the Philippines⁶, Sweden, Switzerland, Turkey, the Union of South Africa, the United States, Uruguay⁷, Viet-Nam, Yugoslavia. In addition, all the ratifying countries but two (Guatemala and Israel) supplied reports on the effect given to the Recommendation.

Content of Reports

There is considerable diversity in the amount of detail given. Full reports were received from Australia, Austria, Belgium, Canada, France, India, Italy, New Zealand, Pakistan, the Union of South Africa, the United Kingdom and the United States. Some countries, on the other hand, supply only little information in reply to the form of report (Afghanistan, Indonesia, Sweden, Uruguay).

Effect Given to the Provisions of the Convention and of the Recommendation

The review below is concerned with the extent to which Members have given effect to the provisions adopted by the Conference for the inclusion of labour clauses in public contracts. It is designed to focus attention on cases where the limited objective which the Conference set itself in approving the texts in question is met to some extent at least, i.e., where

¹ The Belgian Government declared that the Convention was not applicable to the Belgian Congo and to Ruanda-Urundi.

² The Convention is applicable *ipso jure* without modification to the Channel Islands and the Isle of Man.

³ The reports of these countries were received too late to be summarised in Report III (Part II).

⁴ The ratification of Convention No. 94 by the Philippines was registered on 29 December 1953, i.e., after the despatch of the report.

⁵ The ratification of the Convention by Uruguay was registered on 18 March 1954.

workers employed on government contracts receive, by means of these clauses, no less favourable treatment than that generally prevalent in the trade or industry concerned. Cases where this purpose is achieved otherwise than through labour clauses (Ceylon, Chile, Colombia, Denmark, the Federal Republic of Germany, Greece, Iceland, Japan, Norway, the Philippines, Sweden, Turkey, Uruguay, Viet-Nam, Yugoslavia) fall outside the purview of the present survey. Further reference is, however, made to these cases in the Conclusion.

Article 1 of the Convention (Scope).

The scope of application of the Convention, as defined in this Article, covers work carried out under contracts which a central authority of a Member awards to employers for public works, materials, supplies, equipment or services; it is left to the Government to decide the extent to which the Convention should apply—(a) to contracts let by authorities other than central, (b) to contracts involving expenditures below a certain limit, and (c) to managerial and technical personnel; decisions in respect of (b) and (c) are subject to prior consultation with the employers' and workers' organisations concerned.

Paragraph 1 of the Recommendation calls for the application of the Convention in due course to employers receiving government subsidies or operating a public utility.

Clearly, information supplied on the definition of public contracts is only relevant if the latter contain labour clauses. In Argentina contracts relate to national public works, works and projects in the various provinces, works for the state electricity centres, and drainage work in the federal capital. In Australia contracts are awarded by Commonwealth, state and local authorities; any labour clauses laid down therein must also be observed by subcontractors. In Canada contracts are awarded by the federal Government and its departments for the construction and "remodelling" of public works, and for the manufacture and supply of a limited list of supplies, etc.; the main contractor is held responsible for the observance of clauses by subcontractors. In the Dominican Republic labour clauses apply to work carried out for the Public Administration. The conditions included by way of labour clauses in the contracts awarded by the Indian Central Public Works Department are binding on all employers working for this agency. In Ireland contracts are placed by the departments of State for the supply of goods, the execution of works, etc., and the contractor is responsible for compliance by the subcontractors. The relevant legislation in New Zealand defines a public contract as one the value of which exceeds £20 and is entered into by the Government, its agencies or a local authority, for the construction, extension or repair of any work or the supply or performance of any service involving the employment of manual labour; if work is carried out by subcontractors, the contractor remains responsible. The contracts awarded by the Pakistan Public Works Department are mostly for the construction, alteration, repair or demolition of public works. In Switzerland contracts awarded by the federal Administration and Railways relate to works and supplies. The contractors and subcontractors working for the South African Public Works Department perform building work on behalf of the Union Government. In the United States the Walsh-Healey Public Contracts Act applies to contracts of over \$10,000 with the exception of those exclusively for personal services; it also applies to all "substitute manufacturers" except those merely selling supplies and equipment to a contracting manufacturer.

Reporting on *Paragraph 1 of the Recommendation* France, Italy, New Zealand and the United Kingdom state that provisions substantially similar to labour clauses in public contracts apply to employers receiving subsidies and to those licensed to operate a public

utility. In Canada, Denmark and the United States this is true of state-subsidised work, while in the Dominican Republic, Finland, Ireland and Switzerland appropriate provisions apply to public utilities.

Article 2 of the Convention (Terms of Labour Clauses).

The provisions of this Article specify the matters to be included in labour clauses and the manner of their implementation: wages, hours and other working conditions should be not less favourable than those locally established for similar work by collective agreement, arbitration award or legislation; in the absence of local criteria, the nearest appropriate district or the general level in the trade or industry concerned should serve as a yardstick; employers and workers should be consulted on the terms of the labour clauses and the latter should be brought to the attention of those tendering for contracts.

Paragraph 2 of the Recommendation enumerates in greater detail the working conditions to be covered by labour clauses: normal and overtime pay, maximum hours of work, holiday and sick-leave provisions.

All the countries which make use of labour clauses in public contracts indicate in their reports that wages are regulated therein. In India and Pakistan the clauses do not refer to hours of work. In Argentina, the Dominican Republic, the Union of South Africa and the United States, other conditions of labour are also covered by the clauses. The criteria used are either the provisions of collective agreements (Canada, Ireland, New Zealand, Switzerland, the Union of South Africa) or laws and regulations (Argentina, Canada, the Dominican Republic, India, Pakistan, the United States); Australia, New Zealand and the Union of South Africa also mention arbitration awards. Only Australia, Canada and the United States indicate that persons tendering for contracts are made aware of the terms of labour clauses.

As regards the various matters enumerated in *Paragraph 2 of the Recommendation* as appropriate for direct or indirect reference in labour clauses, Canada, Cuba, France, Ireland, Italy, the Netherlands, New Zealand, the United Kingdom and the United States include in public contracts provisions on normal and overtime rates of wages and on regular hours of work (subparagraphs (a) and (b) (i)), while the United Kingdom and the United States also regulate in this way average hours in successive shifts on continuous processes and the calculation of maximum hours (subparagraph (b) (ii) and (iii)). In France, Italy and the Netherlands this Paragraph is in certain cases given effect to by providing in the contracts for the application of collective agreements. Cuba and France refer to holiday provisions in their public contracts, and France also mentions sick leave (subparagraph (c)). In Australia the matters covered by this paragraph are usually dealt with by reference to appropriate laws or arbitration awards.

Article 3 of the Convention (Health, Safety and Welfare).

In the absence of appropriate provisions concerning health, safety and welfare, adequate measures are required, under this Article, to ensure such protection for workers engaged in the execution of contracts.

Most of the countries supplying information in respect of this Article confirm that the general legislation deals, to some extent at least, with the health, safety and welfare of workers (Argentina, Australia, Ceylon, the Dominican Republic, Greece, Ireland, Japan, New Zealand, Turkey, the Union of South Africa). Argentina, India and the United States report that the public contracts themselves prescribe the adoption of certain protective measures in this field. The Australian report indicates that, in the absence of appropriate legal or arbitral provisions in certain remote areas, the authorities concerned would take the necessary measures. Canada states that only the provinces have the power to enact the relevant legislation.

Articles 4 and 5 of the Convention (Implementation).

These Articles describe the measures which must be taken to ensure the observance and application of the provisions of labour clauses in public contracts; legislative or other texts giving effect to the Convention to be brought to the attention of the persons concerned; responsibility for compliance with these texts to be defined; institution of a system of adequate records and inspection, unless already in operation; sanctions to deal with violations and in particular to enable workers to obtain the wages owed to them.

All the governments which include labour clauses in their contracts report on measures to ensure compliance with the clauses. In Argentina, Australia, Canada, the Dominican Republic, India, New Zealand, Pakistan, the Union of South Africa and the United States, these are provided for, in full or in part, through laws or regulations. In some cases the implementation of the clauses is principally ensured by acting on complaints (Ireland) or by "blacklisting" violators (the Union of South Africa).

Additional information is given in this connection in reply to the special question in the report forms on the Convention and Recommendation, concerning the authorities "entrusted with the supervision of the application of the legislation and regulations". The ministry dealing with labour questions (Argentina, Cuba, the Dominican Republic, New Zealand, the United Kingdom, the United States) and the labour inspection services (Australia, Belgium, Canada, France, Italy) are the authorities mentioned as responsible for ensuring compliance with the terms of labour clauses. In Australia (in some cases), Ireland, Switzerland and the Union of South Africa, this task falls directly on the government department which has placed the contract. Pakistan mentions in this respect the Public Works Department, while the Indian report refers to the Executive Engineers or Officers in Charge (to enforce the Fair Wage Clause, the Model Rules and the Conditions of Contract) and the Labour Welfare Officers (to enforce the Labour Regulations), and describes the position in the states.

Co-operation by Employers' and Workers' Organisations

As indicated above, the Convention provides for consultation with the organisations of employers and workers concerned in determining both the scope of application (Article 1) and the terms (Article 2) of labour clauses in public contracts. Such collaboration in the formulation and application of the clauses is mentioned in the reports of Canada, Italy, Switzerland, the Union of South Africa and the United States.

Federal States

Under its Article 1, paragraph 2, the extent to which the Convention shall be applied to contracts awarded by authorities, other than central, is left to the discretion of the central government. In reply to the special question in the report form, whether the provisions of the Convention and Recommendation are regarded as appropriate for federal action or otherwise, all federal countries except one (Argentina) indicate that both the central and the constituent governments are competent to deal with labour clauses; Argentina considers that they are appropriate for federal action; the Canadian report on the Recommendation contains very full data on provincial law and practice, but the report on the Convention states that this text is wholly within the authority of the Parliament of Canada and that no good purpose would be served by setting out the extent to which the provincial position varies from the requirements of this text. The United States report, on the other hand, furnishes information in summarised form on state laws and regulations of relevance to the Convention.

Ratification Prospects

Argentina, Australia, Chile, Denmark, the Dominican Republic, Pakistan, Turkey and Viet-Nam indicate that the question of ratification is being examined. The Greek report states that this question will be considered at a later date after certain legislative amendments have been passed. The Government of Ceylon proposes to place the issues arising out of the Convention before the competent authority. The Yugoslav report concludes that no material obstacle stands in the way of ratification.

In reply to the report form, a number of governments describe the difficulties which prevent or delay ratification of the Convention. The reasons given fall roughly into three main categories: first, governments which insert labour clauses in their contracts refer either to the need for limited changes in the national law and practice (Ireland, New Zealand, the Union of South Africa), or to shortcomings in the Convention: it is too wide in scope (India), or too detailed (Switzerland); secondly, governments state that large-scale amendments (Greece) or entirely new legislation (Ceylon, Japan) are called for; the third and most basic difficulty arises in countries (Denmark, the Federal Republic of Germany, Iceland, Norway, Sweden) where a system of labour clauses is not used and wages, hours, etc., are fixed either by collective agreement or legislation applicable to workers in general; the results to be expected from implementation of the Convention (and Recommendation) would, in the opinion of these governments, hardly warrant the additional administrative expenses involved. Some reports add, in this connection, that the trade unions are strong enough to protect the workers employed on public contracts. The German Confederation of Trade Unions affirms, however, in a letter commenting on the report of the Government of the Federal Republic of Germany, that it has repeatedly asked for the ratification of the Convention and for the adoption of suitable legislation.

Conclusion

The principal fact emerging from the above review is the very clear distinction to be drawn between those governments, on the one hand, which utilise labour clauses as a means of regulating the wages and working conditions of persons employed on public contracts and those, on the other, which conclude for various reasons that the same objective can be reached by different means. In the latter case, the Committee can only take note of this basically different approach, as any attempt to express an opinion thereon would constitute an encroachment on the prerogative of the Conference which defines the standards, and of the governments which are free to accept them or not. The Committee ventures, however, to point out that among the countries which include labour clauses in their contracts are States with highly developed legislation on conditions of work covering virtually the whole of the working population. The existence of such comprehensive laws and regulations would therefore not appear to militate against the inclusion of clauses in public contracts.

In so far as the Members using labour clauses are concerned, several of them, including Australia, Canada, India, New Zealand, Pakistan, Switzerland, the Union of South Africa and the United States, have adopted systems which implement and, in some respects, go even beyond certain requirements of the Convention and Recommendation. While it is for the governments concerned to decide whether the national law and practice or certain modifications of it will enable them to adhere to the Convention (and some have in fact clearly stated their position, as noted above), the Committee feels called upon to draw special attention to one case which may be typical of others. It is indicated in the New Zealand report that ratification of the Convention is impossible because there exists no legislation or other provision

which makes it mandatory to include in the contracts clauses on conditions of labour other than those on wages and hours of work. In view of the very comprehensive system of awards and collective agreements regulating conditions of work in New Zealand, it is for consideration whether the point at issue really constitutes a material obstacle to ratification in this case.

The Committee noted with satisfaction that four governments intend to modify their national law or practice, with a view to implementing certain provisions of the Convention: in Greece, legislation concerning public works is to be amended; in Japan, a law on labour clauses in public contracts is under consideration; in New Zealand, regulations are being drafted to give fuller effect to Article 3 of the Convention; having explained that the conditions of contract for building work implement the relevant Articles of the Convention, the South African Government adds that the contracts for other work will, it is hoped, be made subject to similar conditions. Four additional countries intend to apply more fully the terms of the Recommendation: Belgium and Finland have decided to modify the labour clauses in the case of employers receiving subsidies or operating a public utility; the Italian Parliament has before it a Bill giving compulsory force to the provisions of the collective agreements which figure as minimum standards in labour clauses. The report of the Dominican Republic indicates the Government's firm intention to take all necessary measures to give effect to those provisions of the Recommendation not yet covered by national law and practice.

To sum up, eight governments thus report on changes in their law and practice in order to give effect to some of the provisions of the Convention or Recommendation, and nine other countries are examining the possibility of ratifying the Convention; taken together with the 11 countries which have already done so, this would tend to indicate that, despite the specific and exacting nature of these provisions of the International Labour Code, their effect may be considered as satisfactory.

The Committee finds it particularly encouraging that two federal countries (Australia and Pakistan) are contemplating the possibility of ratifying the Convention. Since central governments have no obligation, under Article 1, paragraph 2, as regards the application of this Convention to contracts awarded by authorities which are not federal, other Members in this category may, in due course, find it possible to give serious consideration to the possibility of ratifying the Convention.

PROTECTION OF WAGES CONVENTION, 1949 (No. 95), AND RECOMMENDATION, 1949 (No. 85)

Introduction

The Protection of Wages Convention, 1949 (No. 95), and the corresponding Recommendation (No. 85) were adopted by the International Labour Conference at its 32nd Session. The adoption of these two instruments was the culmination at the level of international labour legislation of the work that the Conference devoted in 1948 and 1949 to the problem of wages.

The object of Convention No. 95 and Recommendation No. 85 is, on the one hand, to protect the worker against certain practices which might make him unduly dependent on his employer and, on the other hand, to ensure that he receives promptly and in full the wages which he has earned. The work of the Conference has shown that to achieve these ends it is necessary that the worker should receive his wages in the form of cash; further, the worker should spend his wages as he wishes; he should be paid regularly and at intervals short enough to allow him to live on a cash rather than a credit basis; he should be protected against any unjustified or arbitrary deductions from

his nominal earnings and in general he should be kept informed of his wage conditions; finally, it is necessary to limit and control the way in which the payment of wages in kind is made. The adoption of equivalent measures to the minimum standards established by Convention No. 95, and supplemented by the provisions which are laid down in Recommendation No. 85 should make it possible to achieve these ends.

At previous sessions the Conference has already considered this aspect of the protection of wages; thus at its 19th Session in 1935 it adopted a resolution inviting the Office to undertake an inquiry into the "truck system" and related practices and at its 25th and 30th Sessions it included in the Contracts of Employment (Indigenous Workers) Convention, 1939, and the Social Policy (Non-Metropolitan Territories) Convention, 1947, a certain number of provisions dealing with the protection of wages.

The Protection of Wages Convention, 1949 (No. 95) has so far been ratified by ten States¹ (Austria, Cuba, France, Guatemala, Italy, the Netherlands, Norway, the Philippines, the United Kingdom, Uruguay). By virtue of article 22 of the Constitution the governments of these States are required to supply annual reports on the application of this Convention. Appendix I of the present report contains the observations made by the Committee on certain of these reports. The Convention came into force on 24 September 1952.

Reports Received

Bearing in mind the fact that the eight Members which ratified the Convention were only required to supply a report on the Recommendation, 37 Members fulfilled the obligation laid down in article 19 of the Constitution to report on the national law and practice giving effect to the provisions of these instruments (Afghanistan, Argentina, Austria, Belgium, Burma, Canada, Ceylon, Chile, Colombia², Cuba, Denmark, the Dominican Republic, Finland, France, the Federal Republic of Germany, Greece, Iceland, India, Indonesia, Ireland, Israel³, Italy, Japan, the Netherlands⁴, New Zealand, Norway, Pakistan, the Philippines⁵, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay⁶, Viet-Nam, Yugoslavia). On the one hand, all the countries which ratified the Convention (with the exception of Guatemala) supplied the required information on the effect given to the Recommendation; on the other hand, 30 countries (Afghanistan, Argentina, Belgium, Burma, Canada, Ceylon, Chile, Colombia, Denmark, the Dominican Republic, Finland, the Federal Republic of Germany, Greece, Iceland, India, Indonesia, Ireland, Israel, Japan, New Zealand, Pakistan, the Philippines, Sweden, Switzerland, Turkey, the Union of South Africa, the United States, Uruguay, Viet-Nam, Yugoslavia) supplied reports both on the Convention and the Recommendation.

Contents of the Reports

Almost all of the governments supplied a separate report for the Convention and the Recommendation; however, certain countries (Afghanistan, Colombia, Indonesia, the Philippines, Sweden, Switzerland) supplied, in a single report, information concerning each of these instruments. Furthermore, with regard to

¹ The Convention has not so far been the subject of any declarations concerning application to the Non-Metropolitan Territories such as are provided both in its Articles 20 and 21 and in article 35 of the Constitution.

² The reports of these countries were received too late to be summarised in Report III (Part II).

³ The ratification of the Convention by the Philippines was registered on 29 December 1953, i.e., after the despatch of the required report.

⁴ The ratification of the Convention by Uruguay was registered on 18 March 1954.

the Recommendation a certain number of governments (Argentina, Finland, Iceland, India, Uruguay) made reference to the information supplied for the Convention. Most of the reports received contain detailed information and analyse the various points of the national law and practice with regard to each of the provisions of the Convention and Recommendation. Nevertheless, the reports submitted by two Governments (Afghanistan, Chile) consist mainly of quotations from legislative texts. Finally, some reports are very brief. This is the case of the reports sent by Denmark (as regards the Recommendation), by Iceland, Israel, the Philippines, Sweden, Switzerland (which refers mainly to the replies to the questionnaire presented to the 31st Session of the Conference¹), by Turkey, by the Union of South Africa (as regards the Recommendation) and by Uruguay.

Effect Given to the Provisions of the Convention and of the Recommendation

A study of the different reports supplied makes it possible, to a certain extent, to see how the different clauses respecting the protection of wages are applied in the national law and practice of the different States.

The results shown by the analysis of the information supplied by the governments are summarised below according to the plan outlined in the Convention; definition and scope; medium of wage payments; deductions from wages; attachment and seizure of wages; wages as a privileged debt; periodicity of payment; time and place of payment; notification of wage conditions; enforcement measures.

Definition and Scope (Articles 1 and 2).

Article 1 of the Convention defines the term "wages" as remuneration or earnings capable of being expressed in terms of cash and fixed either by mutual agreement or by national laws, when payable in virtue of a written or unwritten contract of employment between an employer and an employed person. A similar definition is given in the legislation of a certain number of countries (Argentina, Burma, Canada, Ceylon, Chile, the Dominican Republic, India, Indonesia, Japan, New Zealand, Pakistan and the Philippines). It appears implicitly from the reports supplied by the other countries that the meaning given to the term "wages" is in accordance with that of the Convention.

According to Article 2, the Convention applies to all persons to whom wages are paid or are payable. However, by virtue of the provisions of paragraph 2 the competent authority may, after consultation with employers' and workers' organisations, exclude from the scope of the legislation certain categories of workers not employed in manual labour or persons employed in domestic service or assimilated work. Among the countries which supplied information in this respect, besides the eight countries which have ratified the Convention and which have reported on the Recommendation, it seems that in four countries only (Argentina, Chile, New Zealand and Yugoslavia) the scope of the legislation coincides with that of Article 2 of the Convention. All the other countries exclude one or several categories of workers. Certain of these exclusions are not provided for in the Convention. This is the case, for instance, for agricultural workers in Belgium, Canada (British Columbia and Saskatchewan), Ceylon (as regards the workers engaged in the cultivation of rice), Dominican Republic (although the scope of the legislation may be extended by decree), Greece (although not clearly stated in the report of the Government), the Philippines, Switzerland and Turkey; sometimes salaried employees

working in establishments which employ less than ten persons (Turkey), homeworkers (Switzerland), workers employed in public works (Finland, in certain cases), workers working for public administrations (Switzerland) are not covered by protective measures embodied in the legislation.

Other exclusions concerning, for example, certain categories of non-manual workers (United States), persons employed in domestic service (Ireland), navigating personnel (Turkey and Viet-Nam) do not seem to be incompatible with Article 2 of the Convention. The provisions concerning the protection of wages embodied in the legislation of certain countries apply to certain specific categories of workers (railway and factory workers). This is the case in Burma, India and Pakistan (in the latter two countries there is nevertheless a possibility of extending the scope of the legislation by decree). Finally, the Government of the Union of South Africa states that the scope as laid down in Article 2 of the Convention is so wide that it prefers, for its part, to apply the most important provisions of the Convention by stages to certain categories of workers.

Medium of Wage Payments (Articles 3-7 of the Convention and Paragraph 9 of the Recommendation).

The provisions laid down in the Convention and the measures advocated in the Recommendation with regard to the payment of wages in cash or in kind, the free disposal of the workers' wages and regulations governing works stores are differently applied and interpreted in the countries which supplied information on these various points.

Under Article 3, paragraph 1, wages payable in cash shall be paid only in legal tender. Payment in the form of promissory notes, vouchers, coupons, etc. shall be prohibited. However, by virtue of paragraph 2 payment by bank cheque or postal cheque may be permitted with the consent of the worker concerned, or when this manner of payment is necessary because of special circumstances, or where a collective agreement or arbitration award so provides. The reports of two countries (Denmark and Yugoslavia) state that there are no legislative provisions in this respect. In most of the reporting countries (Canada, in almost all of the provinces) the legislation contains provisions similar to those laid down in the Convention. However, in four countries (the Federal Republic of Germany, Iceland, Israel and Pakistan) there are no specific provisions prohibiting payment in the form of vouchers, promissory notes, coupons, etc. Finally, other countries report certain practices which do not seem to be inconsistent with the provisions of the Convention. Thus, in the United States, where the national legislation and that of all states but seven expressly provides for the payment of wages in the form of legal tender, the Government states that a system of certificates, coupons and tokens may be used to determine the amount of cash which is due in kind, but that the amount of the wages so calculated should be paid in cash at the end of the pay period. The Government of Indonesia states that the legislative provisions concerning the payment of wages in cash are not applicable in certain provinces or parts of the national territory. It seems that this exception may be covered by the exemption provided for in Article 17 of the Convention in respect of regions of the national territory where, by reason of the sparseness of the population or the stage of development of the area, it is impracticable to enforce the provisions of the Convention.

It seems that in India and in Pakistan there are no legislative provisions concerning the payment of wages by cheque or money order as provided in Article 3, paragraph 2. Provisions of this kind are laid down either in laws or regulations or in collective agreements in force in all of the other countries which supplied information in this respect. However, one government (the Federal Republic of Germany)

¹ International Labour Conference, 31st Session, San Francisco, 1948, Report VI (c) (2): *Wages: (c) Protection of Wages* (Geneva, I.L.O., 1948).

points out that payment by bank transfer or postal cheque is considered to be equivalent to payment in cash.

Article 4, paragraph 1 of the Convention provides for the possibility of authorising partial payment of wages in kind. It provides, however, that the payment of wages in the form of liquor or noxious drugs shall not be permitted in any circumstances. In a certain number of countries, such as Afghanistan, Burma, Israel and Uruguay, the payment of wages in kind is prohibited or excluded from the legal definition of the term "wages". In other countries (Argentina and Chile) the cost of allowances in kind cannot be deducted from the nominal amount of the worker's wages. Finally, in the other countries which supplied information in this respect it appears, according to the reports, that the national law or practice gives effect to this provision of the Convention. In a certain number of these countries the possibility of paying part of the wages in kind is provided only in respect of certain categories of workers, such as domestic servants (the Dominican Republic) and agricultural workers (Ireland and Viet-Nam). Finally, in three countries (Belgium, Finland and India) the whole of the wages may be paid in kind, either by virtue of a specific provision of the legislation or because it does not contain any provision fixing any limit in the matter.

Paragraph 2 of Article 4 provides that the partial payment of wages in kind should be subject to certain conditions: such allowances should be appropriate for the personal use and benefit of the worker and his family and the value attributed to such allowances should be fair and reasonable. The reports supplied by the countries where all payment in kind is prohibited and those where the cost of allowances may not be deducted from the nominal amount of the wages do not, of course, contain any information in this respect. In all other countries having made reports on this point, the national law or practice gives effect to this provision of the Convention, either because machinery for determining or exercising control over the value of the cost of allowances in kind has been established, or because the possibility of paying wages in kind is subject to prior authorisation or control by the government or, again, in most cases, because this form of payment cannot be used without the consent of those concerned.

Article 5 of the Convention provides that the wages shall be paid directly to the worker concerned. All countries having supplied information in this respect give effect to this provision of the Convention, either by virtue of legislative or statutory provisions or through collective agreements or arbitration awards. Two governments draw attention to particular difficulties which they have encountered on this point. The Government of the Federal Republic of Germany states that, in its view, the text of the Convention is not specific enough to determine whether the provisions by virtue of which the wages may not be paid to minors without the consent of their parents or tutor are compatible with this Article of the Convention. The Government of Israel states that, in order to ensure payment in cash of the minimum wages fixed by the unions, the day-labourers placed by the employment offices receive their wages through these bodies.

Article 6 of the Convention prohibits the employer from limiting in any manner the freedom of the worker to dispose of his wages. In the countries which have reported on this point, with the exception of the Union of South Africa, all the workers can dispose freely of their wages. The Government of the Union of South Africa states that this provision is not applied in certain cases. Furthermore, part of the wages of indigenous workers who have left their tribes in order to work, may be retained so as to constitute savings which are paid to them at the end of their contract.

Article 7, paragraph 1 prohibits any coercive action to compel workers to make use of works stores established in connection with an undertaking or services put at their disposal. In all countries having reported on this point, legislative provisions give effect to this provision of the Convention, either explicitly or implicitly.

Paragraph 2 of Article 7 prescribes that goods must be sold and services offered at fair and reasonable prices and that the works stores shall not be operated for the purpose of securing a profit but for the benefit of the workers concerned. In Canada there is no special provision to this effect. In most of the other reporting countries whose reports have been examined, legislative provisions or national practice give effect to a varying extent to this Article of the Convention. However, the Government of Japan states that no action was taken to determine fair and reasonable prices and it feels that in the present circumstances action of this kind is not necessary. Finally, the Government of the Union of South Africa states that the control of stores is not acceptable in principle.

Paragraph 9 of the Recommendation supplements the provisions of Article 7 of the Convention in advocating the adoption of measures to favour the association of workers in the administration of works stores. Switzerland refers to its 1948 reply to the questionnaire, in which the Government stated that it favoured the inclusion in the draft instruments of provisions providing for the association of the workers in the administration of works stores. In certain countries there is no legislation giving effect to this Paragraph of the Recommendation. This is the case for Chile, Cuba, Denmark (this Government, however, is considering the possibility of adopting legislation to this effect), Ireland (this Government feels that this question should be settled by the parties concerned), the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Sweden, the Union of South Africa and Uruguay. In all the other countries which have supplied information in this respect the national law and practice give effect to this Paragraph of the Recommendation. Finally, all these provisions of the Convention and of the Recommendation are superfluous in France, as all works stores are prohibited.

Deductions from Wages (Articles 8 and 9 of the Convention, Paragraphs 1, 2 and 3 of the Recommendation).

Article 8, paragraph 1 of the Convention provides that deductions from wages shall be permitted only under certain conditions and within certain limits. The Government of Denmark feels that this provision is incompatible with its national legislation. It results from the examination of all the other reports containing information in this respect, that the national law and practice of the countries concerned give effect to Article 8, paragraph 1 of the Convention. However, the Government of Ireland states that its legislation on this subject does not apply to all workers.

Paragraphs 1-3 of the Recommendation supplement the provisions of Articles 8 and 9 of the Convention; Paragraph 1 advocates the adoption of measures to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family; Paragraph 2 provides that deductions from wages for the reimbursement of loss of, or damage to, the products, goods or installations of the employer should be authorised only when the worker concerned can be clearly shown to be responsible for the loss or damage caused: he should be given an opportunity of expressing his point of view and the amount of such deductions should be fair and should not exceed the actual amount of the loss or damage; finally, Paragraph 3 recommends the adoption of measures to limit deductions from wages in respect of tools, materials or equipment put at the disposal of the worker. In all countries having re-

ported on this point, it appears that the national law and practice give effect in varying degree to the different measures advocated with a view to limiting the deductions.

Paragraph 2 of Article 8 of the Convention provides that the workers shall be informed of the conditions under which and the extent to which deductions may be made. In all countries having reported on this point except one, provisions were made either by virtue of the legislation in force or in practice, for the workers to be kept informed of the conditions under which and the extent to which deductions may be made. However, the Government of Denmark states that this provision is incompatible with its legislation.

Article 9 of the Convention prohibits any deduction from wages with a view to ensuring a direct or indirect payment made to an employer or to any intermediary for the purpose of obtaining or retaining employment. In all countries having reported on this point, with the exception of Israel, Switzerland and the Union of South Africa, effect is given explicitly or implicitly to this provision of the Convention either by virtue of legislative provisions or in practice. However, the Government of the Federal Republic of Germany states that the Federal Employment and Unemployment Insurance Institute is the agency responsible for placing operations, which it carries out free of charge. In certain cases, however (salaried doctors, chemists, artistes, etc.), placing operations carried out by other bodies under the control of the Federal Institute, are charged for and the costs are generally paid directly and not through deductions from the wages. The report sent by Israel states that, in cases where wages are paid through employment offices, deductions may be effected to cover the costs. In its 1948 reply to the questionnaire, the Swiss Government stated that, in its view, exceptions would be justified in this respect for certain workers, such as, for instance, the staff of restaurants. Finally, the Government of the Union of South Africa considers that these deductions are justified when it is necessary to resort to recruiting agents for hiring purposes.

Attachment and Seizure of Wages (Article 10 of the Convention).

Under this Article wages may be attached or assigned only in a manner and within limits prescribed by national laws or regulations, so as to ensure the maintenance of the worker and his family. The reports submitted indicate that there are no legislative provisions in this regard in Ireland or Pakistan. All other countries which supplied information on this subject give effect in varying degree to these provisions of the Convention.

Wages as a Privileged Debt (Article 11 of the Convention).

Article 11 lays down that, in the event of the bankruptcy or judicial liquidation of an undertaking, the workers employed therein shall be treated as privileged creditors for services rendered during the period prior to bankruptcy or judicial liquidation. National laws or regulations may either prescribe the length of this period or determine the maximum amount of wages constituting a privileged debt. In India and Pakistan there are no legislative provisions to that effect. According to the reports it seems that in the majority of countries having reported on this point, national legislation gives effect in varying degree to this Article of the Convention.

Periodicity of Wage Payments (Article 12 of the Convention, Paragraphs 4 and 5 of the Recommendation).

Article 12 of the Convention provides that the wages shall be paid regularly and that upon the termination

of a contract of employment, the final settlement of all wages due shall be effected within a reasonable period of time. *Paragraphs 4 and 5 of the Recommendation* state that when the wages of the workers are calculated by the hour, the day or week, on a piecework or output basis, wages shall be paid not less than twice a month, at intervals not exceeding 16 days; when the remuneration is fixed on a monthly or annual basis, the wages shall be paid once a month. Finally, in the case of workers employed to perform a task, payments shall be made on account not less than twice a month and the final settlement shall be made within a fortnight of the completion of the task. In most of the reporting countries effect is given to the provisions of the Convention and the Recommendation, either by virtue of legislation, or by virtue of collective agreements or arbitration awards. However, the Government of Ceylon states that in the case of workers whose wages are calculated by the hour, day or week, it is not possible to guarantee that their wages shall be paid not less than twice a month at intervals not exceeding 16 days and that no distinction shall be made between workers employed on piecework and those whose work is calculated on a time basis. Finally, the Government of Israel states that, generally speaking, and until quite recently, wages were paid at regular intervals but that in view of financial difficulties encountered by the Government in financing works to combat unemployment, payment of wages has been somewhat delayed for some time past.

Time and Place of Wage Payments (Article 13 of the Convention).

By virtue of this Article, the payment of wages shall be made as follows: (1) on working days only, (2) at or near the workplace, (3) it shall be prohibited in taverns or other similar establishments.

It seems that the national legislation or collective agreements in force in the different reporting countries give effect to the first two provisions of this Article and that the wages are paid on working days and at or near the workplace. However, with regard to the prohibition of the payment of wages in taverns, there are no relevant legislative provisions in Ceylon; such provisions exist in Canada only in respect of mines, and in Greece the payment of wages can be made in taverns with the authorisation of the police. In all other reporting countries the national law or practice gives effect to this provision of the Convention.

Notification of Wage Conditions to Workers (Article 14 of the Convention, Paragraphs 6 and 7 of the Recommendation).

Article 14 of the Convention provides that the workers shall be informed of the wages conditions under which they are employed and of the particulars of their wages. *Paragraph 6 of the Recommendation* states that the details of the wages conditions should include particulars concerning the rates of wages payable, the method of calculation, the periodicity of wage payments, the place of payment and the conditions under which deductions may be made. *Paragraph 7* of the Recommendation advocates that workers should be informed of the following particulars in so far as such particulars may be subject to change: the gross amount of wages earned, any deduction which may have been made, including the reasons therefor and the amount thereof, and the net amount of wages due.

In all countries having reported on this point, the national law and practice give effect in varying degree to these provisions of the Convention and the Recommendation. However, the application of provisions is limited in Ceylon to the undertakings where there are wages councils and it does not seem that they are wholly applied in New Zealand.

Enforcement Measures (Article 15 of the Convention, Paragraph 8 of the Recommendation).

According to *Article 15* of the Convention, the legislation shall be made available for the information of persons concerned, define the persons responsible for compliance therewith, prescribe adequate penalties for any violation thereof and provide for the maintenance in all appropriate cases of adequate records of the wages. *Paragraph 8 of the Recommendation* states that these records should in appropriate cases show the gross amount of wages earned by the workers, the deductions which may have been made and the net amount of wages due. In all the countries having reported on this point, the national law and practice give effect in varying degree to these provisions of the Convention and the Recommendation. However, it should be noted that the Government of Switzerland, which refers to its 1948 replies to the questionnaire stated at that time that in its view the maintenance of adequate wage records was not indispensable.

In most of the reporting countries, the Ministry of Labour and the different bodies or officials of this Ministry (industrial councils and labour and factory inspectors), are responsible for control over the application of the legislative provisions giving effect to the Convention and Recommendation. Certain reports state that this control, in so far as it relates to the application of the legislation to seamen is entrusted to the Ministry of Transport. With regard to the public services it is entrusted to the National Personnel Directorate of the Administration. Finally, the disputes concerning the application of the legislation are within the competence either of the civil or criminal courts under common law, or of the special labour tribunals.

Modifications of the National Legislation to Give Effect to the Convention and the Recommendation

The reports submitted by Afghanistan, Argentina, Belgium, Canada, Ceylon, Chile, Colombia, Denmark, Finland, the Federal Republic of Germany, Greece, Iceland, India, Indonesia, Japan, New Zealand, Pakistan, Switzerland, Turkey, the Union of South Africa, the United States and Yugoslavia, contain information in this respect. In a certain number of countries (Argentina, Chile, Colombia, Denmark, the Federal Republic of Germany, Greece, Iceland, India, Indonesia, Japan, New Zealand, Switzerland, Turkey, the Union of South Africa, the United States and Yugoslavia), the Governments state either that no alterations were made in the national legislation which, as a whole, meets the prescriptions contained in the Convention and the Recommendation, or that no alteration is contemplated, for the same reasons. The Government of Afghanistan states that while its relevant legislation has thus far not been amended, it nevertheless intends to take any action which might be necessary and that this question will be submitted to the competent authorities for consideration. It appears from the report submitted by Belgium that the extension of the scope of the legislation which might be necessary to give full effect to the Convention and the Recommendation, is at present under consideration and that the text of the Convention has been submitted to a joint committee of agricultural, horticultural, etc., undertakings.

According to the report submitted by Finland the legislation is in its broad lines in conformity with the provisions contained in the Convention and the Recommendation, and the Government contemplates, when the revision of the Act on labour contracts takes place, to take into account the various points of detail on which conformity does not yet exist. The Government of Switzerland states that no legislative amendment was made but that a Bill on employment contracts is "based on the most modern conceptions of labour law".

Certain countries state that it would be necessary to make some modifications to the Recommendation in order to give effect to it; this is the case in regard to Chile, which considers the modification of Paragraphs 4 and 5 of the Recommendation to be necessary in order to bring them into conformity with article 36 of the Labour Code and has interpreted Paragraph 9 of the Recommendation as making it possible for workers' organisations to create stores in the undertakings and other similar services. The Government of the Federal Republic of Germany states that it might be necessary to alter Paragraph 5, subparagraph (2) of the Recommendation. Finally, two Governments, Ireland and the United Kingdom, consider that the measures advocated in Parts II, III and IV of the Recommendation should be settled by negotiations between the parties concerned and not by national legislation.

Possibility of Ratification of the Convention

The Governments of Afghanistan, Argentina, Belgium, Colombia, the Dominican Republic, the Federal Republic of Germany, Turkey and Yugoslavia state that, subject to such legislative changes as might be necessary, ratification of the Convention is contemplated by the Governments but that the matter is still under consideration. Certain governments state that this question has already been submitted to the competent authorities. According to the report submitted by Turkey, ratification formalities are in progress. Finally, certain governments state that, for various reasons, they do not contemplate ratifying the Convention. Chile states that, generally speaking, it has been slow to ratify international labour Conventions. The Governments of Denmark, Iceland, India, Ireland, New Zealand, Pakistan, Sweden, Switzerland, the Union of South Africa and the United States, state that ratification is impossible or inappropriate, either because the scope of the Convention is too wide or because there are certain discrepancies between its provisions and those of national laws and regulations, or because they consider that the measures provided for in this instrument should be the subject of negotiations between the parties concerned without State intervention.

Among the nine federal States which reported on the measures necessary to give effect to the Convention and the Recommendation, two Governments (Austria and the Federal Republic of Germany) do not state whether these instruments are within the competence of the federal authorities or of the constituent States. It appears from the reports submitted by Canada, India, Pakistan and the United States, that legislative competence in the matter dealt with in these international instruments is divided between the federal government and the governments of the constituent States. Finally, the Governments of Argentina, Switzerland and Yugoslavia consider that these questions are within the competence of the federal government.

Conclusion

The study of the reports submitted has enabled the Committee to note with satisfaction that, generally speaking, the protection of wages, from the point of view embodied in Convention No. 95 and Recommendation No. 85, is guaranteed to workers in most of the reporting countries. The Committee was glad to note, in particular, that, on the whole, in the countries which have ratified the Convention, the measures advocated in the Recommendation are embodied in the national laws and regulations, or are specifically adopted in practice, and that they are mentioned in collective agreements or individual contracts. The same applies to a certain number of countries which have not yet ratified the Convention but which intend to do so. According to the reports,

national law and practice in these countries give effect to all the provisions embodied in the Convention and to the measures advocated in the Recommendation. In some of the countries which also state that it is their intention to ratify the Convention, it nevertheless appears that adjustments to the national law and practice will remain necessary. It further appears from the information supplied by some of the countries in explanation of the reasons why they do not intend to ratify the Convention, that according to national practice they feel that the different aspects of the protection of wages dealt with in the Convention and Recommendation cannot be the subject of regulations and should be settled on a

purely contractual basis. For other countries the scope of the Convention appears to be too wide and they feel that the possibilities of exemptions provided for in Article 2 of the Convention are too limited. In any case, the Committee noted with satisfaction that, on the one hand, a number of countries intend to ratify the Convention or are still examining the possibility of doing so and, on the other hand, generally speaking, with some exceptions, workers in all reporting countries enjoy protective measures which sometimes are in conformity with, and very often equivalent to, the standards laid down by the International Labour Conference in this Convention and Recommendation.

B. Reports received by 15 March 1954

Conventions: 58

Recommendations: 73

Country	Conventions		Recommendations	
	No. of reports received	Convention Nos.	No. of reports received	Recommendation Nos.
Afghanistan	2	94, 95	2	84, 85
Argentina	2	94, 95	2	84, 85
Australia	1	94	1	84
Austria ¹	—	—	2	84, 85
Belgium ²	1	95	2	84, 85
Burma	1	95	1	85
Canada	2	94, 95	2	84, 85
Ceylon	2	94, 95	2	84, 85
Chile	2	94, 95	2	84, 85
Colombia	2	94, 95	2	84, 85
Cuba ¹	—	—	2	84, 85
Denmark	2	94, 95	2	84, 85
Dominican Republic	2	94, 95	2	84, 85
Finland ²	1	95	2	84, 85
France ¹	—	—	2	84, 85
Germany (Federal Republic)	2	94, 95	2	84, 85
Greece	2	94, 95	2	84, 85
Iceland	2	94, 95	2	84, 85
India	2	94, 95	2	84, 85
Indonesia	2	94, 95	2	84, 85
Ireland	2	94, 95	2	84, 85
Israel ²	1	95	1	85
Italy ¹	—	—	2	84, 85
Japan	2	94, 95	2	84, 85
Netherlands ¹	—	—	2	84, 85
New Zealand	2	94, 95	2	84, 85
Norway ²	1	94	2	84, 85
Pakistan	2	94, 95	2	84, 85
Philippines	2	94, 95	2	84, 85
Sweden	2	94, 95	2	84, 85
Switzerland	2	94, 95	2	84, 85
Turkey	2	94, 95	2	84, 85
Union of South Africa	2	94, 95	2	84, 85
United Kingdom ¹	—	—	2	84, 85
United States	2	94, 95	2	84, 85
Uruguay	2	94, 95	2	84, 85
Viet-Nam	2	94, 95	2	84, 85
Yugoslavia	2	94, 95	2	84, 85
Total	58		73	

¹ Has ratified Conventions Nos. 94 and 95.
² Has ratified Convention No. 94.
³ Has ratified Convention No. 95.

APPENDIX V

INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES REQUESTED BY THE COMMITTEE OF EXPERTS FOR ITS FIVE-YEARLY REVIEW

(Reports for the period 1953-54)

1. Where the Convention (*a*) has been declared *applicable without modifications*, or (*b*) has been the subject of a *declaration of acceptance* of its obligations communicated to the Director-General of the International Labour Office¹, or (*c*) is *considered to be applied without modifications*, it is suggested that the reports be drawn up, as at present, on the basis of the standard forms adopted by the Governing Body for ratified Conventions. Where reports for previous years have given full information on the lines indicated and no observations have been made by the Committee, it will normally be sufficient if reference is made to these reports and if new information is confined to statistical and other data which by reason of their nature vary from year to year. At the same time, it is important in these cases for the Committee to have all the information necessary to enable it to see whether the legislation applying the Convention to each territory is in conformity with the terms of the Convention. The actual texts of local Acts, ordinances, decrees or other measures of application should, therefore, in accordance with established procedures, be supplied if this has not already been done. It would also be helpful if, for the purposes of the special five-yearly review, a concise indication could be given as to whether there has been any advance in the state of application of the Convention during the five years resulting in a change from non-application or modified application to full application.

2. Where the Convention (*a*) has been declared *applicable with modifications*, or (*b*) has been the subject of a *declaration of acceptance* with modifications of its obligations communicated to the Director-General of the International Labour Office¹, or (*c*) is in fact *applied with modifications*, it is suggested that the report should also as far as possible follow the lines of the standard forms adopted by the Governing Body for ratified Conventions. Information should, however, be given at the appropriate points as to the precise nature of the modifications which have been made in the terms of the Convention in the legislation or practice in order to adapt it to

local conditions. Here again, where reports for previous years have given full information on the lines indicated and no changes have been made during the year, it will be sufficient if reference is made to these reports and if new information is confined to statistical and other data which, by reason of their nature, vary from year to year. In accordance with existing procedures, the actual texts of local Acts, ordinances, decrees or other measures covering the modified application of the Convention should be supplied if this has not already been done. On this occasion also, it would be helpful if concise information could be given on such points as: any progress made over the five-year period in removing any modifications; any difficulties encountered in applying more fully any provisions of the Convention; and whether the question of its fuller or complete application has been examined during that time in the light of changes that may have taken place in local conditions. Information as to the composition and activities of any advisory body which may have examined these questions would also be appreciated.

3. Where (*a*) the Convention is *considered inapplicable*, whether or not a formal declaration to that effect has been made, or (*b*) the government has *reserved its decision* in respect of application, the report should state whether the Convention is considered inapplicable because its provisions relate to matters which are unlikely to arise in the territory concerned (for example, for the Sheet-Glass Works Convention, 1934 (No. 43), absence of sheet-glass works). If this is not the case and the Convention is not in fact applied, it is suggested that the report should indicate concisely the nature of the local circumstances which make it impossible to apply even partially the terms of the Convention or which have prevented it being so applied. If the Convention has been in force for the Member concerned for five or more years, it should, in accordance with established procedures, be indicated whether the possibility of applying the Convention fully or with modifications has been examined or re-examined in the light of changes which may have taken place in local conditions. Information as to the composition and activities of any advisory body which may have examined this question would be appreciated.

¹ Article 35, paragraphs 4 and 5, of the Constitution of the I.L.O.

APPENDIX VI

SURVEY OF THE EFFECTIVENESS OF THE OBSERVATIONS MADE BY THE COMMITTEE OF EXPERTS AND THE CONFERENCE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

Introduction

1. At its 23rd Session (March 1953) the Committee of Experts had before it the results of a pilot inquiry on the effectiveness of the observations made by this Committee and by the Conference Committee concerning the application of ratified Conventions. While the Committee of Experts felt that it was not in any way part of its functions to undertake the responsibility of such an inquiry it agreed that it was of definite interest and that the Office might therefore widen the scope of this study, to this end the Committee made suggestions for the choice of additional Conventions to be covered.

2. The Conference Committee at the 36th Session (June 1953) displayed considerable interest in the inquiry and several of its members expressed the hope that if this undertaking led to any definite conclusions these might be brought to the attention not only of the Committee of Experts but also of the Conference Committee.

3. The Office has consequently expanded the scope of the study and the preliminary results of its investigations are submitted in the present note.

4. The inquiry concerns the effectiveness of the observations made by the Committee of Experts and the Conference Committee; it is not intended to be a comprehensive appraisal of the effectiveness of ratified Conventions. The source material used consists of the information regularly supplied by governments in reply either to the annual report forms or to requests for supplementary data from the above Committees. Such a survey cannot cover the extent to which national law in conformity with the terms of ratified Conventions is, in fact, effectively applied throughout the territory of a Member, nor can it attempt to appraise the extent to which changes made in the legislation prior to, or with a view to, ratifying the Convention can be attributed directly or indirectly to the Convention or to other I.L.O. action. Still less can the present inquiry concern itself with the more general and often discussed question whether the extent to which international labour Conventions have been ratified by the member States can be regarded as satisfactory.

5. The survey does, however, show more clearly and more fully than has been possible thus far the extent to which the observations formulated by the competent organs of the I.L.O. in their efforts to promote legislative implementation of the Conventions adhered to by the member countries have been effective in practice within these countries. It is therefore a useful contribution to a wider appreciation of the significance of the results achieved.

Method of Procedure

6. The Committee of Experts had agreed at the above session that the survey should be widened to

cover, in addition to the four texts¹ which had formed the subject of the pilot inquiry, 12 other Conventions:

Night Work (Women), 1919 (No. 4).

Minimum Age (Industry), 1919 (No. 5).

Night Work of Young Persons (Industry), 1919 (No. 6).

Minimum Age (Sea), 1920 (No. 7).

Right of Association (Agriculture), 1921 (No. 11).

Minimum Age (Trimmers and Stokers), 1921 (No. 15).

Workmen's Compensation (Occupational Diseases), 1925 (No. 18).

Equality of Treatment (Accident Compensation), 1925 (No. 19).

Inspection of Emigrants, 1926 (No. 21.)

Seamen's Articles of Agreement, 1926 (No. 22).

Minimum Wage-Fixing Machinery, 1928 (No. 26).

Underground Work (Women), 1935 (No. 45).

7. At the suggestion of certain members of the Committee these additional texts were chosen on the sole basis of the number of ratifications. In order to make the sample chosen still more representative, the Office, using the criterion of number of ratifications adopted by the Committee, included six further Conventions in the study, namely:

Hours of Work (Industry), 1919 (No. 1).

Unemployment, 1919 (No. 2).

Unemployment Indemnity (Shipwreck), 1920 (No. 8).

White Lead (Painting), 1921 (No. 13).

Medical Examination of Young Persons (Sea), 1921 (No. 16).

Workmen's Compensation (Occupational Diseases) (Revised), 1934 (No. 42).

8. The present inquiry thus covers 22 Conventions representing 703 ratifications, i.e., 50.3 per cent. of the total number registered on 15 December 1953, the closing date of the inquiry. A sample of this size should be sufficiently representative to yield reasonably valid results.

9. In an investigation of this type the overriding aim is to obtain and present the findings on the basis of the strictest objectivity. It is equally important that these findings should be set out with a maximum of clarity. For this purpose the basic information, with dates, is presented as succinctly as possible, while fuller particulars, as well as all necessary references, are given separately.

¹ Minimum Age (Agriculture), 1921 (No. 10); Weekly Rest (Industry), 1921 (No. 14); Workmen's Compensation (Accidents), 1925 (No. 17); Marking of Weight (Packages Transported by Vessels), 1929 (No. 27).

10. In order to facilitate the analysis and comparability of the results, the various stages of implementing a ratified Convention are classified under the headings already used in the pilot inquiry:

Category 1: No observations of substance were made either by the Committee of Experts or by the Conference Committee.

Category 2: the observations made by the Committees resulted in changes in the national law ensuring conformity with the provisions of the Convention; credit is taken for the elimination of discrepancies either when the fact has been clearly acknowledged by the Committees or when the adoption of the necessary legislation eliminated the need for repeating previous substantive observations, e.g., after the resumption of the Committees' sessions following their wartime interruption (1940-45); it will be observed that these cases, which are fully documented under the heading

(b) in 13.3 per cent. of the cases, the observations made have led to complete implementing action by governments;

(c) in a further 9.8 per cent. of the cases, the governments' attention has been called to discrepancies, but so far without success or with only partial success; in 1.9 per cent. of the cases (or 20 per cent. of the total number of cases in which there are still discrepancies) the matter was first drawn to the attention of the governments concerned less than four years ago;

(d) finally, in the remaining 6.1 per cent. of the cases, it has not been possible to reach a definite conclusion on the basis of the information at hand.

13. The position is therefore that in 84.1 per cent. (494) of the cases examined there appears to be full legislative compliance with the terms of the Convention; in 6.1 per cent. (36) of the cases no definite

Convention No.	Total number of ratifications	Results of examination				No information available	
		(1) No substantive observations	(2) Observations effective	(3) Observations not yet effective	(4) Information insufficient	(5) First report not yet examined	(6) Special cases
1	25	11	4	3	2	1	4
2	33	20	4	5	—	—	4
4	35	13	5	8	3	1	5
5	33	18	5	2	1	2	5
6	34	14	7	4	2	1	6
7	35	24	3	1	2	—	5
8	30	15	7	2	1	—	5
10	23	16	1	—	1	1	4
11	38	29	—	1	1	2	5
13	28	12	4	4	1	2	5
14	40	24	4	2	2	2	6
15	35	24	3	2	1	—	5
16	36	20	7	3	1	—	5
17	25	10	4	6	1	1	3
18	33	26	2	—	1	1	3
19	43	32	4	1	—	1	5
21	22	19	—	—	2	—	1
22	30	15	2	6	4	—	3
26	26	13	2	2	6	1	2
27	38	18	9	2	2	2	5
42	25	19	—	2	1	3	—
45	36	24	1	2	1	7	1
	703	416	78	58	36	28	87

"(b) Particulars", represent only one-third of the total number of cases in Category 2.

Category 3: The observations made by the Committees have not yet led to full conformity.

Category 4: The information at hand is not sufficient to determine conclusively the existence or lack of conformity.

Category 5: No information is available because the first report on the application of the Convention has not yet been examined.

Category 6: No information is available as no reports have been received for a number of years, due to special circumstances.

Findings

11. The findings for each Convention are given in an annex to the present note. The resulting figures may be summarised in tabular form:

12. Expressed in percentages, these figures show that—

(a) in respect of 70.8 per cent. of the ratifications examined, no intervention by the Committee of Experts or the Conference Committee was required;

conclusion can be reached on the basis of the information at hand; in 9.8 per cent. (58) of the cases discrepancies continue to exist, and in 46 such cases these discrepancies have not as yet been eliminated four or more years after they had first been called to the governments' attention.

14. Viewed from yet a different angle, the results indicate that in 136 cases the attention of governments had to be drawn to cases of non-conformity between their legislation and a Convention, and that in 57.4 per cent. (78) of these cases such observations have already resulted in legislative changes ensuring full conformity.

15. Finally, it may be of interest to note that 35 (60 per cent.) of the 58 cases where conformity has not yet been achieved concern six countries¹, while the remaining 23 cases (40 per cent.) relate to 15 countries.²

¹ Afghanistan, Argentina, Chile, Colombia, Mexico, Uruguay.

² Austria, Belgium, Canada, China, Czechoslovakia, the Dominican Republic, France, Greece, Hungary, the Netherlands, Poland, Switzerland, Turkey, Venezuela, Yugoslavia.

ANNEX

Hours of Work (Industry) Convention, 1919 (No. 1)

(Number of Ratifications Covered: 21)

(a) *Summary*

1. *No substantive observations made*, 11 countries: Argentina, Belgium, Burma, Czechoslovakia, India, New Zealand, Pakistan, Peru, Portugal, Uruguay, Venezuela.

2. *Effect given to observations*, 4 countries:

Country	Ratification	First observation	Action taken
Bulgaria	1922	1933	1937
Chile	1925	1927	1931
Cuba	1934	1936	1940
Luxembourg	1928	1931	1933

3. *Effect not yet given to observations*, 3 countries:

Canada	1935	1938	—
Dominican Republic . . .	1933	1953	—
Greece	1920	1927	—

4. *Available information insufficient*, 2 countries:

Colombia	1933	1951	—
Israel	1951	1953	—

5. *First report not yet examined*:

Haiti	1952	—	—
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(b) *Particulars*¹2. *Effect Given to Observations.*

Bulgaria. The question of the notification of hours of work and rest intervals in workplaces (Article 8 (1)) was raised (1934, R.C.E. 6). In its report for 1935-36 the Government stated that regulations had been issued requiring owners of industrial undertakings to post such notices (1937, S.A.R. 22).

Chile. The Government's attention was drawn to the too extensive exceptions to the eight-hour day and 48-hour week authorised under the national legislation (Article 6) (1927, R.C.E. 402); subsequently observations were made on discrepancies between the national legislation and the Convention in respect of the scope of the relevant legislation (Article 1) (1929, R.C.C. 818) and other points (1931, R.C.C. 622). According to the Government, Legislative Decree No. 178 of 28 May 1931 contained the necessary modifications of the national legislation (1932, S.A.R. 5).

Cuba. The Government's attention was drawn to discrepancies between the national legislation and the Convention in respect of the distribution of daily hours of work (Article 2) and the authorisation of exceptions (Articles 3 and 6) (1936, R.C.E. 6). These discrepancies were rectified under the Constitution of 1940 (1945, S.A.R. 6).

Luxembourg. The Government's attention was drawn to discrepancies between the national legislation and the Convention in respect of the scope of application (Article 1) (1931, R.C.E. 457). Decrees issued on 30 March 1932 and 6 January 1933 provide for an extension of the scope of the relevant national legislation (1932, R.C.C. 605 and 675; 1933, R.C.E. 7).

3. *Effect Not Yet Given to Observations.*

Canada. A special position exists inasmuch as the legislation to give effect to the Convention was declared *ultra vires* of the Parliament of Canada (see also under Conventions Nos. 14 and 26) (1938, R.C.E. 6). However,

¹ In citations the number preceding the letters is that of the year; the numbers following are page numbers. The following abbreviations are used:

S.A.R. = Summary of Annual Reports.

R.C.E. = Report of the Committee of Experts on the Application of Conventions and Recommendations. (For the years 1927-32 this was appended to the Report of the Director and the pages refer to the edition incorporated in the *Record of Proceedings* of the relevant session of the Conference. Since 1933 this Report has been published separately.)

R.C.C. = Report of the Conference Committee on the Application of Conventions and Recommendations. (Except for 1953, the pages refer to the *Conference Record of Proceedings*.)

the Government stated that, while recognising that the provinces were autonomous in their own fields, it would continue to seek to bring about progressively the fuller application of the Convention (1950, R.C.C. 465).

Dominican Republic. The question of apparent discrepancies between the national legislation and certain provisions of the Convention has been raised in connection with the Labour Code of 1951: definition of hours of work and the exclusion of certain categories of workers (Article 2), authorised overtime in certain circumstances (Articles 3, 4, 6) and the case of continuous processes (Article 7) (1953, R.C.E. 18).

Greece. The attention of the Government was drawn to the necessity of extending the scope of the legislation limiting hours of work (Articles 1 and 12) (1927, R.C.E. 402); this extension has been progressively brought about but is not yet as complete as is required in the Convention (1953, R.C.E. 18; 1953, R.C.C. 11).

4. *Available Information Insufficient.*

Colombia. Additional information was requested on the consultation of employers' and workers' organisations (article 6, paragraph 2 of the Constitution) and on enforcement provisions (article 8) (1951, R.C.C. 559; 1953, R.C.C. 10).

Israel. The Government has been requested to supply additional information on a number of points where the degree of conformity between the national legislation and the provisions of the Convention is not clear (1953, R.C.C. 11).

Unemployment Convention, 1919 (No. 2)

(Number of Ratifications Covered: 29)

(a) *Summary*

1. *No substantive observations made*, 20 countries: Austria, Belgium, Bulgaria, Burma, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Switzerland, the Union of South Africa, the United Kingdom, Yugoslavia.

2. *Effect given to observations*, 4 countries:

Country	Ratification	First observation	Action taken
Argentina	1933	1936	1953
Greece	1920	1927	1938
New Zealand	1938	1939	1948
Sweden	1921	1929	1935

3. *Effect not yet given to observations*, 5 countries:

Chile	1933	1936	—
Colombia	1933	1935	—
Turkey	1950	1952	—
Uruguay	1933	1936	—
Venezuela	1944	1947	—

(b) *Particulars*2. *Effect Given to Observations.*

Argentina. The Government indicated that Draft Regulations had been prepared with a view to co-ordinating the work of all free public employment agencies and concerning the appointment of members of committees attached to these agencies (1936, R.C.C. 573). Under Act No. 13591 of 11 October 1941 a National Employment Service Directorate was established to carry out the functions of the advisory committees provided for in Article 2 of the Convention (1952, R.C.E. 16). An advisory committee was appointed for persons employed by public entertainment undertakings (1953, R.C.E. 19).

Greece. It was difficult to form an opinion as to whether the employment exchange operations represented the effective application of Article 2 (1927, R.C.E. 404). The Act of 13 June 1935 provides for the setting up of 30 free public employment exchanges supervised by advisory committees (1936, R.C.C. 584). The Government reported the actual creation of employment exchanges (1938, R.C.E. 7).

New Zealand. The Government indicated that advisory committees had ceased to function (1939, R.C.E. 8). The Employment Act of 1945 authorised the Minister of Employment to set up advisory committees where necessary (1947, R.C.E. 11). In an appendix to its report for 1944-48, the Government gave detailed information regarding the employment advisory committees set up in accordance with the provisions of the Employment Act (1949, S.A.R. 16).

Sweden. As free private employment agencies are not subject to supervision no measures were taken to co-ordinate their activities with those of the public exchanges (1929, R.C.E. 521). A new Act of 18 April 1935 gives the State power to supervise private employment agencies conducted for profit (1936, R.C.E. 7).

3. Effect Not Yet Given to Observations.

Chile. No regulations have been issued for the setting up of advisory committees under Article 2 (1936, R.C.E. 7). As soon as the technical assistance requested from the I.L.O. has been received a Supreme Decree will be promulgated for the establishment of joint advisory committees representing all categories of workers (1953, R.C.E. 19).

Colombia. The Committee noted that the National Labour Office was examining the Convention with a view to the adoption of appropriate measures (1935, R.C.C. 756). A new department in the Ministry of Labour is now functioning and in July 1953 will begin the compilation of comprehensive statistics with a view to organising public employment agencies in compliance with the provisions of the Convention (1953, R.C.C. 11).

Turkey. Legislation of 1946 and 1950 provides for the setting up of advisory committees, but the Government did not indicate that such committees had been set up (1952, R.C.E. 16). The final formalities for issuing regulations providing for the setting up of advisory committees will be completed shortly (1953, R.C.C. 11).

Uruguay. The decree of 2 April 1934 laid down the rules for the organisation and working of the National Employment Offices and the employment agencies which are to be set up (1936, R.C.C. 575). Although there was no system of employment offices, an exchange service (including a labour exchange for dockworkers) was in existence, free of charge, administered by an official commission, and complied with the terms of the Convention (1953, R.C.C. 12).

Venezuela. The Government did not state whether joint consultative committees regarding the functioning of the regional employment offices had been set up as provided for by Article 2 (1947, R.C.C. 554). The Committee requested information regarding measures taken to ensure the setting up of joint committees and the co-ordination of the activities of private non-fee charging employment agencies with those of public agencies (1953, R.C.E. 19). Tripartite committees had been instituted by a decree but practical difficulties prevented their functioning. The Government indicated that it was endeavouring to incorporate the activities of the existing two free employment agencies and, with the collaboration of the I.L.O., it hoped shortly to be able to fulfil all its obligations (1953, R.C.C. 12).

Night Work (Women) Convention, 1919 (No. 4)

(Number of Ratifications Covered: 30)

(a) Summary

1. *No substantive observations made*, 13 countries: Belgium, Bulgaria, Burma, Cuba, Greece, Ireland, Luxembourg, the Netherlands, Pakistan, Portugal, Switzerland, the Union of South Africa, Venezuela.

2. Effect given to observations, 5 countries:

Country	Ratification	First observation	Action taken
Argentina	1933	1936	1949
Brazil	1934	1935	1937
Hungary	1929	1930	1936
India	1921	1931	1934
Italy	1923	1949	1953

3. Effect not yet given to observations, 8 countries:

Country	Ratification	First observation	Action taken
Afghanistan	1939	1950	—
Austria	1924	1949	—
Chile	1931	1938	—
Colombia	1933	1935	—
Czechoslovakia	1921	1949	—
France	1925	1949	—
Uruguay	1933	1936	—
Yugoslavia	1927	1936	—

4. Available information insufficient, 3 countries:

Albania	1932	—	—
Ceylon	1951	1953	—
Peru	1945	1950	—

5. First report not yet examined:

Viet-Nam	1953	—	—
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(b) Particulars

2. Effect Given to Observations.

Argentina. The Government indicated that under the Act of 30 September 1924 the compulsory period of nightly rest was only ten hours in summer (1936, R.C.C. 576). Order No. 355 issued by the Ministry of Labour on 2 December 1949 lays down that work timetables shall not be approved unless they ensure an interval of at least 11 consecutive hours between the end of one day's work and the beginning of the next (1951, R.C.E. 12).

Brazil. The relevant legislation did not provide that the term "night" should mean a period of at least 11 consecutive hours (1935, R.C.E. 5). A committee was set up by the Ministry of Labour to bring the national legislation into harmony with the provisions of ratified Conventions (1938, R.C.E. 8). Convention No. 4 was denounced by Brazil on 8 June 1936 (when the Government ratified Convention No. 41). Decree No. 1936 of 19 January 1937 was promulgated to give effect to the last-named Convention (1939, R.C.C. 418).

Hungary. A ministerial ordinance to implement the 1928 legislation for the application of the Convention had not yet been issued (1930, R.C.E. 650). The legislation for the application of the Convention has come into force (1932, R.C.E. 610). The Government stated that it would take account of the observations made by the Committee of Experts when it was preparing to ratify the revised Convention (No. 41) (1935, R.C.C. 762). Convention No. 41 was ratified by Hungary on 8 December 1936 and has not given rise to any observations.

India. The night period during which the employment of women is forbidden was fixed between 7 p.m. and 5.30 a.m.; consequently the period of 11 consecutive hours' nightly rest laid down in Article 2 of the Convention was not ensured (1931, R.C.E. 476). The national legislation has been amended on this point by the Factories Bill, 1933 (1934, R.C.E. 8).

Italy. Act No. 653 of 1934, which prohibits the employment of women at night, defines the term "night" in conformity with the Convention, except as regards night work in bakeries (1949, R.C.E. 19). The Government has decided once again to apply, in full, Act No. 653 and to refuse all requests for the authorisation of night work for women except in cases of *force majeure* and in the case of undertakings dealing with raw materials subject to rapid deterioration; these cases are in full conformity with Article 4 of the Convention (1953, R.C.E. 21).

3. Effect Not Yet Given to Observations.

Afghanistan. Industrial development in Afghanistan has not reached the stage when the employment of women would be necessary. Nevertheless the Government had taken steps to incorporate the Convention in its Labour and Employment Act (1950, R.C.E. 17), (1953, R.C.E. 10).

Austria. The Government indicated that the existing legislation contained some provisions which were not in conformity with the Convention but that new legislation was being prepared to remove the discrepancies which existed (1949, R.C.E. 18-19). The Government stated that as both Convention No. 4 and the revised Convention No. 89 which was ratified in 1950 contain largely similar provisions, applied by the same legislation, Austria would report in future on Convention No. 89. The Committee pointed out that the Government remains bound by Convention No. 4 until this Convention has been denounced (1953, R.C.E. 36). The Government's first report on

Convention No. 89 revealed certain discrepancies between the legislation and the Convention. The Government stated that the draft new Hours of Work Order would take into account the requirements of the Convention (1953, R.C.C. 25).

Chile. Chilean legislation is not in conformity with Article 3 of the Convention, since it applies only to manual workers and not to all women as required by the Convention. The national legislation would appear to be in harmony with Convention No. 41 which allows certain exceptions, particularly for women holding positions of management, etc. (1939, R.C.E. 9). The national legislation is in complete harmony with Convention No. 89 but it has not yet been possible to obtain a decision by the National Congress regarding the ratification of Convention No. 89 and the denunciation of Convention No. 4 (1953, R.C.C. 14).

Colombia. The Government stated that it was considering the possibility of ensuring compliance with the Convention (1935, R.C.E. 5). The Labour Code prohibits the employment of pregnant women on night work which lasts for more than five hours. The Government hoped to be able to eliminate altogether the night work of women (1953, R.C.C. 14).

Czechoslovakia. A Notification was issued in 1947 permitting the employment of women over 18 years of age during the night where this was necessary to ensure a smooth electricity supply; another Notification authorised the employment of women over 18 years of age between 10 p.m. and 5 a.m. during the sugar-beet season (1949, R.C.E. 19). The Government indicated that the above measures were necessary in view of the great development of industrial production and could only be authorised in agreement with the trade union movement. Article 5 of Convention No. 89 (which is now in force for Czechoslovakia) provides 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 national emergency the national interest demands it. However, the Government can only make use of these provisions provided it has denounced Convention No. 4 (1953, R.C.E. 21).

France. A new section of Book II of the Labour Code authorises undertakings, by way of exception, to allow exceptions to the prohibition of the night work of women in the case of shift-work undertakings engaged in work for the national defence. An exception of this nature is not provided for in Convention No. 4 (1949, R.C.E. 19). The Government has decided to make the necessary legislative changes at a later date and intends to ratify Convention No. 89; it will then be free to denounce Convention No. 4 (1953, R.C.E. 21). A Government representative stated that the above exception had been introduced by a war text which had not made provision for the consultation of employers' and workers' organisations; labour inspectors had received formal instructions to hold the necessary consultations before allowing exceptions. The legislation would be modified when Convention No. 89 was ratified (1953, R.C.C. 14). France ratified Convention No. 89 on 21 September 1953; the first report on this last-named Convention is not yet due. The ratification of Convention No. 89 involves the immediate denunciation of Convention No. 41. France has not yet denounced Convention No. 4.

Uruguay. The Government indicated that a special committee had been set up to examine and propose the necessary measures for ensuring conformity between the national legislation and the Conventions ratified by Uruguay (1936, R.C.E. 13). The Bill to give effect to the Convention, which was forwarded to the Senate in 1938, has not yet been discussed. The Government has submitted a new Bill to give effect to Convention No. 41, which it intends to ratify (1949, R.C.E. 19).

Yugoslavia. The relevant legislation (Workers' Protection Act of 28 February 1922) does not apply to women holding positions of management (1936, R.C.E. 9). Measures to adapt the national legislation to the terms of the Convention have been taken by inserting in the decree concerning labour relations provisions which are in harmony with the Convention (1953, R.C.E. 21). The above-mentioned decree had not yet been adopted because major constitutional modifications had been made in the organisation of the supreme authorities of the country (1953, R.C.C. 14).

4. Available Information Insufficient.

Albania. No reports have been received since 1939.

Ceylon. The Government indicated that advantage had been taken of Article 8 of Convention No. 41, according

to which the Convention is not applicable to women holding responsible positions of management. Convention No. 4 makes no provision for this exception; moreover, Convention No. 41, also ratified by Ceylon, appeared to be correctly applied (1953, R.C.E. 21). The Government is considering denouncing Convention No. 4 (1953, R.C.C. 13-14).

Peru. The legislation (Act No. 2851 of 25 November 1931) authorised the employment of women if this was justified in the interests of an undertaking for not more than 60 days each year and for not less than ten hours each day (including day and night); Article 6 of the Convention provides that in all cases of exceptional circumstances the night period may be reduced to ten hours on 60 days of the year. Consequently the day and night period would seem to overlap (1950, R.C.E. 18). The report for 1951-52, which was received too late for examination, contains additional information bearing on the above discrepancies (1953, R.C.C. 10).

Minimum Age (Industry) Convention, 1919 (No. 5)

(Number of Ratifications Covered: 28)

(a) Summary

1. *No substantive observations made*, 18 countries: Argentina, Belgium, Brazil, Ceylon, Cuba, Czechoslovakia, Denmark, France, Greece, Ireland, Japan, Luxembourg, the Netherlands, Norway, Poland, Switzerland, the United Kingdom, Venezuela.

2. *Effect given to observations*, 5 countries:

Country	Ratification	First observation	Action taken
Austria	1936	1949	1952
Bulgaria	1922	1930	1932
Chile	1925	1927	1931
Dominican Republic	1933	1947	1953
Yugoslavia	1927	1932	1946

3. *Effect not yet given to observations*, 2 countries:

Colombia	1931	1935	—
Uruguay	1933	1936	—

4. *Available information insufficient*:

Albania	1932	—	—
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5. *First report not yet examined*, 2 countries:

Israel	1953	—	—
Viet-Nam	1953	—	—

(b) Particulars

2. *Effect Given to Observations.*

Austria. The Federal Act of 1 July 1948 prescribed the keeping of registers of young persons (Article 4 of the Convention) only for undertakings employing more than five young persons (1949, R.C.E. 19). The Federal Act of 13 February 1952 requires that all industrial undertakings employing young persons should without exception keep a register (1952, R.C.C. 496).

Bulgaria. The Social Insurance Act of 1924 did not require the keeping of a register of young persons (1930, R.C.E. 610). A circular of the Labour Directorate made the keeping of such a register compulsory (1933, S.A.R. 100).

Chile. The Act of 8 September 1924 permits the employment of children over 12 years of age who have completed their compulsory school attendance (1927, R.C.E. 425). The Decree of 29 November 1931 eliminated this discrepancy (1932, R.C.E. 611).

Dominican Republic. Acts No. 637 of 16 June 1944 and No. 1075 of 4 January 1946 were not in conformity with the Convention (1947, R.C.E. 13). Under the new Labour Code the employment of children under 14 years of age is now prohibited (1953, R.C.E. 21-22; 1953, R.C.C. 14).

Yugoslavia. The Act of 9 March 1931 authorised the employment of children in industry from the age of 12 years (1932, R.C.C. 680). Under the Apprentices Act of 1 April 1946 children under 14 years are not permitted to work in industry (1951, S.A.R. 20; 1951, R.C.C. 562).

3. *Effect Not Yet Given to Observations.*

Colombia. The legislation permits the employment of children from the age of 11, provided they possess an elementary school certificate (1935, R.C.E. 8; 1953, R.C.C. 14).

Uruguay. The competent authority appointed by the Child Protection Board can authorise the employment between 12 and 14 years of age (1936, R.C.C. 574). No change has occurred in this situation (1952, R.C.E. 15).

4. Available Information Insufficient.

Albania. No reports have been received since 1939.

Night Work of Young Persons (Industry) Convention, 1919 (No. 6)

(Number of Ratifications Covered: 28)

(a) Summary

1. *No substantive observations made*, 14 countries: Belgium, Bulgaria, Burma, Cuba, Denmark, France, Greece, Hungary, Ireland, Luxembourg, the Netherlands, Pakistan, Poland, Venezuela.

2. Effect given to observations, 7 countries:

Country	Ratification	First observation	Action taken
Argentina	1933	1937	1949
Austria	1924	1948	1948
Brazil	1934	1935	1943
Chile	1925	1927	1931
India	1921	1929	1934
Italy	1923	1949	1953
Portugal	1932	1935	1937

3. Effect not yet given to observations, 4 countries:

Mexico	1937	1938	—
Switzerland	1922	1950	—
Uruguay	1933	1936	—
Yugoslavia	1927	1929	—

4. Available information insufficient, 2 countries:

Albania	1932	—	—
Ceylon	1950	1952	—

5. First report not yet examined:

Viet-Nam	1953	—	—
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(b) Particulars

2. Effect Given to Observations.

Argentina. The night period in the summer was only ten hours instead of 11 hours, as provided for in the Convention (1937, R.C.C. 580). Order No. 355 of the Minister of Labour and Social Welfare, dated 2 December 1949, instructed the competent services of the Ministry not to approve timetables for women and young persons unless these timetables ensured an interval of at least 11 consecutive hours between the end of one day's work and the beginning of the next (1951, R.C.E. 13).

Austria. The Government indicated that it was endeavouring to conform with the provisions of the Convention by means of instructions to the Labour Inspection Service (1948, R.C.E. 17). The Federal Act of 1 July 1948 is in force and it takes due account of the provisions of the Convention (1949, R.C.E. 20).

Brazil. The legislation did not define the term "night" as a period of 11 consecutive hours (1935, R.C.E. 8). The Legislative Decree of 3 November 1932 permitted a general exception in the case of young persons over 16 years of age in continuous process undertakings (1936, R.C.E. 9). These exceptions are eliminated by a Legislative Decree of 1 May 1943. Legislative Decree of 31 May 1943 introduced a period of nightly rest of 11 consecutive hours (1947, R.C.C. 554).

Chile. The legislation did not stipulate that the night period must be of at least 11 consecutive hours (1927, R.C.C. 408). The Labour Code came into force on 28 May 1931 and amended the legislation on this point (1932, S.A.R. 102).

India. The period of 11 hours' nightly rest did not appear to be expressly provided for in the legislation (1929, R.C.C. 824). The new Factories Act was adopted in 1934 in order to implement the provisions of the Convention (1936, R.C.E. 10).

Italy. The legislation did not provide for a period of 11 hours' nightly rest (including the interval between 10 p.m. and 5 a.m.) in bakeries (1949, R.C.E. 20). Owing to the electricity shortage, permits were granted to a few undertakings to employ children at night (1950, R.C.E. 20). The Government decided to apply once again in full Act No. 653 of 26 April 1934 which gives effect to the Convention (1953, R.C.E. 22).

Portugal. Legislative Decree No. 24200 of 24 August 1934 provides for the prohibition of night work of young persons under 16 years of age and authorises the employment of women and young persons outside the limits fixed by this decree (1935, R.C.E. 8). The discrepancy between the national legislation and the provisions of the Convention has been removed (1937, R.C.E. 9).

3. Effect Not Yet Given to Observations.

Mexico. The Government had under consideration the necessary amendments to remove the discrepancy between the national legislation and the provisions of the Convention (the legislation only prohibits the night work of children under 16 years of age and also permits the employment of children during part of the night period laid down in the Convention) (1938, R.C.E. 9). The Government indicated that it is not able at present to modify the ages stipulated in the legislation as these are laid down in the Constitution. The Government intends to denounce this Convention (1952, R.C.C. 496).

Switzerland. The Government explained that difficulties were being experienced in applying the Convention to bakers' apprentices and that the Federal Office of Industry, Arts and Crafts, and Labour was giving attention to the problem (1950, R.C.E. 20). The Government convened a meeting in 1951 to deal with this question. As it had not been found possible to raise the minimum age for entry into apprenticeship, a circular had been sent to the cantons urging strict compliance with the provisions of the Act relating to the employment of young persons in arts and crafts (1953, S.A.R. 32).

Uruguay. The term "night" as defined in the Children's Code of 6 April 1934 means the period between 9 p.m. and 6 a.m. (nine consecutive hours) whereas the Convention provides for a minimum period of 11 consecutive hours (1936, R.C.C. 576). The Government delegate indicated that the Executive Authority had just submitted to Parliament the question of the lack of conformity between the national legislation and the provisions of the Convention. Parliament had appointed a committee entrusted with the preparation of a report on action to ensure full compliance with the obligations undertaken by Uruguay (1949, R.C.C. 444).

Yugoslavia. The Workers' Protection Act of 28 February 1922 provides for an exception to the prohibition of night work in the case of young persons over 16 years of age in connection with the handling of raw materials which deteriorate quickly (1929, R.C.E. 522). Provisions in conformity with the Convention have been incorporated in a draft decree concerning labour relations; it has not yet been possible to promulgate this decree as the national labour legislation is under review in order to adapt it to the new economic situation (1953, R.C.E. 22).

4. Available Information Insufficient.

Albania. No reports have been received since 1939.

Ceylon. Under the legislation in force when Ceylon was a British colony (and when reports were submitted under article 35 of the Constitution of the International Labour Organisation) certain exceptions were possible in the application of the Convention. The Government has raised the question as to whether such exceptions can be continued or whether it must amend its legislation (1952, R.C.E. 4-5; 1953, R.C.C. 14). The question of principle involved is under consideration by the Governing Body.

Minimum Age (Sea) Convention, 1920 (No. 7)

(Number of Ratifications Covered: 30)

(a) Summary

1. *No substantive observations made*, 24 countries: Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China, Cuba, Denmark, Finland, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, Norway, Poland, Sweden, the United Kingdom, Venezuela, Yugoslavia.

2. *Effect given to observations, 3 countries:*

Country	Ratification	First observation	Action taken
Belgium	1925	1927	1928
Dominican Republic. . .	1933	1938	1952
Hungary	1929	1932	1934

3. *Effect not yet given to observations:*

Uruguay	1933	1936	—
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4. *Available information insufficient, 2 countries:*

Ceylon	1950	1953	—
Colombia	1933	1935	—

(b) *Particulars*2. *Effect Given to Observations.*

Belgium. Although the Convention is applied in practice, there is no legislation to implement it (1927, R.C.E. 408). Legislation (Act of 5 June 1928 respecting seamen's articles of agreement) was adopted in order to carry out the provisions of the Convention (1929, R.C.C. 825).

Dominican Republic. Registers are not kept in respect of young persons, as required by Article 4 of the Convention (1938, R.C.E. 9). Regulation No. 7676, issued in application of the Labour Code, and Act No. 3003 of 12 July 1951 respecting harbour and coastguards give effect to the provisions of the Convention (1953, S.A.R. 33).

Hungary. The Government states that as Hungary has no seaports and no seaboard no practical application can be given to the provisions of the Act ratifying the Convention (1932, R.C.E. 613). Legislation has been enacted to enforce the provisions of the Convention (1934, R.C.E. 9).

3. *Effect Not Yet Given to Observations.*

Uruguay. Section 223 of the Children's Code permits the employment of children of 12 years of age; this is not in conformity with the provisions of the Convention (1936, R.C.C. 575). A Government representative stated that, although the national legislation had not laid it down specifically, no child under 14 years of age was entered in the ship's register. The adoption of legislation depended upon Parliament (1953, R.C.C. 14).

4. *Available Information Insufficient.*

Ceylon. The legislation in force appears to limit the scope of application of the Convention (1953, R.C.E. 22). The Government had asked whether the exceptions permitted under the legislation (which was promulgated during the period when article 35 of the Constitution of the International Labour Organisation was applicable to Ceylon) could be continued (1953, R.C.C. 14—Convention No. 6). The question of principle involved is under consideration by the Governing Body.

Colombia. The national legislation does not appear to contain provisions to limit the age for the admission of young persons to employment (1935, R.C.E. 8). No information is given regarding the register required under Article 4 of the Convention (1936, R.C.E. 10). A Government representative stated that the general legislation covered the age for the admission of young persons to employment and that it had not been necessary to adopt special legislation for maritime work (1951, R.C.C. 563). The Committee requested information on the keeping of a register (Article 4 of the Convention) (1953, R.C.C. 14).

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)

(Number of Ratifications Covered: 25)

(a) *Summary*1. *No substantive observations made, 15 countries:*

Australia, Bulgaria, Belgium, Canada, Chile, Denmark, France, Germany, Italy, Luxembourg, Mexico, the Netherlands, Norway, Sweden, the United Kingdom.

2. *Effect given to observations, 7 countries:*

Country	Ratification	First observation	Action taken
Cuba	1928	1935	1953
Finland	1950	1951	1951
Greece	1925	1927	1929
Ireland	1930	1933	1934
Poland	1924	1927	1934
Uruguay	1933	1936	1939
Yugoslavia	1929	1932	1935

3. *Effect not yet given to observations, 2 countries:*

Argentina	1933	1935	—
Colombia	1933	1936	—

4. *Available information insufficient:*

Ceylon	1951	1953	—
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(b) *Particulars*2. *Effect Given to Observations.*

Cuba. The national legislation seemed to exclude vessels with a displacement of less than 100 tons, or 300 cubic metres, from the scope of the Convention. Further, the term "seamen" did not include masters, pilots and pupils in school ships, etc. (Articles 1 and 3 of the Convention) (1935, R.C.E. 9). The Government representative stated that Decree No. 882 gave effect to the Convention in this respect (1933, R.C.C. 14).

Finland. The national legislation did not appear to apply to foreign seamen (1951, R.C.E. 15). Under the Order of 14 June 1951, compensation was granted to foreign seamen (1952, R.C.E. 20).

Greece. It would appear that the relevant legislative provision only made the obligation to pay the indemnity provided for in Article 2 of the Convention binding upon owners of sailing vessels who receive insurance compensation in respect of the loss of the vessel (1927, R.C.E. 409). Legislation was enacted to eliminate this discrepancy (1929, R.C.C. 826).

Ireland. There was no legislation to implement the Convention (1933, R.C.E. 10). The necessary legislation was enacted (1934, R.C.E. 9).

Poland. There was no legislation relating to the Convention (1927, R.C.E. 409). Legislation has been enacted to give effect to the Convention (1934, R.C.E. 9).

Uruguay. The national legislation did not contain any provisions giving effect to the Convention (1936, R.C.C. 575). The Act of 17 May 1939 provides for the payment of unemployment indemnity to shipwrecked seamen (1947, R.C.E. 15).

Yugoslavia. There was no legislation to apply the Convention (1932, R.C.E. 614). The Decree of 29 March 1935 gives effect to the Convention (1936, R.C.E. 11).

3. *Effect Not Yet Given to Observations.*

Argentina. No legislation has been adopted to give effect to the Convention (1935, R.C.E. 9). Article 1004 of the Commercial Code provides that in the case of loss, confiscation or shipwreck of a vessel a seaman may not claim any compensation: this is at variance with the provisions of Article 2 of the Convention (1953, R.C.E. 23). A Government representative stated that article 1004 of the Commercial Code was rarely applied, but that the discrepancy between the national legislation and the Convention in this respect would be taken into consideration when the new Code of Social Law was drawn up (1953, R.C.C. 14).

Colombia. In the absence of a merchant navy, the question of the application of the Convention did not arise, according to the Government (1936, R.C.E. 10). A Government representative stated that appropriate legislation would be adopted shortly (1951, R.C.C. 15). Such action has not yet been taken (1953, R.C.C. 15).

4. *Available Information Insufficient.*

Ceylon. The legislation appears to limit the scope of application of the Convention (1953, R.C.E. 22). The Government had asked whether the exceptions permitted under the legislation (which was promulgated during the period when article 35 of the Constitution of the International Labour Organisation was applicable to Ceylon) could be continued (1953, R.C.C. 14—Convention No. 6). The question of principle involved is under consideration by the Governing Body.

Minimum Age (Agriculture) Convention, 1921 (No. 10)

(Number of Ratifications Covered: 19)

(a) *Summary*

1. *No substantive observations made*, 16 countries: Argentina, Austria, Belgium, Bulgaria, Chile, Cuba, Czechoslovakia, France, Hungary, Ireland, Italy, Japan, Luxembourg, New Zealand, Poland, Sweden.

2. *Effect given to observations:*

Country	Ratification	First observation	Action taken
Dominican Republic. . .	1933	1949	1951

4. *Available information insufficient:*

Uruguay	1933	1936	—
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5. *First report not yet examined:*

Israel	1953	—	—
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(b) *Particulars*2. *Effect Given to Observations.*

Dominican Republic. Acts Nos. 637 of 1944 and 1075 of 1946 contain some provisions which are not in conformity with the provisions of the Convention as regards agriculture (1949, *R.C.E. 21*). The Labour Code is now in force and allows no exceptions regarding the employment of young persons under 14 years of age (1953, *R.C.E. 21*, under Convention No. 5; 1953, *R.C.C. 14*).

4. *Available Information Insufficient.*

Uruguay. Section 223 of the Children's Code authorises the employment of children of 12 years of age in agriculture, outside the hours of school attendance, whereas the Convention fixes the minimum age for admission to employment in agriculture at 14 years (1936, *R.C.C. 575*). A Bill to amend the Children's Code is being prepared (1938, *R.C.E. 11*). There is no information on the legislation fixing the school period (1949, *R.C.E. 21*).

Right of Association (Agriculture) Convention, 1921 (No. 11)

(Number of Ratifications Covered: 33)

(a) *Summary*

1. *No substantive observations made*, 29 countries: Argentina, Austria, Belgium, Burma, Bulgaria, Colombia, Cuba, Czechoslovakia, Denmark, Finland, France, Germany, India, Ireland, Italy, Luxembourg, Mexico, Norway, New Zealand, the Netherlands, Pakistan, Peru, Poland, Sweden, Switzerland, the United Kingdom, Uruguay, Venezuela, Yugoslavia.

3. *Effect not yet given to observations:*

Country	Ratification	First observation	Action taken
Chile	1935	1948	—

4. *Available information insufficient:*

China	1934	1948	—
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5. *First report not yet examined*, 2 countries:

Ceylon	1952	—	—
Greece	1952	—	—

(b) *Particulars*3. *Effect Not Yet Given to Observations.*

Chile. Act No. 8811 of 8 July 1947 contains provisions concerning the right of association of agricultural workers which are more restrictive than the provisions applying to industrial workers (1948, *R.C.E. 18*; 1949, *R.C.C. 454*). A Government representative indicated that draft legislation to eliminate one discrepancy was before Congress and that the other point raised by the Committee of Experts did in fact not concern the right to associate and combine (1953, *R.C.C. 15*).

4. *Available Information Insufficient.*

China. The right of membership in an agricultural trade union is subordinated to at least one year's employment in a given undertaking (1948, *R.C.E. 18*). The Government is not in a position to submit reports (1953, *R.C.C. 8*).

White Lead (Painting) Convention, 1921 (No. 13)

(Number of Ratifications Covered: 23)

(a) *Summary*

1. *No substantive observations made*, 12 countries: Austria, Belgium, Cuba, Czechoslovakia, Finland, France, Luxembourg, the Netherlands, Norway, Poland, Sweden, Venezuela.

2. *Effect given to observations*, 4 countries:

Country	Ratification	First observation	Action taken
Bulgaria	1925	1927	1932
Chile	1925	1932	1940
Greece	1926	1930	1938
Uruguay	1933	1936	1952

3. *Effect not yet given to observations*, 4 countries:

Afghanistan	1939	1950	—
Argentina	1936	1939	—
Colombia	1933	1937	—
Mexico	1938	1939	—

4. *Available information insufficient:*

Yugoslavia	1929	1951	—
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5. *First report not yet examined*, 2 countries:

Italy	1952	—	—
Viet-Nam	1953	—	—

(b) *Particulars*2. *Effect Given to Observations.*

Bulgaria. The Government stated that the Convention is only applied within the limits of the Health and Safety of Workers Act of 1917 and that a Bill to give full effect to the Convention would be adopted (1927, *R.C.E. 412*). The Order of 29 September 1932 and the Regulations of 30 September 1932 gave effect to the Convention (1933, *R.C.E. 11*).

Chile. The Government indicated that the provisions of this Convention were to be incorporated in special Regulations based on paragraph 246 of the Legislative Decree of 29 November 1931 (1932, *R.C.E. 616*). The Regulation No. 655 of 25 November 1940 concerning Industrial Hygiene and Safety brought the legislation into harmony with the Convention (1947, *R.C.E. 16*).

Greece. Articles 5 (iii) (notification and verification of cases or suspected cases of lead poisoning) and 7 (compilation of statistics) of the Convention were not applied by legislation (1930, *R.C.C. 661*). Acts No. 6011 of 29 January 1934 and No. 1204 of 20 April 1938 brought the legislation into conformity with these provisions of the Convention (1939, *S.A.R. 107*).

Uruguay. No legislation had been passed for the application of the Convention (1937, *R.C.E. 11*). A resolution was adopted on 3 March 1937 regulating the use and handling of lead, but it did not comply entirely with the Convention (1938, *R.C.E. 12*). A Decree of 15 September 1952 brought the legislation into conformity with the Convention (1953, *R.C.E. 23*).

3. *Effect Not Yet Given to Observations.*

Afghanistan. Only general Regulations concerning the protection of health exist since white lead is not used by industrial undertakings (1950, *R.C.E. 21*). Appropriate provisions are, however, to be included in the Labour and Employment Act, which is being drafted (1951, *R.C.C. 564*).

Argentina. Only Article 3 of the Convention (prohibition of the employment of males under 18 years of age and of females) was specifically applied and in the City of Buenos Aires certain other provisions of the Convention were in force; the adoption of the necessary Regulations to give full effect to the Convention was being examined (1939, *R.C.E. 12*). A Government representative stated that the necessary legislative measures could be taken (1951, *R.C.C. 564*).

Colombia. The Government stated that the National Health Department would issue the necessary Regulations to give effect to the provisions of the Convention (1937, R.C.E. 11). There still exists no legislation to give effect to the Convention (1953, R.C.C. 15).

Mexico. The Government indicated that it intends to elaborate Regulations concerning industrial hygiene in which the provisions of the Convention will be inserted (1939, R.C.E. 13). The Government representative stated that everything possible would be done to draw up the necessary Regulations (1953, R.C.C. 15).

4. Available Information Insufficient.

Yugoslavia. The Government representative stated that there were no provisions concerning the use of white lead since this substance was scarcely used in the country but that there were Regulations for the protection of workers handling similar harmful substances (1951, R.C.C. 565). The Government representative stated that the next report would supply detailed information on the subject (1953, R.C.C. 16).

Weekly Rest (Industry) Convention, 1921 (No. 14)

(Number of Ratifications Covered: 34)

(a) Summary

1. No substantive observations made, 24 countries: Argentina, Belgium, Bulgaria, Burma, Chile, China, Czechoslovakia, Denmark, Finland, France, Greece, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Peru, Poland, Portugal, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

2. Effect given to observations, 4 countries:

Country	Ratification	First observation	Action taken
India	1923	1927	1932
Ireland	1930	1934	1936
Italy	1924	1948	1948
Turkey	1946	1948	1952

3. Effect not yet given to observations, 2 countries:

Afghanistan	1939	1950	—
Canada	1935	1938	—

4. Available information insufficient, 2 countries:

Colombia	1933	1951	—
Israel	1951	1953	—

5. First report not yet examined, 2 countries:

Cuba	1953	—	—
Haiti	1952	—	—

(b) Particulars

2. Effect Given to Observations.

India. The question of the application of the Convention to certain branches of railway workers was raised (Article 1 of the Convention (1927, R.C.E. 413). The progressive application of the Convention was provided for in the Indian Railways (Amendment) Act, 1930, and the Railway Servants' Hours of Employment Rules, 1931 (1931, S.A.R. 190; 1932, S.A.R. 208).

Ireland. No provision was made for the obligation to inform staff of periods of rest (Article 7) (1931, R.C.E. 461). The Conditions of Employment Act, 1936, provided for the posting of notices indicating hours of work (1937, S.A.R. 207).

Italy. No provision was made for the obligation to inform staff of periods of rest and of special systems of rest (Article 7) (1948, R.C.E. 19). The obligation laid down in Article 7 was re-established under legislation of 1907 and 1908 pending the issue of new provisions (1948, R.C.C. 388-389).

Turkey. No provision was made for the obligation to inform staff of periods of rest and of special systems of rest (Article 7) (1948, R.C.E. 19). The application of the obligation concerning special systems of rest was indicated in 1951, S.A.R. 42. A ministerial circular was issued relating *inter alia* to the obligation to inform staff of periods of rest (1952, R.C.C. 498).

3. Effect Not Yet Given to Observations.

Afghanistan. The national legislation does not define the term "industrial undertaking" as required in the

Convention (Article 1); the legislative position respecting exceptions authorised to the right of a weekly day of rest is not clear (Articles 3, 4 and 6) (1950, R.C.E. 21).

Canada. A special position exists inasmuch as the legislation to give effect to the Convention was declared *ultra vires* of the Parliament of Canada (see also under Conventions Nos. 1 and 26) (1938, R.C.E. 6). However, the Government stated that, while recognising that the provinces were autonomous in their own fields, it would continue to seek to bring about progressively the fuller application of the Convention (1950, R.C.C. 465).

4. Available Information Insufficient.

Colombia. No provision seems to be made for the obligation to inform staff of periods of rest and of special systems of rest (Article 7). A Government representative indicated that the legislation was in conformity with this Article but this statement has not so far been confirmed in the reports (1951, R.C.C. 565; 1953, R.C.C. 16).

Israel. The position of the national legislation with regard to cases where the rest period is not granted to the whole of the staff collectively is not clear (1953, R.C.C. 16).

Minimum Age (Trimmers and Stokers) Convention, 1921

(No. 15)

(Number of Ratifications Covered: 30)

(a) Summary

1. No substantive observations made, 24 countries: Argentina, Australia, Belgium, Bulgaria, Burma, Canada, Chile, China, Cuba, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Pakistan, Poland, Sweden, United Kingdom and Yugoslavia.

2. Effect given to observations, 3 countries:

Country	Ratification	First observation	Action taken
Finland	1925	1930	1931
Hungary	1928	1932	1933
India	1922	1927	1931

3. Effect not yet given to observations, 2 countries:

Colombia	1933	1936	—
Uruguay	1933	1936	—

4. Available information insufficient:

Ceylon	1951	1953	—
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(b) Particulars

2. Effect Given to Observations.

Finland. Section 11 of the Seamen's Act of 8 March 1924 did not entirely comply with Article 5 of the Convention, which refers to the list of persons under 18 years of age to be kept on board (1930, R.C.E. 613). The Government indicated that the Department of Shipping had taken the necessary steps to ensure application of the above Article (1931, R.C.E. 471).

Hungary. The Government indicated that as the country had neither a seaport nor seaboard no application could be given to the Act ratifying the Convention (1932, R.C.E. 618). On 31 May 1933 the Minister of Commerce issued the Decree No. 32043 respecting the application of the Law XVII of 1928, thus enforcing the provisions of the Convention (1934, R.C.E. 10).

India. The Government indicated that the Convention was applied in virtue of instructions given to shipping masters (1927, R.C.E. 413). By the enactment of the Indian Merchant Shipping (Amending) Act of 1931, and of the Notification of 5 March 1931, effect was given by legislation to the provisions of the Convention (1933, R.C.E. 13).

3. Effect Not Yet Given to Observations.

Colombia. The Government indicated that there was no special legislation complying with the Convention but that young seamen were covered by the general legislation on the age of admission to employment (1936, R.C.E. 13). A Government representative stated that under the present Constitution of Colombia all ratified Conventions became the law of the Republic and had priority over any other contradictory legislation (1953, R.C.C. 16).

Uruguay. The Government indicated that, although section 226 of the Children's Code contains provisions

authorising the adoption of legislative measures to protect young persons of less than 18 years of age, there was not as yet any special legislation applying the Convention (1936, R.C.C. 576). There has been no change in the situation (1953, R.C.E. 24).

4. Available Information Insufficient.

Ceylon. The legislation in force appears to limit the scope of application of the Convention (1953, R.C.E. 24). The Government has raised the question of whether the exceptions allowed under this legislation (promulgated during the period when article 35 of the Constitution of the International Labour Organisation was applicable to Ceylon) could be continued (1953, R.C.C. 16). The question of principle involved is under consideration by the Governing Body.

Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)

(Number of Ratifications Covered: 31)

(a) Summary

1. *No substantive observations made*, 20 countries: Australia, Belgium, Bulgaria, Burma, Canada, Chile, Denmark, Finland, France, Germany, Greece, Italy, Japan, Luxembourg, Mexico, the Netherlands, Pakistan, Poland, Sweden, the United Kingdom.

2. *Effect given to observations*, 7 countries:

Country	Ratification	First observation	Action taken
Argentina	1936	1937	1937
Brazil	1936	1938	1943
Cuba	1928	1930	1934
Hungary	1928	1932	1933
India	1922	1927	1931
Ireland	1930	1933	1933
Yugoslavia	1927	1929	1930

3. *Effect not yet given to observations*, 3 countries:

China	1936	1938	—
Colombia	1933	1936	—
Uruguay	1933	1936	—

4. *Available information insufficient*:

Ceylon	1951	1953	—
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(b) Particulars

2. *Effect Given to Observations.*

Argentina. The legislation did not provide for the renewal of the medical examination at intervals (Article 3) (1937, R.C.C. 579; 1937, S.A.R. 241). Decree No. 112924 of 25 August 1937 has established conformity on this point (1938, S.A.R. 127).

Brazil. The legislation does not contain provisions relating to the renewal of the medical examination at intervals (Article 3) (1938, R.C.E. 12). Section 189 of the Labour Code, which came into force on 10 November 1943, provides that the medical examination shall be repeated periodically, at least once a year, in unhealthy or dangerous employment (1952, S.A.R. 33). This provision applies to all occupations, including maritime work (1952, R.C.E. 22).

Cuba. No special legislation had yet been adopted by Congress (1930, R.C.C. 641—General Observations). Legislative Decree No. 592 of 16 October 1934 gave effect to the Convention (1935, S.A.R. 30—Supplement).

Hungary. There was no legislation to give effect to the Convention (1932, R.C.E. 613—Convention No. 7). Order No. 32043 of 1933 respecting the application of Act No. XVI of 1928 to ratify the Convention, provided for application of the latter (1934, S.A.R. 60).

India. Until the Merchant Shipping Act had been amended, the Convention was applied in practice by means of special instructions given to medical officers (1927, R.C.C. 414). The Act of 17 March 1931 amended the existing legislation (1932, S.A.R. 248).

Ireland. The Government had decided to promote the necessary implementing legislation (1933, R.C.E. 13—Convention No. 15). Act No. 29 of 22 August 1933 amended the existing legislation (1934, S.A.R. 112).

Yugoslavia. Although the provisions of Article 3 (annual renewal of the medical examination) were applied in practice, they were not embodied in the legislation

(1929, R.C.C. 829). The Regulations of 1 June 1930, concerning the medical examination of persons employed on board Yugoslav merchant vessels, provides that the medical examination shall be repeated periodically (1932, S.A.R. 253).

3. *Effect Not Yet Given to Observations.*

China. There were no provisions in the legislation to provide for the annual renewal of the medical certificate (1938, R.C.E. 13). The war had interrupted the task of enacting Regulations to give effect to the Convention (1948, S.A.R. 74). Since 1948 no report has been received from China (1953, R.C.C. 8—General Observations).

Colombia. The fact that when Colombia adhered to the Convention there were no legislative provisions relating to the Convention was because the Government had ratified the Convention only as a gesture of international solidarity. However, the Committee of Experts suggested that the Government might incorporate provisions in its legislation to give practical effect to the Convention (1936, R.C.E. 13). A Government representative stated that although the ratification of a Convention involved the incorporation of its provisions in the national legislation, the adoption of special Regulations might be necessary as regards certain Articles of the Convention (1951, R.C.C. 563). No special legislation had yet been adopted in this respect (1953, R.C.C. 16).

Uruguay. The legislation (Child Labour Code) was not in conformity with Article 3 of the Convention (annual renewal of the medical certificate) (1936, R.C.C. 576). A Bill was being prepared to bring the Child Labour Code into complete harmony with the provisions of the Convention (1938, S.A.R. 125). No legislative measures had yet been adopted in this connection (1953, R.C.E. 22—Convention No. 7).

4. *Available Information Insufficient.*

Ceylon. The legislation seems to limit the scope of the Convention (1953, R.C.C. 22—Convention No. 7). The Government had raised the question of whether the exceptions which were permissible under the legislation (promulgated at a time when article 35 of the Constitution of the International Labour Organisation was applicable to Ceylon) could be continued (1953, R.C.C. 14—Convention No. 6). The question of principle is under consideration by the Governing Body.

Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

(Number of Ratifications Covered: 22)

(a) Summary

1. *No substantive observations made*, 10 countries: Austria, Bulgaria, Finland, France, Hungary, Luxembourg, Poland, Sweden, the United Kingdom, Yugoslavia.

2. *Effect given to observations*, 4 countries:

Country	Ratification	First observation	Action taken
Belgium	1927	1929	1930
Cuba	1928	1931	1933
New Zealand	1938	1949	1950
Portugal	1929	1947	1951

3. *Effect not yet given to observations*, 6 countries:

Argentina	1950	1951	—
Chile	1931	1934	—
Colombia	1933	1936	—
Mexico	1934	1935	—
Netherlands	1927	1952	—
Uruguay	1933	1937	—

4. *Available information insufficient*:

Czechoslovakia	1950	1953	—
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5. *First Report Not Yet Examined*:

Greece	1952	—	—
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(b) Particulars

2. *Effect Given to Observations.*

Belgium. The legislation did not provide for additional compensation to pay for the constant help of another person (Article 7 of the Convention) and for the supply and renewal of artificial limbs and appliances (Article 10) (1929, R.C.E. 542). The Act of 18 June 1930 to amend the legislation respecting compensation for injuries resulting

from industrial accidents eliminated the discrepancies (1932, S.A.R. 258).

Cuba. The Congress had not yet adopted appropriate legislation (1930, R.C.C. 641). Decree No. 2687 of 16 November 1933 eliminated this discrepancy (1935, S.A.R. — Supplement No. 1, 32-34).

New Zealand. The additional compensation to an injured workman requiring the constant help of another person (Article 7) was payable, subject to a means test (1949, R.C.E. 22-23). The Workers' Compensation Amendment Act, 1950, eliminated this test (1952, R.C.E. 22).

Portugal. The existing legislation did not provide for Article 7 of the Convention nor for the insolvency of the employer or insurer (Article 11) (1947, R.C.E. 18). Decree No. 38539 of 24 November 1951 implemented the Articles (1953, S.A.R. 56).

3. Effect Not Yet Given to Observations.

Argentina. The existing legislation (Act No. 6988) covers the provisions of the Convention in part only (1951, R.C.E. 17). The Government states that amendments to bring the legislation into conformity with the Convention are being studied by a special committee (1953, R.C.E. 25).

Chile. Compensation is not always paid in the form of a pension (Article 5) (1934, R.C.E. 11). A Government representative stated that the Government would do everything possible to enable the Congress to approve legislative amendments ensuring full conformity with the Convention (1953, R.C.C. 17).

Colombia. The statutory compensation is paid in the form of a lump sum instead of a pension (Article 5) (1936, R.C.E. 14; 1953, R.C.C. 17).

Mexico. The legislation was not in conformity with Articles 5, 10 and 11 of the Convention (1935, R.C.C. 28). The Social Insurance Act of 31 December 1942 eliminated certain discrepancies (Articles 7 and 11) (1946, S.A.R. 53). A Government representative stated that the ratification of the Convention had given force of law to its provisions (1953, R.C.C. 17).

Netherlands. Additional compensation (Article 7) is not granted in all cases (1952, R.C.E. 22). A Government representative stated that this discrepancy would be eliminated at an early date when the relevant Act is revised (1952, R.C.C. 498).

Uruguay. Articles 6 (waiting period), 7, 9 (medical and surgical aid), 10 and 11 were not applied (1937, R.C.E. 12-13). Act No. 10004 of 28 February 1941 concerning compensation for industrial accidents and occupational diseases eliminated all these discrepancies, except Article 11 (1946, S.A.R. 53-54). The Government stated that the Executive Branch had asked Parliament repeatedly to adopt a compulsory industrial accident insurance law (1950, R.C.C. 470).

4. Available Information Insufficient.

Czechoslovakia. Further information was requested on the proper utilisation of compensation paid in a lump sum (Article 5) (1953, R.C.E. 25). A Government representative stated that his Government would reply to the Experts' query in its next report (1953, R.C.C. 8).

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)

(Number of Ratifications Covered: 30)

(a) Summary

1. *No substantive observations made*, 26 countries: Austria, Bulgaria, Burma, Chile, Czechoslovakia, Denmark, Finland, France, Germany, Hungary, India, Iraq, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, the United Kingdom, Uruguay, Yugoslavia.

2. Effect given to observations, 2 countries:

Country	Ratification	First observation	Action taken
Belgium	1927	1932	1945
Cuba	1928	1930	1933

4. Available information insufficient:

Colombia 1931 1936 —

5. First report not yet examined:

Ceylon 1932 — —

(b) Particulars

2. Effect Given to Observations.

Belgium. There was incomplete conformity between the benefits paid in respect of industrial accidents and of occupational diseases (1932, R.C.E. 620-621). The Legislative Decree of 20 September 1945 eliminated the discrepancy (1947, S.A.R. 60).

Cuba. The Government indicated that there was no legislation to apply the Convention (1930, R.C.C. 641). The Convention was implemented by the Decree No. 3341 of 30 December 1933 (1936, S.A.R. 221).

4. Available Information Insufficient.

Colombia. The Government indicated that a Bill had been submitted to Congress (1936, R.C.E. 14). The Conference Committee requested additional information on the compensation of occupational diseases (1953, R.C.C. 17).

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

(Number of Ratifications Covered: 38)

(a) Summary

1. *No substantive observations made*, 32 countries: Austria, Belgium, Burma, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, Finland, France, Germany, Hungary, India, Iraq, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, Norway, Pakistan, Peru, Poland, Switzerland, the Union of South Africa, the United Kingdom, Uruguay, Venezuela, Yugoslavia.

2. Effect given to observations, 4 countries:

Country	Ratification	First observation	Action taken
Bulgaria	1929	1933	1935
Greece	1936	1937	1951
Portugal	1929	1931	1931
Sweden	1926	1950	1952

3. Effect not yet given to observations:

Argentina 1950 1951 —

5. First report not yet examined:

Indonesia 1927 — —

(b) Particulars

2. Effect Given to Observations.

Bulgaria. Equality of treatment without any conditions of residence was not clearly established (1933, R.C.E. 13). A Legislative Decree of 5 January 1935 guaranteed full equality of treatment (1938, R.C.E. 13).

Greece. Foreigners had a right to pensions only if they resided in Greece (1937, R.C.E. 13; 1939, R.C.C. 420-421). Emergency Act No. 1846 of 14 June 1951 ensured equal treatment as regards coverage for Greek and foreign nationals (1952, S.A.R. 40).

Portugal. Decree No. 5637 of 1919 prohibited the dependants of foreigners from receiving any compensation if they lived outside Portugal at the time of the accident (1931, R.C.E. 463-464). A decree of 10 August 1931 eliminated this discrepancy (1932, R.C.E. 621).

Sweden. Equality of treatment was not granted to the nationals of all ratifying States (1950, R.C.E. 24). A Royal Order of 15 May 1952 granted equality to the nationals of Egypt, Peru and Venezuela (1953, R.C.E. 25).

3. Effect Not Yet Given to Observations.

Argentina. Dependants of foreign workers are disqualified from receiving benefits if they did not reside in the country at the time of the accident; full equality is granted only to the nationals of States which concluded special reciprocal agreements with Argentina (1951, R.C.E. 18). An Employment Injury Compensation Bill before Congress will, when passed into law, ensure conformity with the provisions of the Convention (1952, S.A.R. 39).

5. First Report Not Yet Examined.

Indonesia. Indonesia declared herself bound in 1951 by this Convention, which had been ratified by the Netherlands in 1927.

Inspection of Emigrants Convention, 1926 (No. 21)

(Number of Ratifications Covered: 24)

(a) *Summary*

1. *No substantive observations made*, 19 countries: Argentina, Australia, Austria, Belgium, Burma, Colombia, Czechoslovakia, Finland, Hungary, India, Ireland, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Pakistan, Uruguay, Venezuela.

4. *Available information insufficient*, 2 countries:

Country	Ratification	First observation	Action taken
Albania	1932	—	—
Bulgaria	1931	1950	—

(b) *Particulars*

4. *Available Information Insufficient.*

Albania. No reports have been received since 1939.

Bulgaria. The Government's report for the period 1948-49 indicated that the application of the Convention had "not been legislatively arranged" (1950, R.C.C. 464). No report has been received since this indication of lack of conformity.

Seamen's Articles of Agreement Convention, 1926 (No. 22)

(Number of Ratifications Covered: 27)

(a) *Summary*

1. *No substantive observations made*, 15 countries: Australia, Burma, Canada, Chile, Finland, Germany, India, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the United Kingdom.

2. *Effect given to observations*, 2 countries:

Country	Ratification	First observation	Action taken
Cuba	1928	1930	1934
Yugoslavia	1929	1931	1935

3. *Effect not yet given to observations*, 6 countries:

Belgium	1927	1930	—
Colombia	1933	1936	—
France	1928	1930	—
Mexico	1934	1935	—
Poland	1931	1933	—
Uruguay	1933	1936	—

4. *Available information insufficient*, 4 countries:

Argentina	1950	1951	—
Bulgaria	1929	1933	—
China	1936	1948	—
Venezuela	1944	1947	—

(b) *Particulars*

2. *Effect Given to Observations.*

Cuba. No special legislation had yet been adopted by Congress (1930, R.C.C. 641—*General Observations*). Legislative Decree No. 659 of 6 November 1934 brought the legislation into conformity with the Convention (1935, S.A.R. 41—*Supplement*).

Yugoslavia. The national legislation contained no provisions corresponding to Articles 6, paragraph 3 (10) (information on the termination of the agreement), 10 (automatic termination of agreement), 13 (possibility for seaman to take his discharge in order to obtain a post of a higher grade), and 14 (entry in documents, certifying termination of agreement) of the Convention (1931, R.C.E. 464; 1933, R.C.E. 14). The decree of 29 March 1935, to regulate conditions of work on board vessels engaged in maritime navigation, removed the above-mentioned discrepancies (1936, R.C.E. 16).

3. *Effect Not Yet Given to Observations.*

Belgium. Section 92 of the Act of 5 June 1928 provides that, where the agreement is for an indefinite period, it may not be terminated in a Belgian port, whereas Article 9 of the Convention provides that the agreement may be

terminated in a port where the vessel loads or unloads (1930, R.C.E. 615). The Government stated that, although the object of the existing legislation was to protect the interests of seamen, it would consider the possibility of removing this discrepancy when an occasion occurred for revising the Belgian Act (1932, R.C.E. 640).

Colombia. No legislative measures existed because of the economic conditions of the country and the relatively small size of the mercantile marine (1936, R.C.E. 16). A Government representative stated that, although the ratification of a Convention involved the incorporation of its provisions in the national legislation, the adoption of special Regulations might be required as regards certain Articles (1951, R.C.C. 563). No special legislative measures had yet been adopted (1953, R.C.C. 17).

France. There were various discrepancies between the national legislation and Articles 5 (delivery to seaman of document containing record of employment), 9 and 14 of the Convention (1930, R.C.C. 669). The Government considered these discrepancies to be of minor importance (Article 5) or advantageous to seamen (Article 9) (1931, S.A.R. 401, 407, 412). The Committee took note of the explanations supplied by the Government but noted that the discrepancies still existed (1931, R.C.C. 464).

Mexico. The national legislation was either not in agreement with or contained no provisions regarding Articles 5, 7 (recording of agreement in list of crew), 8, 13 and 14 of the Convention (1935, R.C.C. 757; 1936, R.C.C. 576). The Act of 30 December 1939 respecting general means of communication established a certain amount of conformity as regards Articles 5 and 8 (1947, R.C.E. 19). As regards Articles 7, 13 and 14, the Government stated that the size of the mercantile marine had not necessitated the adoption of subsidiary Regulations but that the observations made by the Conference Committee would be taken into account when such Regulations were drawn up (1952, R.C.C. 499).

Poland. The legislation was not in conformity as regards Articles 9 and 13 (1933, R.C.C. 524). The Government stated in its report that the Act of 28 April 1952 respecting work on board vessels of the mercantile marine would be applied by Orders to give effect to the Convention and would come into force in 1953 (1953, S.A.R. 34—*Convention No. 7*).

Uruguay. The legislation (Commercial Code) was not sufficient to meet the requirements of the Convention (1936, R.C.C. 577—*Convention No. 23*). The report of the Government stated that Parliament was examining a Bill designed to ensure the application of the Convention (1938, S.A.R. 169). The Committee of Experts noted that there had been no material change in the situation (1953, R.C.E. 17—*General Observations*).

4. *Available Information Insufficient.*

Argentina. The information supplied by the Government was not sufficient to judge how the national law and practice gave effect to the provisions of the Convention (1951, R.C.E. 19). The Committee requested more detailed information concerning the application of Articles 1 (vessels to which the Convention applies), 5, 13 and 14 (1953, R.C.E. 26).

Bulgaria. With the exception of certain legislative and administrative provisions which refer only to certain points dealt with by the Convention, there is no legislation corresponding to the latter (1933, R.C.E. 14). In 1936, the Committee of Experts noted that, according to the report, the national legislation contained no provisions corresponding to Articles 11, 12, 13 and 14 of the Convention (1936, R.C.E. 16). From the reports supplied since the war, it is not possible to form an opinion of the extent of conformity between the national legislation and the Convention (1949, R.C.C. 443).

China. The Committee of Experts requested additional information regarding measures which give effect to Articles 8 to 13 of the Convention (1948, R.C.E. 21). A Government representative stated that, owing to the state of war which prevailed, China was not in a position to submit a report (1953, R.C.C. 8).

Venezuela. The Committee of Experts requested additional information in respect of the majority of the Articles of the Convention and, in particular, Articles 5, 6 (terms of the agreement) and 8 (1947, R.C.E. 19). A Government representative informed the Conference Committee that Regulations existed to give effect to the Convention and supplied the text for examination by the Committee of Experts at its next session (1953, R.C.C. 18).

Minimum Wage-Fixing Machinery Convention, 1928
(No. 26)

(Number of Ratifications Covered: 24)

(a) Summary

1. *No substantive observations made*, 13 countries: Austria, Belgium, Chile, Cuba, France, Ireland, Mexico, the Netherlands, New Zealand, Norway, Switzerland, the Union of South Africa, the United Kingdom.

2. *Effect given to observations*, 2 countries:

Country	Ratification	First observation	Action taken
Hungary	1932	1935	1938
Uruguay	1933	1937	1947
[Colombia	1933	1937	1945
(See also under 4.)			and 1949]

3. *Effect not yet given to observations*, 2 countries:

Canada	1935	1938	—
Venezuela	1944	1949	—

4. *Available information insufficient*, 6 countries:

Argentina	1950	1952	—
Bulgaria	1935	1938	—
China	1930	1933	—
Colombia	1933	1951	—
Germany (Federal Republic)	1929	1953	—
Italy	1930	1948	—

5. *First report not yet examined*:

Czechoslovakia	1950	—	—
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(b) Particulars

2. *Effect Given to Observations.*

Hungary. Legislation on the application of the Convention had not yet been adopted (1935, R.C.E. 15). Legislation adopted in 1937 and 1938 ensured the application of the Convention (1939, R.C.E. 16).

Uruguay. Draft legislation to ensure the complete application of the Convention had not yet been adopted (1937, R.C.E. 15). Conformity between the national legislation and the Convention was ensured by the following Acts: Act No. 1910 of 5 February 1940 respecting the wages of homeworkers, Act No. 9675 of 4 August 1937, Act No. 10434 of 9 July 1943 respecting wages in the building industry and Act No. 10449 of 12 November 1943 and the regulations issued thereunder to institute a committee for wages and family allowances (1947, R.C.E. 20).

Colombia. No steps appeared to have been taken for the application of the Convention (1937, R.C.E. 15; 1938, R.C.E. 16). Act No. VI was adopted in this field in 1945 and Decree No. 3871 of 6 December 1949 established a minimum wage of 2 pesos per day (1951, R.C.E. 568). See also under 4.

3. *Effect Not Yet Given to Observations.*

Canada. A special position exists inasmuch as the legislation to give effect to the Convention was declared *ultra vires* of the Parliament of Canada (see also under Conventions Nos. 1 and 14) (1938, R.C.E. 6). However, the Government stated that, while recognising that the provinces were autonomous in their own fields, it would continue to seek to bring about progressively the fuller application of the Convention (1950, R.C.C. 465).

Venezuela. Observations have been made regarding Article 3 of the Convention, relating to the representation of employers and workers in equal numbers on committees called upon to fix minimum wages (1949, R.C.C. 455). The Government representative stated that draft regulations designed to ensure conformity between the legislation and the Convention had been submitted to the executive power and would soon be issued (1953, R.C.C. 21).

4. *Available Information Insufficient.*

Argentina. The Committee of Experts had made an observation regarding the application of Article 3, paragraph 2 (3) of the Convention, which provides that "the minimum rate of wages shall not be subject to abatement by individual agreement, nor, except with the general or particular authorisation of the competent authority, by

collective agreement" (1952, R.C.E. 24; 1953, R.C.E. 28). In 1953 the Government representative stated that there was no discrepancy between the legislation and the Convention, as wages in Argentina were established by the Wages Institute which was of tripartite composition and equivalent to collective agreements and the wages committees of other countries (1953, R.C.C. 19).

Bulgaria. The legislation did not fully comply with the requirements of the Convention (1938, R.C.E. 16). In 1939 the Committee of Experts asked for additional information (1939, R.C.E. 16). No reports have been supplied for the past few years.

China. Because of existing conditions it was decided to postpone temporarily the application of the Convention (1933, R.C.E. 4; 1934, R.C.E. 3). On 23 December 1936 a Minimum Wage Act was promulgated (1937, R.C.E. 15). However, owing to economic and political difficulties, no progress had been made in bringing this Act into force (1938, R.C.E. 16). In 1948 the Committee of Experts again took note of the Government's statement, to the effect that the Act of 1936 could not be enforced because of the war, but that the terms of the Convention were implemented through a number of administrative regulations passed between 1943 and 1947, and requested the Government to supply additional information on the practical application of these regulations (1948, R.C.E. 25). No reports have been received since 1947 (1953, R.C.C. 8).

Colombia. The Government was requested to state whether Decree No. 3871 of 6 December 1949, establishing minimum wages, covered occupations such as homework trades where wages are generally fixed by the task or by piecework, and, in general, the trades or parts of trades in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise, or in which wages are exceptionally low (1951, R.C.C. 568). The Conference Committee also noted, as regards Articles 2 and 3 of the Convention, that the Government had stated in 1953 that the practical application of Act No. I of 1945 concerning the consultation of joint committees would give rise to considerable difficulties; the Committee requested the Government to supply information on this point and expressed the hope that the Government would take the necessary steps to ensure the full application of the above-mentioned Articles of the Convention (1953, R.C.C. 19). See also under 2 above.

Germany (Federal Republic). The Committee of Experts requested certain additional information in 1953, in particular as regards the application of Article 3, paragraph 2 (3) which prohibits the abatement of minimum wages (1953, R.C.E. 44). The Committee took note of the information submitted by the Government (1953, R.C.C. 20); this information will be examined by the Committee of Experts in 1954.

Italy. The former legislation had been repealed and the new Constitution of Italy, which laid down the general principles of trade union legislation, had been submitted to Parliament. The Committee of Experts requested the Government, when the above-mentioned legislation was adopted, to supply information on the relevant provisions relating to the subject matter of the Convention (1948, R.C.E. 22; 1953, R.C.E. 28).

Marking of Weight (Packages Transported by Vessels)
Convention, 1929 (No. 27)

(Number of Ratifications Covered: 33)

(a) Summary

1. *No substantive observations made*, 18 countries: Australia, Austria, Bulgaria, Canada, China, Czechoslovakia, Finland, France, Greece, Hungary, Italy, Luxembourg, the Netherlands, Norway, Pakistan, Portugal, Sweden, Switzerland.

2. *Effect given to observations*, 9 countries:

Country	Ratification	First observation	Action taken
Argentina	1950	1951	1953
Belgium	1934	1947	1948
Burma	1931	1950	1951
Chile	1933	1937	1940
India	1931	1948	1951
Ireland	1930	1933	1934
Poland	1932	1934	1935
Uruguay	1933	1938	1938
Venezuela	1932	1935	1938
[Yugoslavia	1933	1936	1938]

(See also under 3.)

3. *Effect not yet given to observations, 2 countries:*

Country	Ratification	First observation	Action taken
Mexico	1934	1948	—
Yugoslavia	1933	1952	—

4. *Available information insufficient, 2 countries:*

Germany (Federal Republic)	1933	1953	—
Japan	1931	1953	—

5. *First report not yet examined, 2 countries:*

Indonesia	1933	—	—
Viet-Nam	1953	—	—

(b) *Particulars*2. *Effect Given to Observations.*

Argentina. The Government indicated that, although the marking of heavy packages was not required by legislation, this had become a customary obligation which was carried out in practice (1951, R.C.E. 21; 1952, S.A.R. 56). By Decree No. 9652 of 2 June 1953 the marking of the weight on packages of 1,000 kg. or more transported by vessels is made compulsory (1953, R.C.C. 20 and Official Gazette of 23 June 1953).

Belgium. The Royal Order of 31 December 1932 did not contain the word "object" appearing in Article 1 of the Convention (1947, R.C.E. 20). The Order of the Regent of 4 October 1948 eliminated this discrepancy (1949, R.C.E. 25).

Burma. This country, which ceased to be a part of India from 1 April 1937, continues to be bound by the Convention which was originally ratified by India in 1931. Existing regulations provided for application of the Convention only in the port of Rangoon (1950, R.C.E. 27; 1951, R.C.E. 21). Measures were taken to apply the Convention also in the ports of Akyab, Bassein, Mergui, Moulmein and Tavoy (1952, R.C.E. 25).

Chile. No Regulations had as yet been issued (1937, R.C.E. 15). The Industrial Hygiene and Safety Regulations No. 655 of 26 November 1940 contain provisions for the marking of weights on heavy packages (1946, S.A.R. 81).

India. The Convention was not applied in all Indian ports (1948, R.C.E. 23). The Marking of Heavy Packages Act, 1951, and the Rules issued thereunder enforce the Convention throughout the country (1952, R.C.E. 25).

Ireland. Implementing legislation had not yet been adopted (1934, R.C.E. 13). The Convention was implemented by the Carriage by Sea (Heavy Articles) Act of 21 December 1934 (1935, S.A.R. 239).

Poland. The relevant Bill had not yet been enacted (1934, R.C.C. 545). An Act to implement the Convention came into force in February 1935 (1936, R.C.E. 18).

Uruguay. The necessary legislation was before Parliament (1938, R.C.E. 17). A Decree of 10 August 1938 issued regulations for the prevention of accidents to port and maritime workers (1939, R.C.E. 17).

Venezuela. No implementing legislation had as yet been submitted to Congress (1935, R.C.E. 15). The Convention was implemented by the regulations of 30 November 1938 issued under the Labour Act (1946, S.A.R. 81-82).

Yugoslavia. The Convention was only applied by means of a Ministerial Circular (1936, R.C.E. 18; 1936, R.C.C. 596). A decree concerning loading and unloading operations in ports was issued on 4 February 1938 (1938, R.C.C. 512). See also under 3 below.

3. *Effect Not Yet Given to Observations.*

Mexico. The relevant legislation does not apply to vessels engaged in home trade (1948, R.C.E. 23). A Government representative stated that, while the Convention was applied in practice, the observation was a pertinent one (1953, R.C.C. 20).

Yugoslavia. The decree of 4 February 1938 (see under 2 above) is no longer in force. The conformity achieved by this decree, following an observation in 1936, thus no longer exists (1952, R.C.E. 25-26; 1952, R.C.C. 501). A Government representative stated that major constitutional modifications made in the organisation of the supreme authorities had prevented the adoption, until now, of new implementing legislation; national practice was, however, in conformity with the Convention

and the courts and administration considered that ratification gave it force of national law (1953, R.C.C. 20).

4. *Available Information Insufficient.*

Federal Republic of Germany. The Committee requested further information on the practical application of the Convention in the case of unwrapped goods transported in bulk and of local inland navigation (1953, R.C.E. 45).

Japan. Further information was requested on the definition of the term "cargo" and on the persons responsible for the marking of the weight (Article 1) (1953, R.C.E. 45).

5. *First Report Not Yet Examined.*

Indonesia declared herself bound in 1951 by this Convention, which had been ratified by the Netherlands in 1933.

**Workmen's Compensation (Occupational Diseases)
(Revised) Convention, 1934 (No. 42)**

(Number of Ratifications Covered: 25)

(a) *Summary*

1. *No substantive observations made, 19 countries:* Argentina, Austria, Brazil, Bulgaria, Cuba, Czechoslovakia, Denmark, Finland, Hungary, Iraq, Ireland, Japan, the Netherlands, New Zealand, Norway, Poland, Sweden, Turkey and the United Kingdom.

3. *Effect not yet given to observations, 2 countries:*

Country	Ratification	First observation	Action taken
Belgium	1949	1952	—
France	1948	1949	—

4. *Available information insufficient:*

Mexico	1937	1953	—
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5. *First report not yet examined, 3 countries:*

Greece	1952	—	—
Italy	1952	—	—
Union of South Africa	1952	—	—

(b) *Particulars*3. *Effect Not Yet Given to Observations.*

Belgium. The relevant legislation does not include "poisoning by the halogen derivatives of hydrocarbons of the aliphatic series" (1952, R.C.E. 29). The Government indicated that the necessary amendments were in course of preparation (1953, R.C.C. 22).

France. The existing legislative texts do not provide for compensation in the case of temporary incapacity due to silicosis (1949, R.C.E. 30). The Government indicated that the necessary revision of those texts was being undertaken (1951, R.C.C. 572).

4. *Available Information Insufficient.*

Mexico. The Government was requested to indicate what provisions of the national legislation provide for compensation in the case of occupational diseases due to phosphorus or its compounds, and its sequelae (1953, R.C.C. 22).

Underground Work (Women) Convention, 1935 (No. 45)

(Number of Ratifications Covered: 35)

(a) *Summary*

1. *No substantive observations made, 24 countries:* Argentina, Belgium, Brazil, Ceylon, Chile, Cuba, Egypt, Finland, France, Greece, India, Ireland, Mexico, the Netherlands, New Zealand, Pakistan, Peru, Portugal, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom and Venezuela.

2. *Effect given to observations:*

Country	Ratification	First observation	Action taken
Austria	1937	1951	1952

3. *Effect not yet given to observations, 2 countries:*

Afghanistan	1937	1950	—
Hungary	1938	1947	—

4. Available information insufficient:

Country	Ratification	First observation	Action taken
China	1936	1948	—

5. First report not yet examined, 7 countries:

Australia	1953	—	—
Bulgaria	1949	—	—
Czechoslovakia	1950	—	—
Indonesia	1937	—	—
Italy	1952	—	—
Viet-Nam	1953	—	—
Yugoslavia	1952	—	—

(b) Particulars

2. Effect Given to Observations.

Austria. The Act which ensured the full application of the Convention at the time of ratification was repealed in 1938 and replaced by legislation which did not provide explicitly for the prohibition of underground work in the case of girls under 18 years of age (1951, S.A.R. 112; 1951, R.C.E. 26). Federal Act No. 45 of 13 February 1952, which modified the Federal Act concerning the employment of children and young persons, gave full effect once again to the Convention (1953, R.C.E. 32).

3. Effect Not Yet Given to Observations.

Afghanistan. There is no legislation as yet concerning this matter (1950, R.C.E. 32). However, the Government intends to incorporate the Convention in the Act concerning labour and employment, and a committee has been set up to this effect (1953, R.C.C. 8).

Hungary. There is no legislation concerning this matter. The reason given by the Government is the fact that no women are employed in Hungary on underground work (1947, R.C.C. 552). No reports have been received for several years (1953, R.C.E. 17).

4. Available Information Insufficient.

China. Supplementary information was requested concerning the scope of application (includes mines employing no less than 50 miners) of the Mines Acts, 1936 and 1947 (1948, R.C.E. 27). No reports have since been received (1953, R.C.C. 8).

5. First Report Not Yet Examined.

Indonesia declared herself bound in 1951 by this Convention which had been ratified by the Netherlands in 1937.

REPORT III

(PART III)

**INTERNATIONAL LABOUR
CONFERENCE**

THIRTY-SEVENTH SESSION

GENEVA, 1954

**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, 1954

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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 Conventions and Recommendations adopted by the Conference at its 35th Session, held in Geneva from 4 to 28 June 1952.

As the closing date of the 35th Session of the Conference was 28 June 1952, the period of one year provided for the submission to the competent authorities came to an end on 28 June 1953, and the period of 18 months on 28 December 1953.

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, 33rd and 34th Sessions, held respectively in San Francisco from 17 June to 10 July 1948 and in Geneva from 8 June to 2 July 1949, from 7 June to 1 July 1950 and from 6 to 29 June 1951. 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 36th Session of the Conference and which could not, therefore, be laid before that session.

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 15 to 27 March 1954, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its Various Sessions

31st Session (1948).

- Freedom of Association and Protection of the Right to Organise Convention (No. 87).
- Employment Service Convention (No. 88).
- Night Work (Women) Convention (Revised) (No. 89).
- Night Work of Young Persons (Industry) Convention (Revised) (No. 90).

- Employment Service Recommendation (No. 83).

32nd Session (1949).

- Paid Vacations (Seafarers) Convention (Revised) (No. 91).
- Accommodation of Crews Convention (Revised) (No. 92).
- Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
- Labour Clauses (Public Contracts) Convention (No. 94).
- Protection of Wages Convention (No. 95).
- Fee-Charging Employment Agencies Convention (Revised) (No. 96).
- Migration for Employment Convention (Revised) (No. 97).
- Right to Organise and Collective Bargaining Convention (No. 98).
- Labour Clauses (Public Contracts) Recommendation (No. 84).
- Protection of Wages Recommendation (No. 85).
- Migration for Employment Recommendation (Revised) (No. 86).
- Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

- Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

- Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
- Equal Remuneration Convention (No. 100).
- Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
- Equal Remuneration Recommendation (No. 90).
- Collective Agreements Recommendation (No. 91).
- Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

- Holidays with Pay (Agriculture) Convention (No. 101).
- Social Security (Minimum Standards) Convention (No. 102).
- Maternity Protection Convention (Revised) (No. 103).
- Holidays with Pay (Agriculture) Recommendation (No. 93).
- Co-operation at the Level of the Undertaking Recommendation (No. 94).
- Maternity Protection Recommendation (No. 95).

Summary of Information Relating to the Submission
to the Competent Authorities of Conventions and Recommendations Adopted
by the International Labour Conference at its 35th Session (Geneva, 1952) and
Supplementary Information Relating to the Texts Adopted by the
Conference at its 31st, 32nd, 33rd and 34th Sessions
(San Francisco, 1948 ; Geneva, 1949, 1950 and 1951)

Afghanistan.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Council of Ministers, which is the competent authority for converting them into laws or for taking action or any other decision thereon.

The Government refers to the information supplied to the Office in previous years and states that the Council of Ministers should be considered as the competent authority for the purposes of Article 19 of the Constitution of the International Labour Organisation. The authority empowered to convert the decisions of the Conference into laws or to take any other action, as laid down in the Article, is, in Afghanistan, either the Ministers or the Prime Minister, that is to say, the Council of Ministers. The provisions of the national Constitution which recognise this competence are contained in Article 51, which reads as follows : " Whenever the necessity for new laws is felt, the proposal is initiated by a ministry and put before the National Council by a minister or the Prime Minister, and will come into force after it has passed the National Council and received the assent of His Majesty the King ".

Finally, the Government states that it proposes to ratify or accept the following Conventions and Recommendations :

- Protection of Wages Convention, 1949 (No. 95) ;
- Vocational Guidance Recommendation, 1949 (No. 87) ;
- Equal Remuneration Convention, 1951 (No. 100) ;
- Equal Remuneration Recommendation, 1951 (No. 90) ;
- Maternity Protection Convention (Revised), 1952 (No. 103).

Australia.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session were communicated to Parliament on 21 November 1951, as appendices to the report of the Australian Delegation to the 34th Session of the Conference.

These instruments were subsequently the subject of a Government declaration included in a parliamentary document, copies of which have been forwarded to the Office. In this document the Government describes in detail the obligations that Australia is bound to fulfil in virtue of Article 19 of the Constitution of the International Labour Organisation. The Government states that, while the division of competency between the Central Government and the States Governments gives the former the power of ratification, it often happens that the questions which are the subject of Conventions and Recommendations come within

the legislative competence of the constituent States. For this reason, before it ratifies a Convention, the Central Government makes sure that the Convention is already applied or will be applied in each of the constituent States.

Australia has ratified the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93).

Austria.

The Government states that the Federal Ministry of Social Affairs is taking steps to submit to the competent authorities responsible for taking decisions in matters of ratification the Conventions adopted by the International Labour Conference at its 35th Session in 1952.

The Holidays with Pay (Agriculture) Convention, 1952 (No. 101) was submitted by the Ministry of Social Affairs to the Council of Ministers together with a proposal for its ratification. The Council of Ministers, at its sitting on 17 November 1953, approved this proposal and recommended to the National Council that it should give its assent to the ratification, in accordance with provisions of the Constitution of the Austrian Republic. A proposal on these lines was submitted to the National Council on 10 December 1953. The Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93) and the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) were also submitted to the National Council on 10 December, for information.

It has not yet been possible to submit to the Council of Ministers the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Maternity Protection Convention (Revised), 1952 (No. 103), since it was decided to await the opinion of the competent authorities in view of the importance of these questions. The Conventions were to be laid before the first session of the Council of Ministers in January 1954.

Austria has ratified the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Equal Remuneration Convention, 1951 (No. 100).

Belgium.

The Government states that the instruments adopted by the Conference at its 35th Session were communicated to Parliament on 18 December 1952.

In the document in which the Government's communication to Parliament was included, a copy of which the Government has forwarded to the Office, the proposals of the Belgian Government were set forth as follows :

"Convention (No. 101) concerning holidays with pay in agriculture . . . Recommendation (No. 93) concerning holidays with pay in agriculture . . . The Government intends to lay before Parliament in

the near future a Bill for the approval of this Convention. . . .

"Convention (No. 102) concerning minimum standards of social security . . . Convention (No. 103) concerning maternity protection (revised) . . . Recommendation (No. 95) concerning maternity protection. . . . These last two Conventions are being carefully studied by the Administration.

"Recommendation (No. 94) concerning consultation and co-operation between employers and workers at the level of the undertaking. . . . This instrument provisionally brings to an end the series of Conventions and Recommendations which have been adopted with respect to the problem of industrial relations. This last Recommendation and those numbered 91 and 92, adopted at the previous session, constitute, together with Conventions Nos. 87 and 98, a real charter of industrial relations which the Government will carefully apply."

In reply to the observation made by the Committee of Experts, which had expressed the desire to be informed of the measures taken by Belgium to submit to Parliament the Conventions not yet ratified and the Recommendations adopted by the Conference at its 31st and 32nd Sessions, the Government states that the procedure for the communication to Parliament of the Conventions and Recommendations was inaugurated by communicating the instruments adopted by the Conference at its 33rd, 34th and 35th Sessions. Previous instruments were only communicated to Parliament in cases where their approval was envisaged.

The ratification of the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) is still being studied. This is also the case with the Protection of Wages Convention, 1949 (No. 95).

The Government does not intend for the present to propose the ratification 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).

Finally, Belgium has ratified the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101).

Bolivia.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session are now being examined by the Ministry of Labour and Social Welfare, which is studying the possibility of ratifying them.

Burma.

The Government states that measures have been taken to bring the text of the Conventions and Recommendations adopted at the 35th Session to the attention of the competent authorities. It adds that information concerning the measures taken to give effect to these instruments will be communicated in due course.

In reply to the observation made by the Committee of Experts, the Government states that the competent authorities have been asked to hasten the procedure concerning the Conventions and Recommendations in question.

Canada.

The Government states that the authentic texts of the Conventions and Recommendations adopted by the Conference at its 35th Session were placed before Parliament in June 1952. Each instrument was accompanied by a letter from the Deputy Minister of Justice stating that, in his opinion, these international instruments were partly within the competence of Parliament and partly within the competence of the legislative authorities of the provinces.

In accordance with the provisions of Article 19 of the Constitution of the International Labour Organisation the texts of these Conventions and Recommendations, together with the statement of opinion by the Deputy Minister of Justice, were sent to the Lieutenant-Governors of the ten provinces on 5 February 1953.

Ceylon.

The Government states that the text of the Conventions and Recommendations adopted by the International Labour Conference at its 31st, 32nd, 33rd, 34th and 35th Sessions was submitted to Parliament on 7 July 1953. This submission was not accompanied by any proposals. The Government is examining each Convention and Recommendation with a view to deciding the action to be taken concerning each of these instruments. The Government adds that, because of the heavy programme which the country has had to fulfil since its independence, the legislative and administrative measures designed to give effect to the Conventions and Recommendations must be adopted in stages.

Finally, the Government states that legislative power belongs to Parliament, which is consequently considered as the competent authority.

Chile.

The Government states that in order to be able to submit the Conventions and Recommendations adopted by the Conference at its 35th Session to the National Congress it has requested from the International Labour Office a number of additional copies of these texts.

China.

The Government states that the Conventions and Recommendations adopted by the Conference since its 32nd Session have been translated into Chinese and will be submitted to the Legislative Yuan with a view to the enactment of legislation. The Recommendations will be communicated to the authorities and organisations concerned for their information.

Colombia.

The Government has forwarded to the Office detailed information on the national legislation which gives effect to the provisions of the Conventions adopted by the Conference at its 35th Session.

Cuba.

The Government has ratified the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), and the Equal Remuneration Convention, 1951 (No. 100).

Denmark.

The Government states that the report of the Danish Delegation to the 35th Session of the Con-

ference, containing the text of the Conventions and Recommendations adopted at that session, was submitted to the Danish Parliament on 20 February 1953, accompanied by a communication from the Minister of Labour and Social Affairs.

It appears from this communication that a slight modification in existing legislation is needed before the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), can be ratified. This modification is at present being studied and will be put before Parliament in due course.

With regard to the Social Security (Minimum Standards) Convention, 1952 (No. 102), Danish legislation appears to be in conformity with the provisions of the Convention respecting family benefit, maternity benefit, survivors' benefit, sickness benefit and employment injury benefit, and it will probably be possible to apply the provisions of the Convention relating to medical care, hospitalisation, unemployment benefit, old-age benefit and invalidity benefit. When the examination of these questions has been completed the ratification of the Convention will be formally proposed.

Finally, it is stated that the Maternity Protection Convention (Revised), 1952 (No. 103) cannot at present be ratified by Denmark, since the legislation does not satisfy the provisions of the Convention on a number of points.

The Government adds that preliminary measures for the ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102) are in progress, and that the text of the Recommendations adopted at the 35th Session, as well as that of the Recommendations adopted at the 34th Session, has been communicated both to the Danish Parliament and to the organisations of employers and workers.

Dominican Republic.

The Government has ratified the following Conventions :

Employment Service Convention, 1948 (No. 88) ;

Night Work (Women) Convention (Revised), 1948 (No. 89) ;

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) ;

Equal Remuneration Convention, 1951 (No. 100).

Finland.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Chamber on 27 November 1953.

In the report presented to Parliament, a copy of which the Government forwarded to the Office, the proposals of the Government concerning these instruments may be summarised as follows :

The principles contained in the Holidays with Pay (Agriculture) Convention, 1952 (No. 101) and the related Recommendation (No. 93) have already been adopted in the country. However, certain provisions of the legislation are not in conformity with those of the Convention. The Government therefore considers that the Convention should not be ratified and that it cannot give effect to the Recommendation.

With respect to the Social Security (Minimum Standards) Convention, 1952 (No. 102) the legislation in force in Finland is in harmony with the provisions of the Convention relating to employment injury

benefit. However, certain modifications in the legislation with regard to other branches of social security would be necessary to permit of the ratification of the Convention, so that this cannot therefore be proposed for the present.

Finnish legislation gives effect to certain of the provisions contained in the Maternity Protection Convention (Revised), 1952 (No. 103) and the related Recommendation (No. 95). Nevertheless, the differences which remain do not allow the Government to make proposals concerning this Convention and Recommendation.

The principles contained in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) have been incorporated in Finnish legislation since 1946. The Government therefore considers that no measures are necessary to give effect to this Recommendation.

With respect to the Conventions and Recommendations adopted by the Conference at its 34th Session and submitted to the Chamber on 18 September 1953, the Government states that it was not necessary to take any measures with regard to these instruments, except in regard to the Equal Remuneration Convention, 1951 (No. 100) and the related Recommendation (No. 90), in respect of which the Chamber recommends the Government to undertake a study designed to clarify the standards of equal work and the reasons which in practice hinder the application of the principle of equality, and also to suggest measures which should be taken to apply this principle.

France.

France has ratified the Night Work (Women) Convention (Revised) 1948 (No. 89), and the Equal Remuneration Convention, 1951 (No. 100).

Federal Republic of Germany.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Council of Ministers on 12 December 1953 for decision and transmission to the competent legislative authorities.

On 24 December 1953 the Government submitted these Conventions and Recommendations, together with a command paper, to the Bundestag and Bundesrat.

The Government will, in the near future, submit to the Legislative Councils Bills for the ratification of Conventions Nos. 101 and 102. With regard to Convention No. 103 it will await the views of the I.L.O. on points about which certain doubts have arisen.

The Federal Republic of Germany has ratified the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99).

Haiti.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session have been transmitted to the competent service of the Labour Office with a view to studying their possible ratification.

Iceland.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to Parliament (Althing) during its session in February 1953.

India.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session, accompanied by a Declaration setting out the measures proposed by the Government with regard to each of these instruments, were submitted to Parliament (House of the People and Council of States) on 8 and 9 December 1953.

The Government has forwarded to the Office copies of this Declaration, as well as of the report of the Indian Government Delegation on the work of the 35th Session of the Conference, which was also placed before Parliament.

In the Declaration addressed to Parliament concerning measures which it proposes to take with regard to each Convention and Recommendation, the Government analyses the provisions of each of these instruments and compares them with legislation at present in force in India. It also points out the difficulties of an economic nature which hinder the adoption of new legislation to give effect to them. From this analysis it appears that for the moment none of the Conventions and Recommendations can be ratified or accepted.

Ireland.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to Parliament on 7 November 1952. In addition, these instruments were brought to the attention of the ministers responsible for the adoption of the legislative measures relating to the questions which are the subject of these texts.

Israel.

The Government has ratified the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91) and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101).

Japan.

The Government states that it decided to submit to the Diet on 22 December 1953 a Japanese translation of the Conventions and Recommendations adopted by the Conference. This communication would be accompanied by written proposals from the Government.

According to the Constitution of Japan, the National Diet constitutes the competent authority within the meaning of Article 19 of the Constitution of the International Labour Organisation.

Information concerning the decisions taken by the Diet with respect to these Conventions and Recommendations will be communicated to the Office as soon as possible.

Luxembourg.

The Government states that the Conventions adopted by the Conference at its 35th Session have been communicated to the Council of State and the Chamber of Deputies and that the Recommendations adopted at the same session have been submitted for application to the competent services of the Department of Labour and Social Security.

Netherlands.

The Government states that a proposal for the approval of the Holidays with Pay (Agriculture)

Convention, 1952 (No. 101) and of the Social Security (Minimum Standards) Convention, 1952 (No. 102) was adopted by the Council of Ministers on 25 January 1954. This proposal will be placed before Parliament in the form provided for in Article 61 of the modified Constitution; in other words, if Parliament makes no observations within the 30 days following the submission of the proposal for approval of the Conventions, the latter may be ratified by the Netherlands.

With a view to the ratification of the Maternity Protection Convention (Revised), 1952 (No. 103), it was necessary to make some modifications to the legislation so that a Bill giving the Crown the right to ratify this Convention could be submitted to the Council of Ministers during the month of February.

The Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) and the Maternity Protection Recommendation, 1952 (No. 95) will be submitted in the near future to Parliament, together with a Government note containing information on the possibilities of applying these texts.

With regard to the Equal Remuneration Convention, 1951 (No. 100) and the related Recommendation (No. 90), a note containing the point of view of the Government on these two texts will be submitted to Parliament during February. A copy of this note will be communicated to the I.L.O.

New Zealand.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were communicated to the House of Representatives on 9 October 1952. The Government also forwarded to the Office a copy of the Declaration it made concerning these instruments. According to this Declaration, the Government does not propose the ratification of the Maternity Protection Convention (Revised), 1952 (No. 103) or the acceptance of the related Recommendation (No. 95).

With regard to the Social Security (Minimum Standards) Convention, 1952 (No. 102), the different parts are still being studied and the Government will not be able, for some considerable time, to come to a decision with respect to this Convention.

The Holidays with Pay (Agriculture) Convention, 1952 (No. 101) was ratified by New Zealand on 24 July 1953. The Government states that legislation and practice are in harmony with the principles of the related Recommendation (No. 93), and it is thus able to accept the terms of this instrument.

The Government also accepts the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) as well as the related resolution.

Norway.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Storting, the legislative authority, in a document of which copies have been communicated to the Office.

Taking into account the consultations which took place from 12 to 23 March 1953 in the Norwegian Joint Committee on International Social Policy, as well as of the written observations presented by the various ministries concerned and by the organisations of employers and workers, the Government made the following proposals:

Ratification of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101) and acceptance of the principles contained in the related Recommendation (No. 93).

Ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102), with the acceptance of the obligations contained in Parts III, IV and V. The Government requests the Storting to grant it the power to extend ratification to the other parts of the Convention, as soon as the various systems of social security have been brought into harmony with the standards laid down in the Convention.

With regard to the Maternity Protection Convention (Revised), 1952 (No. 103) and the related Recommendation (No. 95), the acceptance of these instruments would require certain modifications in the legislation at present in force. The study of this question has been entrusted to the Royal Commission set up in 1948 to revise the Workers' Protection Act.

Finally, the Government proposes to accept the principles contained in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).

Since the Storting was unable to study these proposals in June 1953, their discussion was postponed to the session in January 1954.

Pakistan.

On 1 October 1953 the Government submitted to the Constituent Assembly, which is invested with the legislative power, the Vocational Training (Adults) Recommendation, 1950 (No. 88), accompanied by a statement, which is included in a parliamentary document of which a copy was forwarded to the Office. In this statement the Government indicated that, with the exception of paragraph 5, subparagraph (4) (b), and paragraphs 17, 19, 26 and 34, it accepted the principles contained in the Recommendation.

Philippines.

The Government states that the text of the Conventions and Recommendations adopted by the Conference at its 35th Session was transmitted to the President of the Philippines with a report containing the following information :

With regard to the Holidays with Pay (Agriculture) Convention, 1952 (No. 101) and the related Recommendation (No. 93), there is at present in the Philippines no legislation granting agricultural workers holidays with pay as provided in these two instruments. Holidays with pay and sick leave with pay are granted by employers in private undertakings only by virtue of an arbitration award, collective bargaining with labour organisations, individual contracts or voluntary decisions of employers.

With regard to the Maternity Protection Convention (Revised), 1952 (No. 103) and the related Recommendation (No. 95), the Commonwealth Act No. 647 and the Acts of the Republic Nos. 270 and 679 contain provisions which implement them.

There is no legislation or regulation on the questions dealt with in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94). Nevertheless, the Labour Management Conference, which was held in 1952, approved a resolution concerning the establishment of co-operation between labour and management at the level of the undertaking.

With regard to the Social Security (Minimum Standards) Convention, 1952 (No. 102), there is as yet no legislation on social security for workers in

private undertakings. Some protection is, however, given to government employees, including persons employed in societies owned or controlled by the Government. The Pensions Commission set up by the Republic Act No. 532 submitted in December 1950 a report on the result of its studies relating to the establishment of a pensions system for workers and employees in private undertakings ; this report took the form of a Bill entitled "Act to set up a National Pensions Fund, to organise its administration, etc.". This Bill, No. 1617, was presented to the House of Representatives, but is still under consideration. The Government forwarded to the Office a copy of the report addressed to the President of the Republic of the Philippines together with a copy of the draft message by which the President would communicate the text of the Conventions and Recommendations in question to the Senate and to the House of Representatives.

The Government adds that by virtue of the national legislation the President and the Congress of the Philippines are the authorities competent to ratify and give effect to Conventions and Recommendations such as those mentioned above. Even though the competent authorities have not yet given a decision with regard to the Conventions and Recommendations adopted by the Conference at its 35th Session, certain of the Conventions adopted by the Conference at its previous sessions were the subject of a favourable decision ; the relevant instruments of ratification will be sent to the International Labour Office as soon as they are ready.

The Philippines have 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);

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) ;

Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99);

Equal Remuneration Convention, 1951 (No. 100).

Poland.

The Government states that the Ministry of Labour and Social Welfare is completing the preparation necessary for the submission of the Conventions and Recommendations adopted by the International Labour Conference at its 35th Session to the Council of State which is, in Poland, the competent authority under the terms of Article 19 of the Constitution of the International Labour Organisation. The Government adds that this will mean the completion of an important part of the considerable task now being carried out, that is, the submission to the competent authority of all the Conventions and Recommendations which have not so far been examined.

Portugal.

The Government states that the questions dealt with in the Conventions adopted by the Conference at its 35th Session fall within the competence of the Ministry of Corporations and Social Welfare, which is now examining them.

Sweden.

The Government states that the text of the Conventions and Recommendations adopted by the Conference at its 35th Session was submitted to Parliament on 6 February 1953.

In the document transmitting these instruments to the Riksdag (Parliament) the Minister for Social Affairs proposed the ratification of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101). He also stated that in his opinion the national legislation on holidays with pay was in conformity with the provisions of the related Recommendation (No. 93) and that therefore it was not necessary to take any action to give effect to this Recommendation.

The Minister also proposed ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102), accepting Parts IV, VI and VII of this Convention.

With regard to the Maternity Protection Convention (Revised), 1952 (No. 103) and the related Recommendation (No. 95), the Minister proposed to transmit these instruments to the Committee of Experts for Social Security which, in consultation with the Committee of Experts for Unemployment Insurance, is at present examining questions of maternity insurance.

Finally, with regard to the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Minister stated that in his opinion the consultations which had taken place within the framework of joint committees (*Företagsnämnder*), together with the co-operation existing between these bodies, had made such progress and achieved such continuity that it could be said that the practice went beyond the provisions of the Recommendation. For these reasons the Minister considered that no action was necessary on the part of Sweden to give effect to the Recommendation.

In a communication sent to the Government on 12 May 1953 the Riksdag approved the proposals of the Minister for Social Affairs.

The ratifications by Sweden of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101) and of the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Parts IV, VI and VII) were registered on 12 August 1953.

Switzerland.

The Government states that the Federal Council approved on 18 December 1953 the terms of a report on the 35th Session of the Conference, which was submitted to the Federal Assembly. Copies of this report have been sent to the Office. The Government proposals in this document may be summarised as follows.

Switzerland is not in a position to ratify the Holidays with Pay (Agriculture) Convention, 1952 (No. 101). Labour relations between employers and agricultural workers are settled among themselves. Although the Agricultural Act of 3 October 1951 leaves to the cantons the settlement of conditions of engagement in agriculture through model contracts, providing for the establishment of the rest period and the holidays

of the employee, and contains special provisions on behalf of women and young persons, the parties concerned are always able, in application of Article 324 of the Code of Obligations, to depart from the provisions of the model contracts of labour by means of written contracts. No special action is contemplated with regard to the Holidays with Pay (Agriculture) Recommendation 1952 (No. 93) in view of the fact that the model contracts in force are in conformity with the provisions of this instrument.

With regard to the Social Security (Minimum Standards) Convention, 1952 (No. 102), the report of the Government, after having stated in detail the internal legislative provisions giving effect to the different parts of this Convention, concludes that it would be desirable for Switzerland to ratify this instrument but that certain divergencies of detail do not permit this to be done. However, the whole of the social protection which the Swiss population enjoys goes far beyond the minimum standards and, if the Convention is considered in the spirit rather than in the letter, Switzerland fulfils not only the greater part of the required conditions but goes even beyond them.

The ideas on which the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) is based and the aims which it pursues are not new in Switzerland. Three-fifths of all factory workers are occupied in undertakings having works committees set up without State intervention. The Recommendation calls for no special action. It is for those concerned to pursue the task which falls to them in this sphere.

Finally, Switzerland is neither in a position to ratify the Maternity Protection Convention (Revised), 1952 (No. 103) nor to give effect to the related Recommendation (No. 95).

Thailand.

The Government states that the Council of Ministers has already submitted to the National Assembly all Conventions and Recommendations adopted by the Conference since its 32nd Session. At the same time it made proposals that ratification of the Conventions should be delayed pending consideration by the Assembly of the Bill on trade unions now being examined by the Government.

Union of South Africa.

The Government states that the texts of the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Executive Council on 29 October 1952 and laid on the table of both Houses of Parliament on 28 January 1953. The Executive Council took the following decisions regarding these texts :

The Holidays with Pay (Agriculture) Convention, 1952 (No. 101) cannot be ratified and the terms of the related Recommendation (No. 93) cannot be accepted by the Union of South Africa. Although holidays with pay are granted each year to industrial workers for whom conditions of work are governed by the national legislation, the application of which is controlled by the Labour Department, this legislation does not apply to agriculture so that the employers are not obliged to grant to workers a paid holiday.

Again, the Union of South Africa is not in a position to ratify the Maternity Protection Convention (Revised), 1952 (No. 103), and cannot accept the pro-

visions of the related Recommendation (No. 95). The scope of the national legislation concerning maternity benefits is not as wide as that of the Convention; it does not apply in particular to women employed in agriculture. On the other hand, there are certain divergencies of detail between the legislation in force and the provisions of the Convention. For example there are no provisions for the granting of breaks during working hours for women to nurse their children.

Finally, the Executive Council decided to accept the principle of the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).

United Kingdom.

The Government states that the text of the Conventions and Recommendations adopted by the Conference at its 35th Session was submitted to Parliament and published in May 1953 in the report of the United Kingdom Delegation. As it has already indicated, it is the practice of the Government to submit proposals on the action to be taken on these instruments if possible within the time limits laid down in the Constitution for the submission of Conventions and Recommendations to the competent authorities. The Government regrets that, owing to unforeseen circumstances, it has not been able to do so on this occasion. The proposals of the Government have been included in a parliamentary document which was brought before both Houses of Parliament and published on 10 March 1954. The Government has forwarded to the Office a copy of this document, which in substance indicates that the Government does not propose ratification of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), and does not accept the principles embodied in the related Recommendation (No. 93).

Similarly, the Government does not propose ratification of the Maternity Protection Convention (Revised), 1952 (No. 103), nor does it accept the principles embodied in the related Recommendation (No. 95).

As regards the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Government states that it proposes to ratify the Convention by accepting the obligations set out in Parts II, III, IV, V, VII and X.

Finally, the Government accepts the measures advocated in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).

The United Kingdom has ratified the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99).

United States.

The Government states that it made every effort to bring the Conventions and Recommendations adopted by the Conference at its 35th Session before the First Session of the 83rd Congress of the United States before its adjournment on 3 August 1953. Since, however, it proved impossible to do so before the date in question, the texts were to be submitted

to the Congress of the United States during its Second Session, which was due to begin on 6 January 1954.

Uruguay.

The Government states that on 3 September 1952 it forwarded a message to the General Assembly proposing the ratification of the Conventions adopted by the Conference.

Uruguay has ratified the following Conventions:

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

Night Work (Women) Convention (Revised), 1948 (No. 89);

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90);

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);

Migration for Employment Convention (Revised), 1949 (No. 97);

Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99);

Holidays with Pay (Agriculture) Convention, 1952 (No. 101);

Maternity Protection Convention (Revised), 1952 (No. 103).

Yugoslavia.

The Government states that the Conventions and Recommendations adopted by the Conference at its 35th Session were submitted to the Federal Executive Council on 29 August 1953. The submission of these instruments was accompanied by proposals of the Yugoslav National Committee for the International Labour Organisation for the ratification of the Conventions and acceptance of the Recommendations. Information on the decisions of the Federal Council will be transmitted to the Director-General of the International Labour Office in due course.

The Government adds that by virtue of Article 79, paragraph 5, of the new Constitutional Act of 13 January 1953, the ratification of international Conventions is within the competence of the Federal Executive Council in so far as they have not been ratified by the National Assembly of the Federal People's Republic of Yugoslavia. On the other hand, for the purposes of Article 15, paragraph 8, of the Constitution, the National Assembly ratifies only the Conventions which require the promulgation of new laws or the revision of laws already in force. As this is not the case in regard to the international instruments adopted by the International Labour Conference at its 35th Session, it is for the Federal Executive Council to proceed to their ratification or their acceptance.

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