

# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-EIGHTH SESSION**

**GENEVA, 1955**

**Third Item on the Agenda :**

## **SUMMARY OF REPORTS ON RATIFIED CONVENTIONS (ARTICLES 22 AND 35 OF THE CONSTITUTION)**



**INTERNATIONAL LABOUR OFFICE**

**GENEVA, 1955**



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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, paragraph 1, 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 1953 to 30 June 1954, contains information on the 78 Conventions in force at the beginning of this period. A total of 1,175 reports was requested from governments. A list of ratifications is given in the table under each Convention.

Voluntary reports (in respect of Conventions which are not in force for the countries concerned) 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 Conventions in non-metropolitan territories, the summary of these reports has been grouped—as was the case in recent years—under the heading "Application of Conventions in Non-Metropolitan Territories".

The present volume covers reports received by the Office up to 5 March 1955. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the annual reports, is communicated separately to the Conference as Report III (Part IV).

Geneva, May 1955.

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*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. Hours of Work (Industry) Convention, 1919

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Austria <sup>1</sup> . . . . .	12. 6.1924
Belgium . . . . .	6. 9.1926
Bulgaria . . . . .	14. 2.1922
Burma <sup>2</sup> . . . . .	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 <sup>1</sup> . . . . .	2. 6.1927
Greece . . . . .	19.11.1920
Haiti . . . . .	31. 3.1952
India . . . . .	14. 7.1921
Israel . . . . .	26. 6.1951
Italy <sup>1</sup> . . . . .	6.10.1924
Luxembourg . . . . .	16. 4.1928
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>3</sup> . . . . .	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

<sup>1</sup> Conditional ratification.

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

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

#### *Argentina.*

The report states that there were 3,068 contraventions to Act No. 11544 in the period under review. A total of 8,853 additional hours of work were effected, in virtue of the provisions of Article 3. In addition, permanent exceptions were authorised in 620 cases and temporary exceptions were authorised in 1,557 cases (72 of these related to 2,563 days) in conformity with Article 6 of the Convention.

#### *Belgium.*

Royal Order of 28 January 1954 to provide for a special working system with regard to persons employed in biscuit and rusk factories and in the undertakings where gingerbread, marzipan, cake and pastries are manufactured on an industrial scale.

Royal Order of 10 May 1954 to authorise the undertakings coming under the authority of the National Joint Committee for the Food Industry to establish hours of work providing for a half-day's rest on Saturday.

The above-mentioned Orders were issued on the basis of sections 5 and 2 respectively of the Act of 14 June 1921, which provides for an eight-hour working day and a 48-hour working week.

As regards the undertakings covered by the Order of 28 January 1954, the legally established hours of work may be exceeded by a maximum of one hour daily and 75 hours yearly, provided the number of hours of work effected in the course of the year does not exceed the number of hours of work prescribed by law.

During the period under review 45 decisions were given by courts of law concerning the application of the Convention. The Social Inspection Service visited a total of 29,146 undertakings in which 556,182 persons were employed. A total of 245 infractions were reported and 43 sentences were passed. Altogether 50,225 additional hours were worked, with authorisation, by 806 workers.

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2). Special Ordinance, published in *Izvestiya* No. 24/1952. Ukase No. 14, published in *Izvestiya* No. 6/1951, as supplemented by Ukase No. 18 and Ordinance No. 25 of the Council of Ministers, published in *Izvestiya* No. 8/1953.

Section 39 of the Labour Code provides for a working day of eight hours, which is reduced to six hours in the case of night work. These hours of work are fixed not only for workers and employees in industrial undertakings but also for persons employed in all other undertakings, establishments and organisations. Section 39 also provides that the times for starting and finishing the working day must be prescribed in the work rules of the undertaking. These rules are established jointly by the directorate of the undertaking, establishment or organisation and the trade union committee and they must be posted up in a conspicuous place.

Overtime work is prohibited in principle but it may, nevertheless, be authorised in the cases specified in section 46 of the Labour Code and subject to previous authorisation by the labour inspectorate. In the case of persons who do not have a fixed working day, the hours of work effected during the working day outside the

eight hours are not subject to overtime rates of pay. These persons are entitled to a supplementary annual holiday with pay of up to 12 working days. This provision generally relates to persons employed in work involving some responsibility, such as directors, or whose hours of work cannot be estimated, such as instructors, inspectors or agents, and to other categories specified in the special ordinance of the Presidium of the National Assembly, published in *Izvestiya* No. 24/1952.

A working day of five, six or seven hours is prescribed for specified categories of workers employed in unhealthy work. This reduction in the working day was introduced by Ukase No. 14, supplemented by Ukase No. 18 and Ordinance No. 25.

The supervision of the application of these provisions is entrusted to the labour protection services.

The Conventions ratified by the People's Republic of Bulgaria have had an effect on Bulgarian labour legislation and on the practical application of regulations concerning conditions of work and labour relations. The numerous state and public bodies which supervise the protection of labour, and the state social insurance scheme, constitute a guarantee of the effective application of labour provisions. This guarantee is strengthened by the fact that most of these bodies are to be found within the undertakings, that they are familiar with local conditions and are concerned with the safeguarding of the labour legislation. Further supervision is ensured by the superior administrative services.

In conformity with section 205 of the Labour Code fines or more severe penalties are imposed in the case of breaches of the labour provisions.

Measures are being examined to bring Bulgarian legislation into conformity with the provisions of certain Conventions which are not yet the subject of legislation.

The present report was drawn up in collaboration with the establishments concerned, and a copy has been communicated to the Central Council of Trade Unions.

#### *Burma.*

The eight-hour day and 40-hour week are now the maximum normal working hours, but in respect of work which for technical reasons is carried on continuously a weekly limit of 48 hours is allowed. These limits are observed and no serious contraventions have been reported.

#### *Canada.*

##### *Alberta.*

Act of 1954, to amend the Labour Act, 1947.

##### *British Columbia.*

Order No. 40 made under the Hours of Work Act, 1948, respecting the geophysical exploration industry.

Order No. 23 made under the Male Minimum Wage Act, 1948, respecting the geophysical exploration industry.

##### *Saskatchewan.*

Orders concerning the application of the Hours of Work Act, 1953, in certain areas.

The amendments made to Part I of the Alberta Labour Act were mainly for purposes of clarification. Two minor changes are: the extension from three to 15 days of the time within which an employer is required to report to the Board of Industrial Relations when the hours of work limits set by the Act have been exceeded in specified emergency situations; and the requirement to report the number of employees involved instead of their names as previously required.

Order No. 40 under the British Columbia Hours of Work Act defines the geophysical exploration industry in relation to the accumulation or location of oil or gas and exempts workers in the industry from the Act, which limits working hours to eight a day and 44 a week. The Minimum Wage Order, No. 23, requires that an employee in the same industry must be paid for time worked in excess of 191 hours in a month at one-and-a-half times his regular wage.

An order made under the Saskatchewan Hours of Work Act defines the area in the newly developed northern portion of the province in which the Act is to apply. Another order under the Act extends until 31 July 1954 the application of the order made in 1953 which permitted for employees in certain establishments in specified towns and villages a working week of 48 hours, instead of 44 hours, after which overtime rates become payable.

During the fiscal year 1952-53, under the Saskatchewan Act, the Minister of Labour granted 57 permits to extend daily hours up to nine a day with a view to introducing a five-day week. During the same period seven authorisations were given to extend the daily and weekly hours of work, without overtime payment, to allow an average of eight hours a day and 44 a week over a specific period for shift work arrangements.

The Ontario Industry and Labour Board, by virtue of various regulations under the Hours of Work and Holidays with Pay Act, authorised 1,030 employers to allow their employees to work overtime during the fiscal year 1952-53.

In Manitoba, 18 orders were made under the Hours and Conditions of Work Act to permit exemption from the payment of overtime, either for limited periods or to enable the introduction of a five-day week.

In Canada as a whole the average hours worked per week, as reported at 1 May 1954, were as follows: manufacturing, 40.6; mining, 42.1; electric and motor transportation, 45.2; building construction, 39.4; highway construction, 39.3.

#### *Chile.*

During the period under review the General Directorate of Labour was informed of two decisions made by the labour courts with regard to the payment of overtime hours; copies of these decisions are attached to the report. The number of workers covered by the provisions concerning railways is 34,645, of whom, according to the 1952 statistics, 26,162 are public employees (6,352 employees and 19,810 workers), and according to the 1953 statistics, 8,483 are private workers (1,765 employees and 6,718 workers).

In 1953, 12 infractions to the provisions by which effect is given to the Convention were recorded.

*Colombia.*

Labour Code of 5 August 1950 (L.S. 1950—Col. 3).

In accordance with the Constitution of Colombia any Convention which has been ratified becomes a law of the Republic. Consequently, this Convention is considered as such and it has been strictly applied by means of laws and decrees. Sections 158 to 171 of the Labour Code regulate the questions dealt with in the Convention.

As regards the first observation made by the Conference Committee, the Government states that section 491 of the Labour Code effectively repeals previous measures regulating matters covered by the Code. This does not mean that workers have less protection. The Code was drafted with a view to facilitating questions relating to labour; it compiles in the one text all the labour decrees and laws, and none of the benefits previously conferred on workers has been eliminated.

On the second observation made by the Committee, relating to Article 6 of the Convention, it is stated that the work of chauffeur-mechanics is in fact considered by jurisprudence to be intermittent work. Thus sections 162 (2) and 163 provide for the application of paragraph 2 of Article 6 of the Convention. According to section 162, chauffeur-mechanics are not covered by the regulations respecting the maximum daily hours of work but they receive additional pay for night work; section 168 (1) of the Code provides that night work is paid at a rate 35 per cent. higher than day work, and section 160 lays down that all work performed between 6 p.m. and 6 a.m. shall be considered as night work.

In reply to the third observation made by the Committee, relating to Article 8 of the Convention, the Government states that employers must keep a register showing all overtime worked, as well as the manner in which such work is authorised, recognised and remunerated (section 108, paragraphs 4 and 5 of the Labour Code). Section 162 (2) provides that not more than four hours' overtime each day may be worked, except in the activities mentioned in this section. The labour regulations, which must be drawn up by every employer and which are not valid unless they have been approved by the National Department of Labour, may not contravene this provision.

In reply to the fourth observation made by the Committee, relating to Article 7, paragraph 1 (a) of the Convention, the Government states that the labour legislation considers work as a whole to be continuous and that sections 161 and 162 of the Code lay down the exceptions which may be authorised in this respect. The report indicates the types of work defined as non-continuous and intermittent activities in virtue of section 333 of the Labour Code.

As regards Article 6 of the Convention, section 163 of the Code provides that the maximum hours of work may be increased in the case of *force majeure*, or accident, or where it is necessary to carry out urgent work in connection with machinery or plant of the undertaking; section 164 indicates the manner in which the hours of work may be spread out in order to enable employees to rest on Saturday afternoon; section 165 provides that in the case of shift work the number of hours of work may be increased to more than eight per day or 48 per week, but only if the

average hours over three weeks do not exceed the legal maximum; section 166 provides that the maximum hours may be increased in the case of work which by its nature must be carried on without interruption on a shift basis; in such cases, however, a weekly maximum of 56 hours may not be exceeded, to be effected on working days; finally, section 167 deals with the distribution of hours of work.

*Cuba.*

Decree No. 1299 of 18 May 1954.

Resolution No. 563 of 23 November 1953.

The above-mentioned Decree and Resolution authorise special hours of work in the sugar refining industry and in the nickel industry.

A total of 1,023 visits of inspection were carried out and 73 contraventions were reported, under Decrees Nos. 1693 and 2513 of 1933 and article 66 of the Constitution. Sentences were given in 12 cases and 42 cases are still pending.

*Dominican Republic.*

Order No. 1/54 of 13 April 1954, issued by the Minister of Labour and relating to the regional distribution of the administrative services.

The Government is at present examining the observations made by the Committee of Experts and will forward its conclusions thereon to the Office as soon as this study has been completed.

The Labour Administration Service has been divided into two regional departments, one for the north and one for the south of the country; this makes possible a better supervision of the application of the labour legislation.

There are not more than ten undertakings which work over eight hours a day, and they are mostly commercial undertakings which prefer to work a nine-hour day in order to have a half-day of rest on Saturday; this system is established in agreement with the workers. Section 142 of the Labour Code provides that the working day may be increased to 12 hours in the case of accident, actual or threatened, for particularly urgent work of national, regional or communal concern, for indispensable repairs to machinery or installations, in cases where an interruption of work would result in a deterioration of raw materials, and finally in cases which cannot be foreseen and of *force majeure*.

When the employer considers it necessary to extend the normal working day, he is required to inform the Department of Labour in order that the latter may see whether this would be in conformity with the legal requirements and issue the necessary authorisation. More than 262,000 workers are protected by the legislation concerning hours of work.

During the period under review the labour inspectors carried out 47,610 general inspection visits, of which 1,250 were night time inspections, 490 inspections were on the day of rest and 2,432 consisted of checking the notices of hours of work. The inspectors drew up 40,205 inspection reports and reported 350 cases of breaches of the social legislation. A total of 154 permits to extend the hours of work were granted, involving a total of 8,236 hours at overtime rates of pay.

*Haiti.*

The Government repeats the information supplied for 1952-53 and adds that the report of the

Labour Office for the period 1953-54 states that between May and September 48 surprise inspections were made in commercial and industrial establishments in Port-au-Prince, in order to control the closing of these establishments at 4 p.m. during these months as required under section 4 of the Act of 5 May 1948 concerning conditions of work. Thirty injunctions were made and two cases of contravention of the law were referred to the competent judicial authorities. The Conciliation Service of the Labour Office received 68 complaints regarding hours of work and action was taken to assure the application of the provisions of the law.

During the summer period 55 permits to work overtime were granted to commercial establishments selling tourist goods, and also to certain establishments for the purpose of stock-taking.

#### *Israel.*

The report states that progress has been made during the period 1953-54 in application of the Hours of Work and Rest Act dated 15 May 1951. Special action was taken to limit overtime hours.

Since 10 June 1954 regional labour inspectors have been empowered to grant special permits for overtime work.

Written warnings were sent to employers (including employers in non-industrial undertakings) in 128 cases. The number of special overtime work permits issued was 261, covering 6,844 workers.

#### *Luxembourg.*

The annual report of the Labour and Mines Inspection Service for 1953 shows that the Ministry of Labour granted 52 permits for the temporary extension of the hours of work in 35 different undertakings. In this connection 500 workers worked 104,314 additional hours during periods varying from three to 288 days and for one and two hours daily. A total of 124 special interventions were made in connection with the 51 contraventions reported relating to hours of work and the 22 contraventions concerning the payment of overtime or of the legal supplementary amount. Finally, written warnings were sent to one undertaking in small industry and to two quarries.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

The Government states that the ratification, on 21 February 1934, of 30 international labour Conventions gave their provisions the force of national law. However, the President, in promoting and promulgating a Labour Code in 1945, intended that the contents of these Conventions should be explicitly incorporated in the Code in order to ensure their full application. The supervision of the application of all labour legislation is, in practice, effected by the inspectors attached to the Ministry of Labour and, on the basis of the reports made by these inspectors, penalties for contraventions of the law are inflicted on offenders by judges of the first instance and the supreme court. In order to give additional protection to

the workers the President is endeavouring to establish a social security institute in the country and for this purpose has secured the services of an international expert. In view of the limited scope of the existing statistics, which are still in the formative stage, it is not possible to supply the numerical data requested concerning the application of the various Conventions.

For normal types of work the Code prescribes a daily maximum of eight working hours on a day shift (section 47), 11½ hours on a day-and-night shift (section 55), and seven hours for a night shift (section 54). For work in unhealthy places the daily maximum prescribed is six working hours (section 47). The Code also provides that the working day shall be interrupted by one or more rest periods, the total of which must not be less than one-and-a-half hours (section 51 and amendment).

#### *New Zealand.*

According to statistical data appended to the report, the total number of workers to whom the relevant legislation applied as at April 1954 was 287,950, including 5,988 in mining and quarrying; 172,333 in manufacturing; 64,388 in building, construction and communication; 11,584 in power, water and sanitation; and 39,645 in transport.

During the period 1952-53 overtime worked in factories and other industrial undertakings amounted to 16,658,381 hours.

#### *Pakistan.*

The industrial tribunal which had examined the dispute between the Eastern Pakistan Railway Employees' League and the East Bengal Railway has recently made an award to the effect that the staff who may be termed "intensive or strenuous workers" may be given a calendar day's rest without double duties preceding their rest.

The statistics attached to the Government's report show that in 1952 an average of 214,124 workers were employed in registered factories. Of these, 157,041 were employed in perennial factories and 57,423 in seasonal factories. In perennial factories not more than 42 weekly hours were worked in 48 factories, between 42 and 48 hours in 1,076 factories and over 48 hours in 57 factories. In seasonal factories not more than 48 hours were worked in 149 factories, between 48 and 54 hours in 385 factories, and over 54 hours in four factories.

#### *Portugal.*

The Government supplies a list of collective agreements signed during the period under review which, on the whole, are in conformity with the provisions of the Convention. The report also gives the text of two judgments of the Supreme Administrative Tribunal that have the effect of confirming the legal restrictions concerning the working of overtime. About 650,000 workers are employed in industries covered by the regulations in force. During the period 7,949 infringements were recorded. The Government states that it is unable to give the number of overtime hours worked during this same period.

*Uruguay.*

Act of 22 October 1954.

Act No. 12030 of 27 November 1953.

A total of 200,000 workers or employees are protected by Act No. 5350 of 17 November 1915 to set up an eight-hour day and 48-hour week. During the period under review 595 contraventions to this Act were reported (lack of the prescribed documents in the undertaking, failure to register workers or application of hours of work other than those shown in these documents) and fines amounting to 18,570 pesos were imposed.

The Government added the following supplementary information in a letter dated 29 January 1955: in accordance with the provisions of the Act of 22 October 1954, a legal system of penalties for violations of the international labour Conventions ratified by the Legislative Decree of 5 April 1933 is instituted, which follows

the procedure laid down in Act No. 10940 of 19 September 1947.

*Venezuela.*

Constitution of Venezuela, dated 15 April 1953.

Section 8 of the Constitution of 1953 provides that the existing regulations shall remain in force.

An arbitration award of 25 November 1953 provides for the Caracas branch of the General Motors Inter-American Corporation a working day of 8¾ hours and a five-day week, that is, a total of 43¾ hours per week.

Twenty-two labour inspectorates work under the Directorate of Labour; 186 officials are attached to these inspectorates in the federal district and in the various states. A total of 7,277 visits of inspection were carried out in 1953, in the course of which 77,425 workers were questioned; 3,580 visits were made during the first six months of 1954.

**2. Unemployment Convention, 1919**

*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 <sup>1</sup> . . . . .	14. 7.1921
Bulgaria . . . . .	14. 2.1922
Chile . . . . .	31. 5.1933
Colombia . . . . .	20. 6.1933
Denmark . . . . .	13.10.1921
Egypt . . . . .	3. 7.1954
Finland . . . . .	19.10.1921
France . . . . .	25. 8.1925
Federal Republic of Germany <sup>2</sup> . . . . .	6. 6.1925
Greece . . . . .	19.11.1920
Hungary . . . . .	1. 3.1928
India <sup>3</sup> . . . . .	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

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

<sup>2</sup> 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.

<sup>3</sup> Ratification denounced.

*Argentina.*

During the period from 1 July 1953 to 30 June 1954 the Employment Service received a total of 69,312 applications for work and 31,534 notifica-

tions of vacancies. It succeeded in placing 35,703 persons.<sup>1</sup>

The following statistical tables covering the period under review are appended to the report: (a) applications for employment registered with the National Employment Service Directorate; (b) vacancies for employment registered with the National Employment Service Directorate; (c) persons placed by the National Employment Service Directorate; and (d) number of workers placed by the employment exchange for the baking industry.

*Austria.*

Ordinance of 22 May 1953 respecting the compulsory unemployment insurance of workers in agriculture. Ordinance of 26 June 1953 to extend the validity of the Short-Time Compensation Ordinance until 30 June 1954.

Federal Act of 9 July 1953 respecting the recruitment and employment of young persons (Young Persons Recruitment Act) as amended by the Federal Act of 9 July 1953.

Federal Act of 16 December 1953 to amend the Unemployment Insurance Act (Fifth Unemployment Insurance Amendment Act).

Ordinance of 21 May 1954 respecting the extension of unemployment insurance to frontier workers employed in Switzerland and Liechtenstein.

The purpose of the Act of 9 July 1953 respecting the recruitment and employment of young persons is to ensure employment for the annually increasing number of young persons who leave school and start out in life. Undertakings are obliged to recruit and employ young persons as apprentices, workers or employees, in a proportion determined according to their total staff. The application of the Act is assured by the Federal Ministry for Social Affairs, assisted by an advisory committee.

<sup>1</sup> The difference between the number of requests received and the number of persons placed is due to the fact that, in cases of short-term temporary employment, workers are sent by the Employment Service to other employers without being re-registered.

The Act of 9 July 1953 amending the Federal Act respecting the employment of children and young persons is also particularly intended to facilitate the employment of young persons.

Compulsory unemployment insurance has been extended to certain categories of agricultural workers by an ordinance issued on 22 May 1953 under section 3 (1) of the Unemployment Insurance Act.

The validity of the Short-Time Compensation Ordinance was extended until 30 June 1954.

The Act of 16 December 1953 gives the Federal Minister for Social Affairs power to extend the unemployment insurance scheme to frontier workers. Accordingly, extension of unemployment insurance to frontier workers employed in Switzerland and Liechtenstein was introduced by an ordinance of 21 May 1954. It covers employees who are occupied as frontier workers in Switzerland or Liechtenstein for an average of at least 16 hours a week, provided that the type of occupation concerned is compulsorily insurable in Austria and that their remuneration is calculated in a manner prescribed by the ordinance.

During the period under review the average number of persons registered as applicants for employment with the public employment agencies at the end of each month was 186,065; the average of unfilled vacancies was 14,005. The average monthly number of new applications registered for employment was 65,438 and of vacancies notified 39,060. A monthly average of 31,498 vacancies were filled through the public employment offices. Fuller details and statistics regarding the position of the employment market are contained in the monthly publication *Der Arbeitsmarkt in Österreich*, copies of which have been enclosed with the interim three-monthly reports submitted by the Government.

### Belgium.

Royal Decree of 26 September 1953 amending the Regent's Decree of 26 May 1945 concerning the organisation of the National Employment and Unemployment Office.

Four Regulations dated 12 November 1953 issued under the Regent's Decree of 26 May 1945 concerning the organisation of the National Employment and Unemployment Office, as amended by the Decree of 26 September 1953.

Royal Decree of 10 April 1954 concerning the operation of fee-charging employment agencies.

Various Royal and Ministerial Decrees, and various Regulations promulgated during the period under review, relating, *inter alia*, to unemployment allowances, benefits in kind to which unemployed persons undergoing vocational rehabilitation are entitled, the approval of free private employment agencies, the supervision of unemployed persons, etc.

At present the National Employment and Unemployment Office has 44 local branch offices.

The statistical information appended to the report shows the average daily number of fully unemployed persons in receipt of allowances, together with the number of vacancies registered and filled each month during the period under review. These figures show that the number of persons in receipt of unemployment allowances varied between 236,000, the highest figure, recorded in January 1954, and 159,000, the lowest figure, recorded in June 1954. The number of placings made by the branches of the National Employment and Unemployment Office varied

between 9,000 in December 1953 and 29,000 in May 1954.

In addition to the free public employment offices, there are 22 free private employment offices approved by the Minister of Labour and Social Welfare and supervised by the National Employment and Unemployment Office. The Royal Decree of 10 April 1954 mentioned above regulates fee-charging employment agencies dealing with domestic workers, and theatrical artists, concert, music-hall and circus performers and musicians; these agencies are allowed to operate on condition that they were already in existence on 16 December 1951 and fulfil the conditions laid down for the issue of a permit. Similarly farm employment agencies which, in 1945, had already obtained a licence to operate, may continue to do so, provided that they conform to the appropriate regulations and conditions.

The Royal Decree of 26 September 1953 amends the conditions imposed by the Decree of 26 May 1945, which was in turn amended by the Decree of 22 June 1951, in respect of the conditions of payment of unemployment allowances. The aim of the new amendments is to prevent abuses by abolishing certain allowances, by curtailing some forms of entitlement to allowance, and by limiting the duration of entitlement of certain classes of unemployed men and women.

The same Decree also modifies the conditions laid down in the Decree of 26 May 1945, amended by the Decree of 22 June 1951, in respect of the payment of unemployment allowances to foreign workers.

An agreement was signed in Brussels on 27 January 1954 concerning the payment of allowances for involuntary unemployment. This agreement implements the Convention signed at The Hague on 29 August 1947 between Belgium and the Netherlands regarding the application of the legislation of the two countries concerning social insurance.

The text of the above-mentioned decrees and regulations is appended to the report.

### Bulgaria.

Ordinance No. 46 of 8 June 1954.

The Constitution provides that every citizen shall have the right to work. The number of workers now in employment is more than twice that of 1944. Since unemployment has been abolished the Unemployment Convention is no longer applicable.

In view of the great need for manpower and in order to ensure a proper distribution of workers by referring them to undertakings requiring labour, agencies for the registration of manpower have been set up. They also deal with the placing in employment of persons having limited working capacities. These agencies assist the regional services set up under the Labour Reserve Administration. The assistance given to workers by these agencies and services is free of charge. The ordinance which regulates the activities of the manpower registration agencies was published in *Izvestiya* No. 46 of 8 June 1954. The supervision of the manpower registration agencies is ensured by the Labour Reserve Administration.

As regards practical application see under Convention No. 1.



*Burma.*

A further sample survey of the labour force in Rangoon was carried out covering the period 20 March to 19 April 1954. The purpose of this survey was to establish the extent of under-employment in that segment of the labour force which is made up of persons doing remunerative work. Preliminary estimates indicate that, out of an estimated total of 255,689 workers, 14,881 were employed for fewer than 18 days during the month. The Government hopes to continue to carry out similar surveys annually in Rangoon, and later to extend them to industrial or other thickly populated urban areas.

An Artisan Training Centre has now been opened in Mandalay, and the Artisan Training Centre in Rangoon has expanded its activity to provide evening classes for factory and office workers wishing to acquire further technical training.

During the period under review the two employment exchanges in the country registered 11,301 applicants for employment and 6,172 vacancies; 7,161 applicants were referred to vacancies and, of these, 5,561 were placed (including two men of appointment-branch standard and 395 women).

*Chile.*

The Government is at present engaged in developing and organising the employment section of the General Directorate of Labour and transforming it into a national employment service. In this connection all the relevant Conventions and Recommendations have been examined, as well as the relevant laws and practices existing in Argentina, Belgium, Canada, France, Peru and the United Kingdom. The technical assistance granted in principle by the I.L.O. is essential if this project is to be brought about.

During the period under review the inspectors of the Santiago employment office made 4,693 visits to commercial and industrial undertakings and obtained 1,455 requests for employment. During 1953 the average number of applications for employment registered each month by the national employment service was 3,937; the monthly average number of placings was 1,103, and of unemployed persons 2,834.

Detailed statistical information on various other aspects of the unemployment situation is appended to the Government's report.

*Colombia.*

Decree No. 3075 of 26 November 1953 to issue regulations under Legislative Decree No. 23018 of 8 September 1953 respecting the Official Employment Exchange and to lay down the duties of private employment agencies.

Decree No. 538 of 1954 to specify the towns in which the official employment exchanges will function, to provide for the engagement of the staff and to prescribe their duties.

Decree No. 2560 of 1954.

Decree No. 2560 provides for the setting up, in the Ministry of Labour, of an office for the analysis and compilation of statistics. This office will collect the required data on unemployment and the official employment agencies to be included in the next report.

*France.*

Decree dated 18 February 1954 respecting an increase in the rate of unemployment allowances.

Decree dated 29 March 1954 amending the Decree of 12 March 1951 respecting the organisation and conditions of payment of assistance to fully unemployed persons.

Decree dated 4 June 1954 increasing the subsidy to local authorities which find work for the unemployed.

There are at present 392 local manpower offices in metropolitan France. They are grouped under 75 departmental services (15 economically backward departments are covered by the services of adjoining departments).

The results of the inquiry into the employment of workers aged 50 and over have been examined and the resulting conclusions have been submitted to the National Manpower Committee.

Private employment agencies must make a monthly return to their departmental manpower services of the number of applications and vacancies received and of the number of placements made. They are supervised by the manpower services, of which they sometimes act as subsidiaries. They may, for example, be authorised to function as branch offices of the manpower services. In France at present there are 209 free private employment agencies and 178 fee-charging private employment agencies.

According to figures for the operations of the manpower services between 1 July 1953 and 1 April 1954, shown in an appendix to the report, the number of applicants for employment fluctuated between a low point of 145,526 on 1 September 1953, and a peak of 220,000 reached on 1 February and 1 March 1954. The number of vacancies filled varied between 40,972 in August 1953 and 63,349 in October 1953.

The amendments made by the Decree of 29 March 1954, referred to above, are designed to enable departmental funds to be set up, where necessary, to bear the cost of the payment of unemployment allowances to those living in communes where unemployment is not sufficiently widespread to justify the establishment of a local unemployment assistance office. The amendments also entail a speeding up in the procedure for opening up such offices in cases where unemployment becomes sufficiently serious in districts with more than 5,000 inhabitants; in addition, the qualifying conditions for assistance are relaxed.

In the case of foreign workers, the Decree of 12 March 1951, as amended, states that any foreigner, whatever his country and origin, may draw unemployment allowances under the same conditions as French workers, as long as his labour permit is valid. The decree also provides that an exception to this provision may be made in cases where the labour permit expires at the time when the worker becomes unemployed, or while relief is being given, in the case of nationals of countries which have concluded reciprocal agreements on this subject with France. So far no agreement of this kind has been concluded.

*Federal Republic of Germany.*

Act of 18 July 1953 respecting the allowance to be made for pensions in unemployment relief.<sup>1</sup>

<sup>1</sup> This Act, although adopted during the period under review, was mentioned in the Government's report for 1952-53.

Act of 4 August 1953 respecting the intensification of measures to create employment by means of funds available to the Federal Institute for Employment and for Unemployment Insurance.<sup>1</sup>

Act of 24 August 1953 to amend and supplement provisions respecting unemployment insurance and unemployment relief.<sup>1</sup>

Act of 12 April 1954 to validate for Berlin the Act concerning the headquarters of the Federal Institute for Employment and for Unemployment Insurance.

Act of 9 July 1954 concerning the resumption of activities by voluntary welfare agencies with regard to non-profit-making placing activities.

Under the Act of 4 August 1953 the Federal Employment Service has been authorised to increase the facilities intended to combat unemployment, particular regard being had to structural and regional disturbances in the employment market. Loans or subsidies for the promotion of individual schemes are granted only on condition that the constituent state which benefits, directly or indirectly, makes a financial contribution equal to the aid provided by the Federal Institute.

Under the Act of 9 July 1954 the voluntary welfare agencies, which had been authorised to function up to 30 January 1933 and which had been obliged to abandon their activities as a result of the measures taken by the national-socialist régime, have now been authorised to resume their activities in the field of non-profit-making placing on the same scale as heretofore. These agencies deal mainly with the employment of nurses and domestic help. Non-profit-making employment agencies are subject to inspection and supervision by the Chairman of the Federal Institute for Employment and for Unemployment Insurance.

The Act to amend and supplement the provisions concerning unemployment insurance and unemployment relief will lay down uniform regulations as regards unemployment insurance, unemployment relief and assistance for temporary workers. This Act will abrogate the legislation which has been in force since 1945. It has been brought before the Federal Government for a final decision and will probably be submitted to Parliament in the autumn of 1954.

A number of Bills relating to various problems connected with unemployment assistance are now before Parliament.

Detailed statistics showing the unemployment situation together with information concerning action against unemployment are received regularly by the International Labour Office.

The various bodies of the Federal Institute for Employment and for Unemployment Insurance are composed of equal numbers of representatives of employers, workers and the public authorities; they comprise an executive board, a governing body, managing committees for the 12 provincial employment offices and managing committees for the 209 local employment offices, with a total of 2,745 titular members and an equal number of substitute members.

At the end of June 1954 there were 37 private non-profit-making employment agencies. Between 1 January and 30 June 1954 (no figures are available for the previous six months), these

agencies made 35,880 placements, of which 27,415 were in short-term employment and 8,465 in long-term employment. During this period the average number of outstanding applications registered at the end of every month was 176.

The agreement concerning unemployment insurance concluded with the Federal Republic of Austria (see report submitted for 1952-53) was supplemented by a second agreement on 31 October 1953, which is awaiting approval by the legislatures. The unemployment insurance agreement concluded with the Italian Republic (referred to in the Government's report of last year), has not yet been ratified by the two Governments. A similar agreement with the Netherlands was approved in draft on 26 November 1953 and is due to be signed shortly. Negotiations are also being undertaken with the United Kingdom and Denmark with a view to concluding reciprocity agreements in the field of unemployment insurance.

The Government appends to its report the text of the above-mentioned Acts.

### *Hungary.*

Constitution of the Hungarian People's Republic of 20 August 1949 (L.S. 1949—Hun. 4).  
Governmental Decree No. 4121 of 1949.

The Government reports that the laws of the Republic of Hungary are in conformity with the provisions of the Convention. The Constitution of the People's Republic grants and guarantees the right to work to all able-bodied persons. Unemployment no longer exists in Hungary; on the contrary, there is a shortage of manpower.

Between 1945 and 1949 manpower placing was the responsibility of the trade unions. However, transition to a planned economy has made it necessary to centralise manpower administration and placement services in the hands of the State. The special authority set up for this purpose was given the task of guaranteeing the manpower and labour reserves necessary for the planned economy and of carrying out the transition from placing to a planned manpower administration.

In pursuance of this policy a network of free labour offices was set up, which replaced the private employment offices, while, in certain branches, such as the iron-smelting and building industries, special measures were taken to provide the necessary manpower (direction of manpower from the less important industries into more important branches, increase in the number of apprentices, etc.). In addition, special offices were operated in Budapest for placing skilled workers, apprentices and professional workers.

By contrast, agricultural placing was the responsibility of representative bodies. Moreover, agricultural unemployment disappeared as a result of the coming into force of Decree No. 4121 of 1949, which specified the cases in which a proprietor is obliged to engage manpower during the harvest season.

Achievement of the three- and five-year plans has placed particular emphasis on manpower problems. From February 1951 until mid-April 1954 recruitment of manpower was consequently entrusted to the undertakings themselves, with the participation of the local councils. Since this period, however, in order to guarantee equitable distribution of labour reserves, direct recruitment

<sup>1</sup> This Act, although adopted during the period under review, was mentioned in the Government's report for 1952-53.

by the undertaking has been replaced by a system of state recruitment. Furthermore, the shortage of manpower is so widespread that there is no purpose in providing manpower placement services and, with the exception of recruitment of manpower practised only in certain branches of industry, the undertakings engage labour directly.

In view of the fact that unemployment has been eliminated there is no compulsory unemployment insurance.

#### *Ireland.*

Unemployment Assistance (Employment Periods) Order, 1954.

The monthly count of persons on the live register at employment exchanges and branch employment offices fluctuated between a low figure of 51,674 in September 1953 and a high figure of 79,090 in January 1954. These fluctuations were due largely to the incidence of the Unemployment Assistance (Employment Periods) Orders, 1953 and 1954, the effect of which was to preclude from the receipt of unemployment assistance during the specified periods certain classes of persons residing in rural areas. However, at each of the counts for the first six months in 1954, the live register was at a lower level than at the corresponding dates in 1953. On 26 June 1954 the live register stood at 53,577, i.e. at approximately 10,000 less than a year previously.

During the year under review 48,002 vacancies were notified and 45,318 placements were carried out by the employment exchanges and branch employment offices, as compared with 41,274 and 38,993 respectively in 1953. More vacancies were notified to these offices and more filled by them during the first six months of 1954 than during the corresponding period in 1953.

#### *Italy.*

During the period under review, reciprocal conventions were concluded with France, Switzerland and the Saar providing for equality of treatment as regards unemployment benefits. Similar agreements with Denmark, Sweden and Norway are in the course of preparation.

During 1953 the regional inspection services carried out 2,532 inspections.

#### *Japan.*

During the period under review one new employment office was set up, bringing the total number of offices to 421.

The activities of these employment offices may be summarised as follows: as regards regular workers 2,419,000 vacancies and 4,201,000 applications for employment were registered; 3,087,000 applicants were referred to employers and of these 1,762,000 were placed in employment. As regards casual workers, the various offices registered 74,666,000 vacancies and 85,600,000 applications for employment; 74,303,000 applicants were referred to employers and 72,600,000 were placed in employment.

#### *Luxembourg.*

During the period 1 July 1953 to 30 June 1954, 27,109 vacancies were notified, 27,446 applications

for employment were registered and 26,593 persons were placed through the agency of the National Labour Office.

#### *Netherlands.*

During the period under review the supply of immediately available male manpower (fully unemployed persons or persons employed at work-sites of the National Service for the Execution of Public Works) further decreased in comparison with the period 1952-53 (an average of 80,441 as against 117,601). The average number of unemployed male persons was 64,148, as against 95,036, or a proportion of 20.1 for each 1,000 actively employed men, as against 30.3. The high degree of economic activity which accounts for the small amount of unemployment also occasioned a manpower shortage in almost all sectors, in particular those employing highly skilled workers.

The report supplies detailed information on the measures taken by the Netherlands Government to combat unemployment; in particular on vocational training in government centres, apprenticeship on the job, control of employment of foreigners and special research.

The report further points out that the employment service is being reorganised with a view to defining with greater precision the role of the official bodies concerned with the labour market and to ensuring better co-operation among such bodies and co-ordination of their activities.

#### *New Zealand.*

The *Labour and Employment Gazette* is now being published four times a year instead of twice.

During the twelve months preceding 30 June 1954, the National Employment Service effected 19,403 placements (13,961 men and 5,442 women). The number of disengaged persons enrolled at employment offices ranged between a high of 156 persons in July 1953 to a low of 43 persons in February 1954. The number of vacancies notified to employment offices rose during the year under review—over 12,000 vacancies were registered in June 1954 as against over 10,000 in July 1953.

As at 31 March 1954, 12 servants' registry offices were registered as fee-charging employment agencies under the Servants' Registry Offices Act.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

In virtue of section 12 of the Labour Code the Ministry of Labour has set up, in the capital and in the different cities, employment agencies for workers in general, with a view to finding work for them and in this way, avoiding unemployment.

See also under Convention No. 1.

#### *Norway.*

Regulations of 18 December 1953, issued by the Ministry of Local Government and Labour, concerning the placement, etc., of disabled persons.

Act of 17 July 1953, amending sections 4 and 7 of the Act of 24 June 1938 concerning unemployment insurance (L.S. 1938—Nor. 3).

Royal Decree of 4 June 1954 concerning certain changes in the regulations of 28 March and 18 April 1947 concerning unemployment insurance for seamen in foreign trade.

Decision by the Ministry of Local Government and Labour of 28 June 1954, concerning changes in the rates of benefit under the unemployment insurance scheme for seamen in foreign trade.

*Article 2 of the Convention.* The Labour Directorate is at present responsible for the administration of 18 county employment offices and 687 local placement offices, including 30 joint offices covering several local districts. In addition, 16 seamen's offices are operating. Since the last report, labour consultants (district rehabilitation officers) have been appointed in all counties. In the above-mentioned regulations, directives concerning the activities of the labour consultants have been drawn up. In the period under review 285,027 applications for employment and 241,987 vacancies have been registered with the employment exchanges; 196,324 applicants were placed in employment.

*Article 3.* The changes brought about in the field of unemployment insurance, in virtue of the Acts of 17 July 1953 and 4 June 1954, have not modified the substance of the provisions. A new centre for the payment of unemployment benefits for seamen serving abroad having been established at Hamburg, in virtue of the decision of 18 December 1953, the unemployment insurance scheme for seamen now has 12 such centres.

Copies of the above-mentioned texts are appended to the Government's report.

#### *Sweden.*

Royal Ordinance of 8 May 1953 (No. 323) to amend the Royal Ordinance of 15 June 1934 respecting recognised unemployment insurance funds.

During the period under review the number of applications for work received by agencies of the public employment service was 1,856,844. The number of vacancies registered with the service amounted to 1,221,518 and the number of placements made was 1,023,258.

The text of the above-mentioned Ordinance and a special issue of the Royal Instructions of 17 June 1948 (Nos. 439 and 440) for the State and Provincial Employment Boards, as amended (see report for last year), as well as the annual report of the State Employment Board for 1953, entitled *Berättelse Angående Verksamheten Under 1953*, are appended to the Government's report.

#### *Switzerland.*

Ordinance of the Federal Council dated 16 January 1953 respecting the organisation and procedure of the Federal Insurance Tribunal in cases relating to unemployment insurance.

Ordinance No. 1 of the Federal Department of Public Economy dated 15 December 1952 respecting unemployment insurance (accounting procedure).

Ordinance No. 2 of the Federal Department of Public Economy dated 21 December 1953 respecting unemployment insurance (international organisations whose staffs are not subject to unemployment insurance obligations).

#### *Cantonal Legislation*

##### *Aargau.*

Ordinance dated 2 October 1953 implementing the Act of 16 June 1952 introducing the Federal Employment Service and Unemployment Insurance Acts.

##### *Glaris.*

Ordinance dated 17 February 1954 implementing the Act introducing the Federal Employment Service and Unemployment Insurance Acts.

##### *Neuchâtel.*

Regulation dated 16 September 1953 introducing federal and cantonal legislation respecting unemployment insurance.

Decree dated 25 June 1954 revising the decree implementing the Employment Service Act.

##### *Geneva.*

Regulation dated 15 July 1953 implementing the Unemployment Insurance Act of 30 May 1953.

During the period under review the number of fully unemployed persons on the books of the employment offices at the end of each month was generally somewhat lower than during the corresponding period of 1952-53. Partial unemployment was once again fairly negligible in 1953, but there was a slight increase in the watch-making industry during the latter part of the year, although it fell in the textile and metal trades. The number of applications was on the whole lower than during the previous year, while the number of vacancies was somewhat higher throughout the year than during the preceding period. As in earlier years the labour shortage resulting from the high degree of economic activity made it necessary to import large numbers of foreign workers. The employment offices registered 111,226 vacancies and 118,000 applications for employment; 51,228 workers were placed.

Appended to the report are the texts of the Acts and Ordinances passed by the Federal Council and cantons which are mentioned above.

#### *Turkey.*

Regulations of 4 April 1954 respecting local advisory committees for the employment service.

The Government has appended a statistical table showing the placing activities of the employment service during the year. These still constitute the only statistics which are at present available. When the statistical expert of the International Labour Office, who is at present working in Turkey, has made his final recommendations, measures will be taken for the improvement of the labour statistics.

Regulations for the establishment of local advisory committees in accordance with Article 2 came into force on 4 April 1954. Provision is made for the inclusion in these committees of representatives of employers and workers.

The employment service continues to expand and at the end of the year there were 53 employment offices in operation as against 42 at the corresponding date in 1953. The number of applications for employment was 358,642, and 301,999 placings were effected.

#### *Union of South Africa.*

The number of persons employed on special works financed or subsidised by the Government with the aim of combating unemployment was 1,904 in the period from July to September 1953, 1,910 from October to December 1953, 1,872 from January to March 1954, and 1,859 from April to June 1954.

There are at present 38 employment agencies, i.e. 9 regional agencies, 14 in larger urban centres and 15 in larger rural centres. In areas not directly served by these 38 agencies there are about 300 free employment agencies which are

directed by public officials having other functions. Agencies dealing specifically with juvenile work-seekers now number 17.

During the period from July 1953 to June 1954 employment offices functioning either under the Department of Labour or under the Department of Native Affairs placed 860,281 Natives and 88,413 Europeans, Coloured persons and Asians. These offices registered 1,158,986 applications for employment from Natives and 252,633 from Europeans, Coloured persons and Asians.

During the period from 1 January to 31 December 1953, 45,198 applications for unemployment benefits were admitted. There was a gradual increase throughout the year of the number of persons in receipt of benefits. At the end of the first quarter of 1953, 5,297 persons were receiving benefits. This figure rose to 7,124 at 31 December 1953.

With effect from 1 January 1953, contributors to the Unemployment Insurance Fund who had been unemployed because of illness for four weeks were entitled to claim an illness allowance equal to the benefits they would have received had they been unemployed while capable of and available for work. During the year illness allowances were paid to 2,297 persons. The total amounts paid in unemployment benefits and illness allowances were £910,744 and £119,509 respectively. The number of persons insured remained at about 1 million.

The Central Board considered 97 appeals against decisions given by local committees; 58 of these appeals were dismissed and 32 were allowed. In five cases the decisions of the local committee were varied and two cases were held over for further information.

#### *United Kingdom.*

##### *Great Britain.*

There are at present 973 employment exchanges, 100 sub-offices, 80 branch employment offices, 33 local agencies, 1,162 youth employment offices (of which 829 are operated by local education authorities and 333 by the Ministry of Labour and National Service), one technical and scientific register, three appointments offices, 11 regional nursing appointments offices and 140 local nursing appointments offices.

The average number of applicants registered for employment monthly during the year was 313,358. The number of vacancies notified to employment exchanges remaining unfilled at 30 June 1954 was 381,519. The number of persons placed in employment during the 52 weeks ended 30 June 1954 was 3,115,384.

Advice in the operation of these offices was given by 365 main local employment committees and 192 women's subcommittees.

##### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1953. Various Statutory Rules and Orders relating to national insurance.

The estimated total number of persons insured under the National Insurance Act (Northern Ireland), 1946, at mid-1953 was 555,000. The total amount of benefits paid during the year (including unemployment benefit, extension of unemploy-

ment benefit, and national assistance) was £3,652,973.

The number of free public employment agencies on 30 June 1954 was 28 local offices and 60 paying offices. The number of applicants registered for employment was as follows: 14 September 1953—31,467; 7 December 1953—36,869; 15 March 1954—38,671; 14 June 1954—29,536. The number of vacancies notified during the year was 41,953, and the number of vacancies filled was 29,798.

#### *Uruguay.*

Act No. 11987 of 14 August 1953 orders the establishment of a register of persons dismissed from private freezing plants who are not covered by Act No. 10562, which is to be maintained by the unemployment insurance fund for the refrigerating industry.

The Act also lays down that for a period of five years undertakings shall not engage new staff for the same work but that any vacancies are to be offered to the persons listed in the register until all names have been called on. Workers are not obliged to accept such jobs unless they are offered the same conditions and type of employment as they had before their dismissal. However, if a worker refuses employment without showing good reason his name may be struck off the list by decision of the Executive Board of the Fund.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

#### *Venezuela.*

Owing to the rapid economic development of the country, unemployment in Venezuela is not a serious problem. However, in view of the influx of immigrants and in order to ensure that unemployment will not become widespread in future, the Government has taken steps to set up free public employment offices. In this connection, it awaits with interest the final report of the Advisory Manpower Mission sent by the I.L.O. to Venezuela, which is to indicate the methods to be adopted in setting up employment offices throughout the country.

During the period under review, Venezuela has regularly supplied the I.L.O. with statistical reports on the state of the labour market. Statistical tables are also appended to the Government's report.

The creation of advisory committees was provided for by Resolution No. 496 of the Ministry of Labour dated 10 November 1949. At present the Ministry is awaiting the final report of the above-mentioned Advisory Manpower Mission before deciding on the form these committees shall take.

In conformity with the Labour Act of 13 November 1947 and the regulations governing its application, profit-making employment offices have been abolished.

The Advisory Manpower Mission is to give in its final report any relevant suggestions concerning co-ordination by the I.L.O. of the operation of the various national schemes.

The application of laws and regulations relating to labour relations is undertaken by the Ministry of Labour through the Directorate of Labour. The latter comprises a labour inspection department, a department for trade union affairs, contracts and disputes, 22 labour inspectorates distributed throughout the different states, and an Office of Attorney General for Labour. The Manpower Division, forming part of the Social Welfare Directorate of the Ministry of Labour, is responsible for compiling statistics on employment and unemployment. It contains an Office of the Chief of Division, and services for placing, statistics, information and research, and vocational training. The staff of this division has been carefully trained and functions with great efficiency.

Owing to the lack of statistical and other data the Manpower Division is unable to supply statistics on the placing of workers in the entertainment industry; the final report of the Advisory Manpower Mission is being awaited in order to ascertain whether or not special attention should be given to this problem.

During the period under review, 5,410 applications for employment and 6,032 vacancies were registered by the Caracas employment office; 4,188 workers were referred to employers, and 2,883 of these were engaged.

#### *Yugoslavia.*

During the period covered by the report the number of local employment exchanges rose from 186 to 233. The monthly average of temporarily unemployed workers as registered on the last day of the month was 76,803. During the period July 1953 to June 1954 the employment service registered 545,385 applications for jobs and 466,725 vacancies; 423,201 persons were placed in employment.

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

*Denmark, Finland, Poland.*

### 3. Maternity Protection Convention, 1919

*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 <sup>1</sup> . . . . .	31.10.1927
Greece . . . . .	19.11.1920
Hungary . . . . .	19. 4.1928
Italy . . . . .	22.10.1952
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

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

#### *Argentina.*

During the period under review the amount paid out in benefits was 4,616,875 pesos in respect of 15,409 maternity cases.

#### *Brazil.*

In reply to the observations made by the Committee concerning Article 3 of the Convention, the Government points out that the National Congress is still discussing the organic law on social insurance; the provisions of this law make the social insurance institutions concerned solely responsible for the payment of maternity benefits which, at present, are paid jointly by the employers and those institutions.

According to statistics computed by the federated States six infringements of the national legislation relating to the Convention were reported during the period under review.

The following amounts were paid out in maternity benefits by the retirement and pension funds: 132,738,670 cruzeiros by the fund for persons employed in industry; 41,288,954 cruzeiros by the fund for persons employed in commerce, and 1,768,602 cruzeiros by the fund for persons employed in banks.

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

In accordance with section 60 of the Labour Code a woman wage or salary earner, wherever she may work, is entitled to 90 days of maternity leave, beginning 30 days before confinement. In the case of abnormal confinement or the birth of twins the maternity leave is extended to 100 days. During the period of maternity leave a woman wage or salary earner receives cash compensation from the State social insurance scheme calculated according to the provisions of section 157 of the Labour Code.

The term "uninterrupted service in the same undertaking", used in section 157 of the Labour Code, means the whole duration of the time served by the woman wage or salary earner in different undertakings, in instances where transfer from one undertaking to another is not considered as an interruption of service by the terms of the legislation in force. All women wage earners receive, in addition, a grant on the birth of each child. Pregnant women and nursing mothers receive free medical aid and treatment in health establishments. Free confinement services are also provided

in maternity homes managed and maintained by the State.

A woman wage or salary earner who nurses her child until it is eight months old is entitled to paid leave for one hour twice a day or for two hours together, for the purpose of feeding the child. The undertaking, establishment or organisation may not dismiss, with or without notice, any woman wage or salary earner after her fourth month of pregnancy, or any mother whose child has not reached the age of eight months, except for gross misconduct and with the permission of the competent labour inspectorate in each individual case (section 35 of the Labour Code). If, after the expiry of her maternity leave, the mother is unable to return to work for reasons of illness, she may not be dismissed from her employment and is granted sick leave in accordance with the legislation in force.

Section 119 of the Labour Code lays down that no undertaking, establishment or organisation may refuse to make a labour contract on account of the pregnancy of the woman desirous of being employed. Overtime and night work, and employment on laborious and unhealthy work, are forbidden for pregnant women after the beginning of the fifth month of pregnancy, and for mothers until the child is eight months old (section 114 of the Labour Code). Women ordinarily employed on laborious and unhealthy work may be transferred to lighter work on the order of the medical commission, without any reduction in remuneration. Pregnant women and nursing mothers may not be required to change their place of permanent work without their consent.

Supervision over the application of these provisions is entrusted to the bodies responsible for labour protection.

As regards practical application see under Convention No. 1.

#### *Chile.*

Act No. 11462 of 29 December 1953 amending the provisions of the Labour Code relating to maternity protection.

Decree No. 402 of 10 April 1954 approving the regulation fixing sickness and maternity allowances and nursing grants.

As the committee responsible for revising the Labour Code has not yet completed its work, the position of women salaried employees with regard to nursing periods remains unchanged.

The Official Gazette published on 29 December 1953 the text of Act No. 11462 which makes substantial improvements in the Labour Code in respect of maternity protection. This Act supersedes paragraphs I and II, comprising sections 307 to 314 of Part III of Book II of the Labour Code. Section 307 of this Act states that the provisions concerning maternity protection are applicable to all women salaried employees and wage earners working for an employer; this includes homeworkers and in general all women affiliated to welfare schemes or subsidiary institutions. The text of this Act is appended to the report, together with a Decree (No. 402) concerning the payment of the maternity allowances and nursing grants provided for by Act No. 10383 of 1952 respecting the compulsory social security scheme.

During the period under review there were, as far as the Directorate of Labour is aware,

only two decisions by courts of law concerning the application of the Convention. The text of these decisions is attached to the report.

According to the reports of the Labour Inspection Service the payment of maternity allowances was satisfactorily carried out by industrial and commercial establishments.

#### *Colombia.*

The Government states that the draft Act concerning public employees now being prepared will eliminate the discrepancies between national legislation and the provisions of Article 3 of the Convention. Maternity leave is limited to 12 weeks and the duration of rest periods for nursing to 30 minutes.

#### *Cuba.*

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 amount of compensation paid out, the number of beneficiaries, decisions by courts of law and acquittals.

#### *France.*

During the period under review the funds of the general social security scheme for non-agricultural occupations paid maternity benefits in respect of 453,379 births; benefits in kind in respect of these births amounted to 12,583 million francs. Daily benefits amounting to 3,954 million francs were paid out to 147,151 mothers by the general social security scheme, and 10,675 mothers employed in the civil service received their remuneration from their respective administrations while they were on maternity leave.

#### *Federal Republic of Germany.*

The Government supplies the following information in reply to the observations made by the Committee of Experts in 1953.

Although the reservations made by the Committee of Experts on sections 7 and 12 of the Maternity Protection Act of 1952 are to a certain extent open to challenge, revision of German legislation to meet these objections is now under consideration. It has not yet been decided whether German law should be adapted to correspond with the Maternity Protection Convention, 1919 (No. 3) or whether its adaptation to the Maternity Protection Convention (Revised), 1952 (No. 103) would not be preferable, in order that the latter may be ratified. The Government will submit a supplementary report to the Office as soon as feasible on the outcome of the relevant discussions and outlining the measures adopted to meet the objections raised by the Committee.

In connection with the observation made by the Committee on section 12 of the Maternity Protection Act and the replies of the Ministry of



Labour as given in its communications of 29 May 1953 and 5 June 1954, the report states that the Ministry of Labour remains of the opinion that the discrepancy existing between German legislation and the Convention is of minor significance and furthermore concerns only a subsidiary point. It nevertheless intends to prepare an amendment to German legislation in order to bring section 12 of the Maternity Protection Act into line with Convention No. 3 and, in so far as its provisions are the same, with Convention No. 103 (cf. Article 4, paragraphs 4 and 8 of this Convention).

With reference to Article 3 (*d*) of Convention No. 3, which provides for interruptions of work for nursing purposes, the report states that the object of the Convention cannot be to grant two daily half-hour breaks to nursing mothers whose hours of work are relatively short (e.g. from two to three hours a day). In this respect Article 5 of Convention No. 103 is more satisfactory, since it allows a nursing mother one or more breaks at times to be prescribed by national legislation.

The Federal Ministry of Labour is considering whether, on the points at issue, it should adapt national law to the requirements of Convention No. 3 or whether instead it should ratify Convention No. 103, which would thus not necessitate amendment of section 7 of the Maternity Protection Act.

During the period under review no instance has occurred where the higher provincial authorities responsible for labour protection have authorised dismissal during the periods specified in Article 4 of the Convention or the serving of any notice of dismissal expiring during such periods, without guaranteeing fulfilment of the provisions of section 13 of the Maternity Protection Act in respect of the maternity benefits to be granted.

The Maternity Protection Act of 1952 has given rise to a large number of legal decisions. Copies of various judgments made by provincial labour courts concerning basic problems raised by the Maternity Protection Act are given in an appendix to the report.

The annual reports of the provincial labour inspectorates of the Federal Republic of Germany for 1952 contained many references to application of the Maternity Protection Act. Extracts from these reports are also appended.

It has not yet been found possible to provide exact data on the number of women who have received maternity and nursing allowances in accordance with section 13 of the Maternity Protection Act, since the subsidies to be paid by the federal authorities to the sickness funds under section 14 of the same Act have not yet been finally assessed.

In 1952, 152,202 women covered by compulsory health insurance drew maternity allowances in accordance with the Reich Insurance Code. The number of women receiving maternity allowances under section 13 of the Maternity Protection Act certainly exceeds this figure, as this provision entitles a larger number of women to benefit.

The sickness funds continue to be paid regular instalments on their claims for compensation from the federal authorities under section 14 of the Act. Between 1 July 1953 and 30 June 1954 the instalments paid amounted to about 32½ million DM.

No statistics are available of the number and type of infringements of the Act.

### *Greece.*

The report reproduces the text of articles 35 and 36 of the rules of the Social Insurance Institute (I.K.A.) concerning the granting of pregnancy and maternity allowances. If confinement takes place after the date estimated by the doctor, the ante-natal allowance ceases to be given after six weeks. The report states that the social insurance scheme set up by the I.K.A. has been extended to various areas during the period under review and that, in general, it is being further extended from year to year. A table is appended showing the number of confinements covered directly and indirectly by insurance and the sums granted in the form of maternity and confinement allowances.

### *Hungary.*

Constitution of the Hungarian People's Republic of 20 August 1949 (L.S. 1949—Hun. 4).

Labour Code of 31 January 1951 (L.S. 1951—Hun. 1). Regulation No. 2 of 1952 of the Central Council of Trade Unions.

Decree of the Council of Ministers No. 1004 of 1953. Legislative Decree No. 25 of 1953, to amend the Labour Code.

The rights of women in regard to pregnancy and confinement are expressly laid down in article 50 of the Constitution of the Hungarian People's Republic. These rights have been progressively extended in Hungary in direct relation to the consolidation of the economic situation. The most important Acts published on this subject are: Legislative Decree No. 7 of 1951, to promulgate the Labour Code; Decree of the Council of Ministers No. 1004 of 1953; and Legislative Decree No. 25 of 1953, to amend the Labour Code. The last-named legislative decree groups and unifies in the form of a code all former provisions concerning the employment of women before and after childbirth and extends the rights of pregnant women and women in confinement by means of provisions which are even wider than those of the Convention.

Under section 93 of the Labour Code, "by setting up adequate working conditions for working women and by creating a wide network of infant welfare institutions, the Hungarian People's Republic protects the working mother . . .". Sections 97 and 98 of the Labour Code contain provisions in conformity with those laid down in clauses (*a*), (*b*) and (*d*) of Article 3 of the Convention but are even wider in scope. Section 97 (1) states that pregnant women and women in confinement are entitled, before and after the confinement, to a total leave period of 12 weeks. In the event of abnormal childbirth, maternity leave may, on the instructions of a medical officer, be extended by four weeks. Section 98 states that working women who nurse their children in the factory crèche or in a neighbouring crèche, or at their homes if these are situated close by, are entitled during the first six months of the nursing period to two daily half-hour breaks for this purpose, and subsequently to a daily break of half-an-hour until completion of the ninth month of nursing. Subsections 2, 3 and 4 of section 98 are also more far-reaching than the provisions of the Convention. Subsection 2 entitles mothers who have to travel some distance to nurse their children to two daily breaks of 45 minutes for the first six months and sub-



sequently to a daily half-hour break until completion of the ninth month of nursing. Subsection 3 of the same section guarantees women their average wage during the nursing period. Subsection 4 makes the additional provision that when nursing of a child is not otherwise possible, and at the mother's request, unpaid leave until the end of the sixth month of nursing may be granted.

Chapter II of Regulation No. 2 of 1952 of the Central Council of Trade Unions constitutes a legal guarantee which conforms with the terms of clause (c) of Article 3 of the Convention. This chapter provides for aid in case of confinement. Section 85 of this regulation grants medical care, medicaments, medicinal baths and spa treatment, the necessary medical supplies, hospital treatment and repayment of travel costs. Its provisions are substantially wider in scope than those of the Convention. Section 89 of the regulations contains provisions concerning allowances for pregnancy and confinement.

Section 96 of the Labour Code contains provisions in conformity with those of Article 4 of the Convention, but exceeding them in scope. They prohibit dismissal of a pregnant woman from the time when pregnancy is established until the end of the third month following confinement.

The other relevant provisions of the Labour Code guarantee extensive rights to pregnant women and nursing mothers which go beyond the objectives stated in the text of the Convention. Section 95 of the Labour Code makes it illegal to refuse to employ a woman on account of her pregnancy; it also prohibits the employment of pregnant women, from the time when pregnancy is established, on work likely to injure their health. Under subsection 3 of the same section, from the fourth month of pregnancy until the end of the sixth month of nursing it is prohibited to employ a woman on strenuous physical labour, on overtime or on night work; in undertakings operating a shift system such women are, wherever possible, to be guaranteed morning work; they may not be sent to any other neighbourhood without their consent; and at their own request, supported by medical advice, they are to be granted temporary employment adapted to their general physical condition, even in cases not expressly covered by the provisions.

Under subsection 4 of section 95 the wages of a working woman employed on temporary work because of pregnancy may not be lower than her average previous wage.

Section 98 of the Labour Code grants a working woman a special allowance for the purpose of caring for her sick child below twelve months of age, providing that she can certify that the condition of her child requires care at home which cannot be entrusted to any other member of the family. Such allowances are granted for a total of 60 days in a year, even if the child is more than a year old but is under two years. Where the sick child is more than a year old and under ten years a working woman may be granted unpaid leave in order to provide home care, in the absence of other members of the family.

#### *Italy.*

In reply to the observations made last year on the application of Article 3 of the Convention,

the Government supplies the following information.

As regards the undertakings employing only members of the same family and which are excluded from the scope of the Convention, Italian legislation is more limitative, by virtue of the fact that relations by blood or marriage, up to the third degree, are excluded only when they live with, and are maintained by, the employer. In substance, the employer is obliged to provide a maternity allowance to his women employees, whether members of his immediate family or not, either as a legal obligation or as a voluntary act towards a woman employee housed and maintained by him. Undertakings employing only members of the same family are thus excluded by virtue of the exception provided in the Convention; nevertheless, Italian legislation covers maternity protection even in such cases.

With regard to the benefits for the maintenance of the mother and her child, the Convention provides that these shall be provided by means of a system of insurance; Italian legislation provides that the allowance shall be paid in respect of working women employed as salaried employees or the equivalent directly by the employer and at his own expense. The Government stresses that this exception to the principle laid down under the Convention is of very limited application; persons in this category comprise only 10 per cent. of the total number of women workers covered. This exception is based mainly on historical reasons, and experience gained over the last 30 years has shown that the system laid down for women employees not only gives rise to no difficulties but on the contrary provides a quicker and more convenient method of paying benefits. The divergence from the principle laid down in the Convention is, in the case of Italy, of secondary importance having regard to the element of trust in this field as well as to the fact that, on the whole, female employees are in general adequately protected.

As regards the provisions applicable to the women employed in public service undertakings referred to in the Convention, the Government supplies a complete list of the regulations in force in Italy.

The reasons for the refusal to pay the allowance to workers to whom maternity leave has been granted are unemployment or the cessation of work by women workers at the beginning of the prohibited period; and, to a much less degree, the obvious irregularities in the certificates provided by the workers concerned. Since the regulations concerning maternity were promulgated the criteria determining the payment of such allowances have been defined and on this basis the Italian Insurance Institute has reviewed the number of cases ineligible for benefit. This procedure will certainly lead to the recognition of certain cases formerly excluded.

Provisional statistics for 1953 appended to the report show that benefits during statutory maternity leave were granted to 35,005 women in industry and 2,078 in commerce. On the other hand, 1,567 women in industry and 349 in commerce received no benefits during their maternity leave. The total period of absence in industry amounted to 4,215,650 days with benefits and 636,390 days without benefits. For commerce the corresponding figures were 182,318 and 17,102

respectively. The total amount paid out in maternity benefits to insured women in industry, commerce and agriculture was 4,687 million lire. The final statistics given for 1952 agree with the provisional figures submitted in last year's report, with the exception of the following changes concerning women employed in commerce: benefits were granted to 1,803 (not 1,755) persons; 312 (not 382) persons received no benefits during maternity leave. The total period of absence in commerce was 143,532 instead of 144,897 days with benefits, and 28,383 instead of 28,102 days without benefits.

Luxembourg.

During the period under review the Convention was strictly applied and no infringements of its provisions were reported. The Government has appended to its report a copy of the annual report of the labour and mines inspectorate for 1953 containing, *inter alia*, the information that the female staff of the labour inspection service carried out 345 control visits in 300 undertakings covering handicrafts, small-scale industry and commerce.

Nicaragua.

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

See under Convention No. 1 for information regarding the force of law given to ratified Conventions, as well as regarding the authorities responsible for supervising compliance with labour legislation.

Subsection 10 of article 95 of the Constitution and section 129 of the Labour Code ensure that pregnant women shall have ante- and post-natal care and also medical attention. The Government is endeavouring to establish a social security institute.

Uruguay.

The Government states that ratification of Convention No. 103 would necessarily entail denunciation of Convention No. 3. In its report for next year it will supply information on the measures taken for applying the Convention and particularly on the Decree of 1 June 1954.

For legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

Venezuela.

With reference to the observations of the Committee of Experts, the report shows that certain progress has been achieved in carrying out the five-year plan for the systematic extension of compulsory social insurance, already mentioned by the Venezuelan Government delegate in the Conference Committee. The compulsory social insurance scheme is in force in Maracaibo, where offices and assistance centres have been installed. At Ciudad Bolivar work has begun on a medical centre and the scheme will come into force in April 1955. At Barquisimeto administrative offices have been set up and supplied with appropriate equipment in preparation for the inauguration of the scheme in April of next year. The necessary measures have also been taken to introduce a scheme at Maturín.

The report contains a list of labour inspectors allotted to the Federal District and the other states.

During the period under review 7,132 inspections were carried out and 76,757 workers (including 17,264 women) were questioned.

Yugoslavia.

The report contains statistical information showing that 498 million dinars were paid out in the form of maternity benefits during the period under review.

4. Night Work (Women) Convention, 1919

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Afghanistan <sup>1</sup>	12. 6. 1939
Albania	17. 3. 1932
Argentina	30. 11. 1933
Austria <sup>2</sup>	12. 6. 1924
Belgium <sup>3</sup>	12. 7. 1924
Brazil <sup>4</sup>	26. 4. 1934
Bulgaria	14. 2. 1922
Burma <sup>5</sup>	14. 7. 1921
Ceylon <sup>4</sup>	8. 10. 1951
Chile	8. 10. 1931
Colombia	20. 6. 1933
Cuba <sup>2</sup>	6. 8. 1928
Czechoslovakia <sup>2</sup>	24. 8. 1921
France <sup>6 7</sup>	14. 5. 1925
Greece <sup>4</sup>	19. 11. 1920
Hungary <sup>4</sup>	19. 4. 1928
India <sup>7</sup>	14. 7. 1921
Ireland <sup>3</sup>	4. 9. 1925
Italy <sup>2</sup>	10. 4. 1923
Luxembourg	16. 4. 1928
Netherlands <sup>4</sup>	4. 9. 1922
Nicaragua	12. 4. 1934
Pakistan <sup>8</sup>	14. 7. 1921
Peru	8. 11. 1945

Countries	Date of registration of ratification
Portugal	10. 5. 1932
Rumania	13. 6. 1921
Spain	29. 9. 1932
Switzerland <sup>3</sup>	9. 10. 1922
Union of South Africa <sup>3</sup>	1. 11. 1921
United Kingdom <sup>9</sup>	14. 7. 1921
Uruguay <sup>2</sup>	6. 6. 1933
Venezuela <sup>4</sup>	7. 3. 1933
Viet-Nam	6. 6. 1953
Yugoslavia	1. 4. 1927

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

*Argentina.*

Statistical data compiled by the Ministry of Labour and Social Welfare, which are appended to the report, show that during the period under review there were 45 infringements of the relevant provisions in the federal capital and 379 in the provinces and territories.

*Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The occupations for which overtime and night work are prohibited for workers and employees are, in conformity with section 117 of the Labour Code, laid down in a special ordinance.

As regards practical application see under Convention No. 1.

*Burma.*

The Chief Inspector of Factories is entrusted with the application of the legislation, the enforcement of which is carried out by night visits to factories by inspectors. The inspectorate has also opened certain district offices, and more frequent inspections can now be made.

The contravention notified in the report for last year concerned the employment of women in a sweet factory after 6 p.m. Certain rice mills were suspected of employing women at night on parboiling processes, but, as no actual contraventions were reported, warnings were generally given.

*Chile.*

In accordance with an agreement between the Minister of Labour and the Minister of Foreign Affairs, provision has been made for the setting up of a committee comprising representatives of these two Ministries and of the General Directorate of Labour, and entrusted with the task of submitting to the National Congress the Conventions and Recommendations which have already been studied by the General Directorate of Labour with a view to obtaining their ratification or acceptance. The Night Work (Women) Convention (Revised), 1948 (No. 89), is included among these Conventions; the national legislation is in conformity with the terms of this Convention. When this Convention has been ratified the Congress may proceed to the denunciation of Convention No. 4.

The labour inspection service has observed that legislation implementing Convention No. 4 is satisfactorily applied. There are 216,954 women protected by the legislation concerning the night work of women.

*Colombia.*

The Government considers that the prohibition of night work for women would entail serious economic hardship for many poor families.

*France.*

The investigation carried out by the labour inspection services indicates that, in general, the Convention is applied satisfactorily.

*Italy.*

During the period under review exemptions from prohibition of night work for women were granted under clause (b) of Article 4 of the Convention to certain undertakings engaged in the canning of fruits, tomatoes and other foodstuffs, the drying of silk cocoons, manufacture of textile fibres, fish processing and the manufacture of sweets and ice cream. These exemptions were authorised only for short periods and on condition that the necessary measures were taken for the protection of women workers.

Labour inspectors carried out 20,839 visits, drew up 806 reports on contraventions and gave instructions in 334 cases. In the undertakings visited 521,779 women were protected by the provisions of the Convention.

*Luxembourg.*

During the period under review the Convention was strictly applied.

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

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

The report states that the employment of women at night on underground work in mines and in tasks listed as beyond the strength of women is prohibited by sections 126 and 127 of the Labour Code.

See under Convention No. 1 for information regarding the force of law given to ratified Conventions, as well as regarding the authorities responsible for supervising compliance with labour legislation.

*Portugal.*

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

*Uruguay.*

The report states that the ratification of Convention No. 89 involves the denunciation of Convention No. 4. The provisions of the Act relating to penalties for contraventions will enable the Convention to be applied as a national law. In its report for next year the Government will be able to supply information showing the manner in which the national legislation has been brought into conformity with the provisions of the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

*Viet-Nam (First Report).*

Labour Code of 8 July 1952.

Order No. 56-XL/ND of 8 August 1953, issued by the Ministry of Social Affairs and Labour, to determine industries which are authorised to allow temporary exceptions to the prohibition of night work.

*Article 1.* Under section 168 of the Labour Code the night work of women is prohibited in works, factories, mines, quarries, yards and workshops and premises connected therewith, whether

these are public or private, secular or religious, or are intended for vocational instruction or for charitable purposes. The report adds that this definition not only covers all the occupations enumerated in Article 1 of the Convention but is also much more general.

No regulations have hitherto been adopted under paragraph 2 of this Article to define the line of division which separates industry from commerce and agriculture. The practical need for such a definition has not yet been felt because of the relatively simple structure of the economy of the country.

*Article 2.* The Labour Code defines night work as work done between 10 p.m. and 5 a.m. (which is in conformity with paragraph 1 of Article 2 of the Convention); the nightly rest period of at least 11 consecutive hours is compulsory for all women employed in the occupations and undertakings covered by the legislation. No action has been taken so far to reduce this period to ten hours.

*Article 3.* Section 168 of the Labour Code does not provide for any exceptions to the prohibition of night work for women working in undertakings in which only members of the same family are employed. However, section 5 of the Code provides that any person who is not directly related to an artisan is not subject to the provisions of the Code.

*Article 4 (a).* Section 172 of the Labour Code provides for an exception on the grounds of *force majeure*, as envisaged in the Convention. However, this section of the Code also applies this exception not only in the case of an interruption of work which it was impossible to foresee but also in cases where night work is necessary in order to prevent an imminent accident. The report adds that this exception, which does not depart from the spirit of the Convention, is not authorised for more than one day and that due notification must be made to the labour inspector as soon as possible.

*Article 4 (b).* Section 171 of the Code authorises an exception to be made to the prohibition of night work in order to preserve from certain loss raw materials or materials subject to rapid deterioration. In addition, the Code stipulates that the industries in respect of which this exception may be made shall be designated by Ministerial Order and that the exception may be only made for a temporary period and subject to previous notification to the labour inspector. The order of 8 August 1953 permits women to work at night on 25 nights a year in the canned and preserved food industry and on 75 nights per year in the canned and preserved fish industry.

*Article 5.* So far the Government has not made use of the possibility of suspending the prohibition of night work for women in any industry.

*Articles 6 and 7.* The Labour Code does not authorise the exceptions provided for in the Convention in cases of seasonal work and on account of climatic conditions.

The responsibility for the application of the relevant legislation is entrusted to the general, regional and provisional labour inspection services. The organisation of these services is dealt with in Chapter XIV of the Labour Code, section 331 of which provides that labour inspectors are entitled to visit and inspect every undertaking covered by the Code, without previous notification and at any hour of the day or night. On the other hand, by virtue of section 341 of the Code, labour supervisors have also the right of entry by day or by night to any undertaking for the purpose of examining the registers and documents which employers are required to maintain.

During the period under review no decisions were given by courts of law relating to the subject matter of the Convention. Section 336 of the Labour Code provides for penalties in case of contraventions; however, none were reported. No observations were made by employers' and workers' organisations as regards the application of the legislation.

Copies of Order No. 56-XL/ND of 8 August 1953 are appended to the report.

#### *Yugoslavia.*

The draft decree concerning labour relations in the economic system of the country, prepared with a view to bringing existing legislation into conformity with the provisions of the Convention, was submitted to public discussion. On the basis of the observations made by various social organisations and experts, it was decided that this draft decree should be replaced by a Bill on labour relations which would also include all the provisions necessary to ensure the application of the Convention. However, as was pointed out by the representative of the Yugoslav Government on the Committee on the Application of Conventions and Recommendations at the 37th Session of the International Labour Conference in 1954, the drafting of such a Bill would be slow and complex, as it has to be examined and adopted by the National Federal Assembly which includes the Federal Council and the Council of Producers.

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

*Austria, Ceylon, Cuba, Pakistan.*

## 5. Minimum Age (Industry) Convention, 1919

*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
Bolivia . . . . .	19. 7.1954
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
France . . . . .	29. 4.1939
Greece . . . . .	19.11.1920
Ireland . . . . .	4. 9.1925
Israel . . . . .	23.12.1953
Japan . . . . .	7. 8.1926
Luxembourg . . . . .	16. 4.1928
Netherlands . . . . .	21. 7.1928
Nicaragua . . . . .	12. 4.1934
Norway <sup>1</sup> . . . . .	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 <sup>1</sup> . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	1. 4.1927

<sup>1</sup> Has ratified Convention No. 59 but has not denounced this Convention.

*Argentina.*

During the period under review 334 infringements were reported.

*Austria.*

Ordinance of 22 December 1952 of the Federal Ministry of Social Affairs, to supplement the list of employments prohibited to young persons.

Federal Act of 9 July 1953, to amend the Federal Act respecting the employment of children and young persons.

Federal Act of 16 December 1953, to amend the Federal Act of 9 July 1953.

The above texts were issued only to supplement and not to modify existing legislation. Copies are appended to the report.

During the year 1953, 43 infringements of the legislation were notified; the economic sectors in which they occurred are listed in the report.

*Belgium.*

During the period under review 37 judgments relating to the application of the Convention were given by the tribunals. The number of children working in the 29,230 industrial establishments visited by the inspectorate reached a total of 14,421. There were 63 infringements by employers and 36 by the father, mother or guardian.

*Brazil.*

During the period under review 44 infringements of the provisions of section 403 of the Labour Code were reported.

*Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The provisions of the Labour Code are applicable to wage and salary earners in all industrial, commercial, maritime or other undertakings, establishments or organisations, whether public or private.

In accordance with section 113 of the Labour Code no young person below the age of 14 years may be employed.

Supervision over application of the provisions of the Labour Code is entrusted to the agencies responsible for labour protection.

As regards practical application see under Convention No. 1.

*Colombia.*

The report states that by the terms of section 171 of the Labour Code night work is prohibited for young persons of under 16 years of age with the exception of those employed in domestic work.

*Cuba.*

Reports from the National Employment Office for Women and Young Persons show that during the period under review 259 inspection visits were carried out; 32 infringements of the provisions governing the employment of children and young persons were reported; and nine 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 as to the manner in which the Convention is applied, and that no observations have been received from employers' or workers' organisations, it is nevertheless of the opinion 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 four contraventions were reported.

*Dominican Republic.*

Labour Code of 11 June 1951 (L.S. 1951—Dom. 1).  
Ministerial Order No. 1/54 of 13 April 1954 establishing the competence of the Northern and Southern Departments of Labour.

The Government states that no new legislative text has modified the situation described in its earlier reports and that practical application of the Convention in question has continued on the same lines.

The Government observes that the International Labour Office is already in possession of the list of Acts and administrative regulations which govern the application of the provisions of the Convention; it appends to its report the text of the Ministerial Order No. 1/54 establishing the competence of the Northern and Southern Departments of Labour.

The Government refers to the report for 1951-52, in which it was stated that application of the above-mentioned Acts and administrative regulations, and the methods employed to ensure supervision of such application, are the responsibility of the Department of Labour. The Department receives constant assistance from local labour representatives and labour inspectors, and in this way is able to exercise supervision over the entire national territory. In April 1954 the Secretary of Labour, by the ministerial order mentioned above, set up two separate jurisdictions, one responsible to the Southern Department of Labour and the other to the Northern Department of Labour. Thus, since April there have been two Departments of Labour, and a more complete supervision of labour laws can now be effected.

Inquiries are being made to ascertain whether the courts of the Republic have given any judgments laying down principles relating to the application of the Convention. The texts of any such judgments will be forwarded to the Office.

The Government supplies a copy of the report submitted by the Director of the Southern Department of Labour to the Secretary of State for Labour, Economy and Trade, dated 17 August 1954, which contains detailed information on the application of the Convention. In this report it is stated that, by virtue of the national legislation, the Department of Labour can grant to young persons between 12 and 14 years of age permission to work only in case of apprenticeship.

It thus follows that the Department of Labour has no authority to allow young persons under 14 years of age to take up ordinary jobs, i.e. work not connected with apprenticeship. According to the above-mentioned report, the apprenticeship contract registers contain no names of apprentices under 14 years of age.

#### *Greece.*

During the period under review several decisions by courts of law were given on questions relating to the minimum age of employment. The Government states that the court of first instance of Syra ruled that the Acts fixing the minimum age for admission to employment had statutory force and that labour contracts concluded in violation of these Acts were to be regarded as void and might be annulled without previous notification. Such annulment, however, entitles the injured party to claim compensation in respect of unlawful gains by the other party. The Government appends to its report a table giving the number of work books issued to young workers by certain labour inspection officers during the period from 1 January to 31 December 1953.

#### *Israel (First Report).*

Employment of Children and Young Persons Act of 15 July 1953 (L.S. 1953—Isr. 2).  
Employment of Children and Young Persons Regulation (Work Books), 1954.

*Article 1.* The provisions of the above-mentioned Act apply to industrial as well as to non-industrial undertakings. It is therefore not necessary for the competent authority to define the line of division which separates industry from commerce and agriculture.

*Article 2.* The Act prohibits the employment of children under the age of 14 years. A transitional provision regarding children between 13 and 14 years of age does not apply to employment in industrial undertakings. The Act applies also to children employed in industrial undertakings in which only members of the same family are employed if these undertakings are of a commercial nature.

*Article 3.* The Act does not apply to work done by children in vocational training schools approved and supervised by the Minister of Labour.

*Article 4.* The Act requires every employer to keep a register of all persons under the age of 18 years employed by him. Regulations giving effect to this provision have not yet been issued, but they are under consideration. Every employer must, however, keep work books for all employees coming under the Act; this provision is considered as an efficient means for supervising the enforcement of the Act.

The application of the legislation is entrusted to the labour inspectorate. Supervision is carried out in each region by one or more labour inspectors. An Advisory Council set up under the Act assists the Minister of Labour on matters connected with the application of the legislation.

#### *Japan.*

The number of labor standards inspection offices is now 337.

Proceedings were instituted and fines imposed in respect of two cases of breaches of section 56 of the Labor Standard Law.

#### *Netherlands.*

Act of 6 August 1954 amending the Labour Act of 1919.

The Act of 6 August 1954 which amends section 9 of the Labour Act of 1919 prohibits the employment of girls under the age of 15 years in any industrial employment.

During the period under review 526 proceedings were instituted for infringements of section 9 of the Labour Act of 1919. Of these, 20 cases were brought by the labour inspectorate, 337 by the communal police, and 169 by the national police authorities. They dealt with the illegal employment of 501 children subject to compulsory school attendance, and two children who were not so subject. In addition, 151 warnings were issued to parents to see that their children did not do any prohibited work.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

See under Convention No. 1 for information regarding the force of law given to ratified Conventions, as well as regarding the authorities responsible for supervising compliance with labour legislation.

In accordance with article 123 of the Labour Code, the employment in industrial undertakings of children of either sex under 14 years of age is prohibited.

*Norway.*

See under Convention No. 59.

*Switzerland.*

During the period under review the Federal Court had only one appeal to consider in connection with the coverage of the Federal Factory Act. Its ruling was that a factory for processing pork products was subject to the Act. The number of factories covered rose slightly from 11,378 to 11,538 between 1 July 1953 and 30 June 1954. In accordance with the information supplied in the previous report the Government states that, in application of section 18 of the Ordinance of 24 February 1940 respecting the issue of permits for exceptions, some cantons and the Principality of Liechtenstein have been authorised to issue individual permits during the period under review.

Extracts from the cantonal reports on the administration of the Federal Factory Act in 1951 and 1952 are appended to the report.

The number of factory workers rose between mid-September 1952 and mid-September 1953 from 548,363 to 551,851. In all probability there was a corresponding increase in the number of persons subject to the Act respecting the minimum age for admission to employment.

During the period under review federal inspectors reported two convictions under the Act respecting the minimum age for admission to employment. The fines imposed were 15 and 25 francs.

*United Kingdom.*

The application of relevant legislation in mines and quarries is supervised by the Ministry of Fuel and Power through H.M. Inspectors of Mines. The strength of the inspectorate on 30 June 1954 was 152.

*Uruguay.*

The Government states that ratification of Convention No. 59 would necessarily entail denunciation of Convention No. 5. In its report for next year it will supply information on the measures taken, by means of a decree now in prepara-

tion to adapt national legislation to the provisions of the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

*Venezuela.*

The report gives a list of labour inspectors allocated to the Federal District and the other states.

During the period under review 7,132 visits of inspections were made and 76,757 workers were questioned (including 15,234 young persons between 14 and 18 years of age).

*Viet-Nam (First Report).*

Labour Code of 8 July 1952.

In view of the relatively simple structure of the economy of Viet-Nam and the desire of the Government to extend the widest possible form of protection, the scope of the Labour Code has not been restricted to special occupational categories.

Section 159 of the Labour Code provides that children under 14 years of age may not be employed in any undertaking even as apprentices. The only exceptions provided for are those in favour of undertakings in which only members of the same family are employed under the authority of the father, mother or guardian.

Section 160 of the Labour Code also provides that, in orphanages and charitable institutions in which elementary or primary instruction is given, manual or vocational instruction may not exceed three hours daily in the case of children who are under 12 years of age.

A register is required in respect of all workshops and workrooms attached to such institutions; this must contain a record of the conditions under which children perform manual labour, i.e. hours of work, rest periods, study and meal periods.

The authorities responsible for the application of these provisions are, at the national level, the Minister of Labour, Youth and Sports, and the Inspector General for Labour and Social Security; and, at the local level, regional and provincial inspectors.

Inspectors are required to approve and visa all registers and to inscribe therein any necessary observations or warnings. Every year a list is submitted to them showing the date of birth and the names of all children in orphanages and in charitable or welfare workshops.

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

*Ceylon, Chile, France, Ireland, Luxembourg, Poland, Yugoslavia.*

## 6. Night Work of Young Persons (Industry) Convention, 1919

*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 <sup>1</sup> . . . . .	14. 7.1921
Ceylon <sup>2</sup> . . . . .	26.10.1950
Chile . . . . .	15. 9.1925
Cuba <sup>3</sup> . . . . .	6. 8.1928
Denmark . . . . .	4. 1.1923
France . . . . .	25. 8.1925
Greece . . . . .	19.11.1920
Hungary . . . . .	19. 4.1928
India <sup>3</sup> . . . . .	14. 7.1921
Ireland . . . . .	4. 9.1925
Italy <sup>3</sup> . . . . .	10. 4.1923
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	20. 5.1937
Netherlands . . . . .	17. 3.1924
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>4</sup> . . . . .	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 <sup>2</sup> . . . . .	14. 7.1921
Uruguay <sup>3</sup> . . . . .	6. 6.1933
Venezuela . . . . .	7. 3.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	1. 4.1927

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

<sup>2</sup> Has denounced this Convention but has not ratified Convention No. 90.

<sup>3</sup> Has ratified Convention No. 90 but has not denounced this Convention.

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

#### Argentina.

During the period under review 295 infringements of the provisions of the Convention were reported.

#### Austria.

Federal Act of 16 December 1953 to extend until 31 December 1954 the validity of the Federal Act of 9 July 1953, modifying the Federal Act of 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3).

During the year 1953, 195 infringements of the provisions concerning night work were recorded. The report lists the branches of activity in which these infringements occurred.

#### Belgium.

During the period under review the number of young workers covered by the Convention in the undertakings visited by the labour inspection service was 29,230, of whom 14,421 were between the ages of 14 and 16 years, and 17,368 between the ages of 16 and 18 years. Twenty-five infringe-

ments were reported. Only very limited use has been made of the exceptions provided for in Articles 2, 3 and 4 of the Convention. These exceptions were authorised according to the conditions laid down in the national legislation and were subject to the control of the social inspection service.

There were three decisions by courts of law concerning the application of the Convention.

#### Brazil.

According to statistics computed in the Federated States, there were 94 infringements of section 404 of the Consolidation of Labour Laws prohibiting the night work of young persons under 18 years of age.

The report states that as soon as an international Convention is promulgated in Brazil it is incorporated in the national legislation and remains in force until modified or revoked by another Act or by the ratification of another Convention. Consequently no questions of principle concerning the application of Conventions as such are brought before the courts.

#### Bulgaria.

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The provisions of the Labour Code are applicable to wage and salary earners in all industrial, commercial, maritime or other undertakings, establishments or organisations, whether public or private.

In accordance with section 113 of the Labour Code no wage or salary earner between 14 and 16 years of age may be required to do particularly laborious or unhealthy work or be employed on night work.

Night work is considered as work done between 10 p.m. and 5 a.m. or 6 a.m., according to the period of the year.

There are no legislative provisions which specifically prohibit the night work of young persons between 16 and 18 years of age; such young persons may not be admitted to employment in dangerous or unhealthy occupations. As regards other occupations, a compulsory medical examination is required in the case of each young person concerned in order to ascertain whether he is physically fit to work at night.

The length of the working day for young persons under 16 years of age is fixed at six hours; overtime is prohibited. A rest period of 16 hours is compulsory between two working days.

As regards practical application see under Convention No. 1.

#### Ceylon.

Statistics relating to the number of young persons employed are available only in respect of



certain industrial occupations. On 30 June 1953, the numbers of young persons employed in these occupations were as follows: plumbago mine 1; manufacture of coconut products 771; engineering 392; printing 206; cigar manufacturing 409; match manufacturing 158; and building 59.

The Government of Ceylon denounced Convention No. 6 on 16 February 1954.

#### *Chile.*

According to the statistics available 56,482 young persons were covered by the Convention. In 1953, during visits to undertakings in which night work is carried out, four infringements of the principles laid down in the Convention were noted.

#### *Cuba.*

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 nightly rest of young persons, no information was received from these services for the period under review on the manner in which the Convention is applied. Seven court actions were brought for contraventions of the relevant legislation, some of which were reported by the local workers' organisations.

#### *Hungary.*

Labour Code of 31 January 1951 (L.S. 1951—Hun. 1).  
Legislative Decree No. 25 of 1953, to amend the Labour Code.

The Government refers to its report for 1952-53, which contains the following information: under subsection 1 of section 102 of the Labour Code young persons under 16 years of age or industrial apprentices, whatever their age, may not be employed on night work. Workers who are over 16 years of age but have not reached 18 are, wherever possible, to be exempted from all night work. Subsection 3 of section 101 of the Labour Code also provides that before engagement or change of occupation the young worker must undergo a medical examination, the results of which are to be taken into consideration before he proceeds to any new employment.

Owing to the restrictions imposed by Hungarian legislation night work cannot have harmful effects on the health of young persons.

#### *India.*

See under Convention No. 90.

#### *Ireland.*

During the period under review 13 contraventions of the provisions of the Convention were reported.

#### *Italy.*

The bodies responsible for supervision and control make every effort to ensure that the pro-

visions of the Convention are fully applied. The exceptions provided for in paragraph 2 of Article 2 of the Convention were granted in some provinces for a very limited number of workers employed in the sugar, paper, glass, and iron and steel industries.

Labour inspectors carried out 19,427 visits; they drew up 807 reports and gave instructions in 378 cases. In the undertakings visited 163,490 children were protected by the provisions of the Convention.

#### *Luxembourg.*

During the period under review the Convention was strictly applied.

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

#### *Netherlands.*

Act of 18 June 1953, to amend the Labour Act of 1919 (Section 30).

Royal Decree of 29 October 1953, to amend the Order of 1936 respecting hours of work.

The Government appends to its report the text of the above-mentioned legislation and adds that the amendments made to the previous legislation should remove any obstacles to the ratification of Convention No. 90.

During the period under review two reports were made in respect of employers who allowed young persons under 21 years of age to work in bakeries between the hours of 10 p.m. and 5 a.m. In each case the fine imposed amounted to five florins.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

See under Convention No. 1 for information regarding the force of law given to ratified Conventions, as well as regarding the authorities responsible for supervising compliance with labour legislation.

The Government refers to its report on Convention No. 5 for information relating to the employment of children and young persons in various undertakings.

#### *Portugal.*

During the period under review 22 reports were drawn up by the labour inspection service.

#### *Switzerland.*

During the period under review the Federal Tribunal was called upon in one instance only to give a decision regarding the scope of the Factories Act; it decided that a factory for the processing of pork products was covered by the Act. The scope of the Factories Act has been slightly extended; the number of factories increased from 11,378 to 11,538 between 1 July 1953 and 30 June 1954. The cantonal reports concerning the application of the Factories Act in 1951-52 are appended to the Government's report.

With respect to the observations made by the Committee of Experts in 1954, concerning the effects given to the circular sent out by the Federal Department of Public Economy to the cantonal

authorities on 27 October 1952 regarding the night work of bakers' apprentices, the report reproduces the information submitted in writing to the Conference Committee. This information indicated that the general report, based on the cantonal reports on the application in 1952 and 1953 of the Act concerning the employment of young persons and women in arts and crafts, will provide information as to the manner in which the cantons have applied the provisions prohibiting the night work of young workers during the years in question. This report will be communicated to the Office in due course. On 21 March 1953 the federal authorities, in application of the circular of 27 October 1952, authorised the Canton of Vaud to advance from 5 to 4 a.m. the hour for starting work in the case of bakers' apprentices, a system which the Canton of Basle-Town introduced several years ago. The minimum age for becoming a baker's apprentice has not been raised so far; such a measure would require a great deal of time.

Between mid-September 1952 and mid-September 1953 the number of factory workers increased from 548,363 to 551,851. In all probability the number of persons covered by the Act concerning the minimum age of workers has increased in the same proportion.

The federal inspectors have reported only one contravention of the law during the period under review. A fine of 20 francs was imposed on the person concerned.

Extracts from the cantonal reports concerning the application of the Factories Act in 1951 and 1952 are appended to the Government's report.

#### *Uruguay.*

The Government states that ratification of Convention No. 90 would necessarily entail denunciation of Convention No. 6. In its report for next year it will supply information on the measures taken, by means of a decree which is now in preparation, to adapt national legislation to the provisions of the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

#### *Venezuela.*

During the period 1 July 1953 to 30 June 1954, the labour inspectors and commissioners made 7,132 inspection visits and interviewed 76,757 workers, of whom 15,252 were between 14 and 18 years of age.

See also under Convention No. 1 for information relating to the authorities responsible for supervising the application of the legislation.

#### *Viet-Nam (First Report).*

Labour Code of 8 July 1952.

Order No. 56—XL/ND of 8 August 1953, issued by the Ministry of Social Affairs and Labour, to determine industries which are authorised to allow temporary exceptions to the prohibition of night work.

*Article 1.* Section 168 of the Labour Code prohibits the night work of young persons under the age of 18 years, whether they are employed as workers or as apprentices, in all works, factories, mines, quarries, yards, workshops and premises

connected therewith, whether these are public or private, secular or religious or are intended for vocational instruction or for charitable purposes. Young persons under the age of 18 years are also not allowed to work at night in the transportation of persons or goods by road or rail or in the loading and unloading of ships.

No regulations have been adopted so far to define the line of division which separates industry from commerce and agriculture; the practical need of such a definition has not yet been felt in view of the relatively simple structure of the economy of the country.

*Article 2, paragraph 1.* Section 168 of the Labour Code corresponds exactly to the provisions of this paragraph.

*Article 2, paragraph 2.* Section 171 of the Labour Code empowers the Minister of Labour—by Order and upon the advice of the National Advisory Committee for Labour—to designate certain industries for the treatment of raw materials or perishable goods subject to rapid deterioration, to authorise a temporary exception to the prohibition of night work, provided prior notification is made to the labour inspector. The only exceptions which have been made so far in this connection have been for night work on 25 nights per year in the canned and preserved food industry and on 75 nights per year in the canned and preserved fish industry.

*Article 3, paragraph 1.* The Labour Code defines the term "night" as signifying a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m.

*Article 3, paragraphs 2, 3 and 4.* No use has been made of the exceptions provided for in these three paragraphs.

*Article 4.* Section 172 of the Labour Code provides that in the case of urgent work which calls for immediate action in order to prevent imminent accidents or to organise safety measures or to repair damage which has already occurred to the stock, installations or buildings of the undertaking, the employment of young persons may be extended during one day beyond the hours laid down in section 168 of the Code. Any such exceptions must be reported as soon as possible to the labour inspector.

*Article 7.* During the period covered by the report the Government did not suspend the prohibition of night work, as provided for in the Convention.

See under Convention No. 4 for information relating to labour inspectors and labour supervisors. During the period under review no contraventions were reported and no observations were received from employers' or workers' organisations.

#### *Yugoslavia.*

See under Convention No. 4.

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

*Burma, France, Greece, Mexico, Pakistan, Poland.*

SECOND SESSION (GENOA, 1920)

7. Minimum Age (Sea) Convention, 1920

*This Convention came into force on 27 September 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Australia . . . . .	28. 6.1935
Belgium <sup>1</sup> . . . . .	2. 2.1925
Brazil <sup>1</sup> . . . . .	8. 6.1936
Bulgaria <sup>1</sup> . . . . .	16. 3.1923
Canada <sup>1</sup> . . . . .	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
Finland . . . . .	10.10.1925
Federal Republic of Germany <sup>2</sup> . . . . .	11. 6.1929
Greece . . . . .	16.12.1925
Hungary . . . . .	1. 3.1928
Ireland . . . . .	4. 9.1925
Italy <sup>1</sup> . . . . .	14. 7.1932
Japan . . . . .	7. 6.1924
Luxembourg . . . . .	16. 4.1928
Mexico <sup>3</sup> . . . . .	17. 8.1948
Netherlands <sup>3</sup> . . . . .	26. 3.1925
Nicaragua . . . . .	12. 4.1934
Norway <sup>1</sup> . . . . .	7.10.1927
Poland . . . . .	21. 6.1924
Rumania . . . . .	8. 5.1922
Spain . . . . .	20. 6.1924
Sweden <sup>1</sup> . . . . .	27. 9.1921
United Kingdom . . . . .	14. 7.1921
Uruguay <sup>1</sup> . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

<sup>1</sup> Has ratified Convention No. 58 but has not denounced this Convention.  
<sup>2</sup> See footnote 2 to Convention No. 2.  
<sup>3</sup> Has denounced this Convention and has ratified Convention No. 58.

*Belgium.*

See under Convention No. 58.

*Brazil.*

See under Convention No. 58.

*Bulgaria.*

For relevant legislation, supervisory measures, penalties in case of infringement, etc., see under Convention No. 8.  
In conformity with section 113 of the Labour Code it is prohibited to employ any person under

14 years of age. In exceptional cases young persons between 14 and 16 years of age may be admitted to employment with the authorisation of the labour inspectorate and after undergoing a compulsory medical examination. They may not be employed on particularly laborious or unhealthy work.

*Ceylon.*

In reply to the observations made by the Committee of Experts the Government states that the legislation covers all vessels, as defined in the Convention (Part IV of the Schedule to Chapter 108 of the Legislative Enactments of Ceylon).

*Colombia.*

Labour Code of 5 August 1950 (L.S. 1950—Col. 3).  
Internal Labour Regulations of the Grand Colombian Merchant Navy of 28 January 1952.

Although the Convention, by virtue of its ratification, has become the law of the Republic, because of special circumstances no regulations have as yet been promulgated for the Grand Colombian Merchant Navy (the only merchant shipping in the country); however, the latter has drawn up its own rules and regulations which are in conformity with all general labour provisions and with the provisions of the Convention.

As regards the observations made by the Committee of Experts, the Government states that the employment of young persons in maritime occupations is governed by the standards laid down in sections 29 ff. of the Labour Code.

*Hungary.*

Act No. XVI of 1928, to ratify the Convention.

No new measures were introduced in the period under review. In accordance with the provisions in force, no person under 18 years of age may be engaged for service on board ship. No contraventions have been reported since 1945.  
The report states that because of the geographical situation of the country the application of this Convention is of little practical importance.

*Italy.*

For the relevant legislation see Convention No. 58.

Act No. 233 of 15 May 1954 was promulgated at the same time as the entry into force of Convention No. 58. This Act amends section 119 of the Navigation Code and section 242 of the regulations applicable thereto, and authorises the raising of the minimum age for employment at sea from 14 to 15 years.

*Japan.*

The report states that the number of branch offices of the regional maritime bureaux increased to 50. The number of detached offices of the regional bureaux and offices decreased by 88, leaving 112 in operation. A total of 17,016 vessels and places of work were inspected, from which it can be established that about 84 per cent. of the vessels covered by the Mariners' Law were inspected.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

See Convention No. 1 for information relating to the force of law acquired by ratified Conventions and to the authorities responsible for the application of the labour laws.

Under section 122 of the Labour Code the employment of children under 12 years of age is in general prohibited. Nicaragua has approved the Convention fixing the minimum age for the admission of children to maritime employment; it therefore has the force of law in the Republic, and its application is ensured by the labour authorities.

If the Labour Code does not contain any special provision in this connection, this is due to the fact that there was until recently no maritime trade; this is now only just coming into existence and is represented by a single undertaking (the Mamenic Line), which is of recent foundation.

*Norway.*

See under Convention No. 58.

*Uruguay.*

The Government states that its report for next year will contain information on the measures taken, by means of a decree now in preparation, to adapt the national legislation to the provisions of the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

*Venezuela.*

See under Convention No. 1 for information relating to the authorities responsible for ensuring the application of the legislation.

*Yugoslavia.*

Decree of 26 January 1954 respecting the issue of seamen's employment books.  
Regulations of 4 June 1954 to apply the above decree.

Section 5 of the above-mentioned decree states that in principle a seaman's employment book may be issued to persons who have reached the age of 15, but are not over 25 years. Under section 2 of the decree persons embarking as members of a crew are required to hold a seaman's employment book, whether they are employed as deck hands, engine-room staff or on general duties. Under section 20 of the regulations, Yugoslav nationals wishing to be employed as members of a crew and who, under section 2 of the decree, are not required to hold a seaman's employment book, must be in possession of an embarkation permit.

Section 6 of the decree states that an employment book may be issued to a young person under 15 but not less than 14 years of age, if he is employed on a vessel the crew of which is composed exclusively of members of his family, if such employment is of advantage to him and if the work involved is not beyond his physical capacities.

Under section 4 of the above-mentioned regulations, all members of a crew are registered in the ship's articles, which must contain, among other information, details of the date and place of birth of every person employed on board.

The Government considers that these provisions are sufficient to apply the Convention in full. Supervision is exercised by the administrative maritime authorities.

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

*Argentina, Australia, Canada, Chile, Cuba, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Greece, Ireland, Luxembourg, Poland, Sweden, United Kingdom.*

## 8. Unemployment Indemnity (Shipwreck) Convention, 1920

*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
Finland . . . . .	20. 1.1950
France . . . . .	21. 3.1929
Federal Republic of Germany <sup>1</sup> . . . . .	4. 3.1930
Greece . . . . .	16.12.1925
Ireland . . . . .	5. 7.1930
Italy . . . . .	8. 9.1924
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

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

### Belgium.

The number of seamen covered by the legislation reached a figure of approximately 5,000. Seven trawlers were lost during the period under review and these losses gave rise to 36 payments of compensation.

### Bulgaria.

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The Government states that the Labour Code applies equally to seamen as to workers and salaried employees in industry, commerce, etc. Seamen's contracts are given in writing in the same way as all other labour contracts. They are normally concluded for an indefinite period. Contracts are terminated in accordance with the conditions laid down by section 29 of the above-mentioned Code.

In case of shipwreck a seaman is not dismissed, and transfer to another vessel is guaranteed without interruption of contract.

The Conventions ratified by the People's Republic of Bulgaria have had a consequential effect on Bulgarian labour legislation and on the practical application of the regulations governing labour conditions and relations. Various State bodies exercise supervision over labour protection. Administrative supervision is also effected by the higher administrative organs. Section 205 of the Code provides for penalties and fines in cases of contravention of the provi-

sions of the Code. Preparations are being made to adapt Bulgarian legislation to the provisions of certain Conventions that have not yet acquired the form of law.

### Ceylon.

Seamen are able to obtain the indemnities specified in the Convention through the agency of port shipping officers.

See also under Convention No. 15.

### Chile.

According to the information supplied by the Maritime Labour Inspection Service one vessel was wrecked, affecting 15 officers and 21 seamen, who received compensation amounting to 224,108 and 406,651 pesos respectively. The number of persons covered by the legislation, which remains unchanged from the previous year, is 2,051 seamen and 1,171 officers.

### Colombia.

Decree No. 2318 of 1953 concerning labour exchanges. Decree No. 3075 to issue regulations under the above-mentioned decree.

See also under Convention No. 7.

The Government has not laid down provisions for the application of the present Convention but, as the labour regulations of the Grand Colombian Merchant Navy have been duly approved by the Ministry of Labour, and have therefore the force of law, it is considered that the Government has given effect to the Convention in the best possible way.

The Grand Colombian Merchant Navy has laid down four standards relating to compensation for compulsory unemployment in the event of shipwreck: (1) in the event of loss by shipwreck of any vessel the shipowner must pay to every seaman employed in the vessel the legal compensation fixed by the Colombian labour laws; (2) compensation shall be paid for every day of the effective period of compulsory unemployment, until the seaman has been returned to the place at which his contract was signed, and until he has received the wages provided by his contract; (3) when a seaman is discharged owing to a scarcity of employment on board vessels belonging to the same undertaking, he is entitled to the legal compensation provided under the Labour Code of the country (in general 45 days' wages in lieu of notice); and (4) he is also entitled to compensation for discharge equivalent to one month's salary for each year of service and a proportional amount for any fraction of a year.

### Finland.

During the period under review eight vessels sustained damage.

France.

The manpower statistics appended to the report show that the number of seamen employed on 1 July 1953 was as follows: deck staff, 99,083; engine-room staff, 29,391; general service staff, 12,361. The corresponding figures relating to shore personnel were 12,082, 3,687 and 2,315.

Greece.

During the period under review one vessel of heavy tonnage and 19 smaller vessels were wrecked; about 120 seamen received the statutory compensation.

Italy.

The report states that the Convention is fully applied and covers approximately 260,000 Italian seafarers. During the period under review 23 vessels were lost through shipwreck; compensation was paid to 179 seafarers in accordance with Article 2 of the Convention.

Netherlands.

During the period under review three ships were wrecked, causing the death of 24 seamen. The six survivors received compensation in accordance with the terms of the Convention.

Nicaragua.

See under Convention No. 7.

Norway.

Seamen's Act of 17 July 1953 (came into force on 1 January 1954).

The new Act applies not only to Norwegian seamen but also to foreign nationals resident in Norway. During the period under review approximately 65,000 Norwegians and 10,000 foreign nationals signed on for service in the Norwegian merchant navy. The number of persons in service at the same time was about 37,000 Nor-

wegian and 5,000 foreign nationals. Thirty-three vessels totalling 7,700 gross tons were lost.

Sweden.

The report refers to the letter sent by the Government to the Conference Committee on 26 May 1954, which stated that "When considering the action that might have to be taken in this matter, the Government will consult the organisations of shipowners and seafarers concerned; this has not, however, been possible within the short time that has elapsed since the receipt of the report of the Committee of Experts.

"Attention may be drawn to the fact that 30 countries have ratified the Convention and that consequently nationals from these countries are now covered by the provisions of the Notification of 18 May 1934. It may be added that these countries appear to include practically all those which have nationals serving in the Swedish mercantile marine."

Uruguay.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

Yugoslavia.

Decree of 23 December 1953, respecting the remuneration of workers and employees in undertakings which form part of the economic system, as amended by two decrees promulgated in 1954.

The report refers to the above-mentioned legislation.

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

Argentina, Australia, Canada, Cuba, Denmark, Federal Republic of Germany, Ireland, Luxembourg, Mexico, Poland, United Kingdom.

9. Placing of Seamen Convention, 1920

*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
Finland . . . . .	7.10.1922
France . . . . .	25. 1.1928
Federal Republic of Germany <sup>1</sup> . . . . .	6. 6.1925
Greece . . . . .	16.12.1925
Italy . . . . .	8. 9.1924
Japan . . . . .	23.11.1922

Countries	Date of registration of ratification
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

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

*Argentina.*

The report gives statistical data prepared by the National Maritime Prefecture on fluctuations in supply and demand as regards the placing of seamen. The total number of persons registered at 31 July 1954 was 13,981; the number of applicants for work at the same date was 27,244; 8,444 vacancies had been notified and they were all filled.

*Australia.*

The number of seamen (including officers) engaged during the period under review was 9,510. The total number of engagements and re-engagements of seamen (including officers) was 33,945. The average daily number of unemployed seamen (excluding officers) was 330.

*Bulgaria.*

For relevant legislation, supervisory measures, penalties in case of infringement, and other information, see under Convention No. 8. There are no fee-charging employment agencies in the People's Republic of Bulgaria; all are free. Admission to employment is by direct contract and after medical examination. Seamen may be directed to vessels seeking crews by the manpower registration offices, which are State services.

*Chile.*

The total number of registered seamen is 2,051 and that of officers 1,771. These figures remain unchanged from the previous year. At present, five free public seamen's employment offices are operating in the principal ports of the country.

*Colombia.*

For the relevant legislation, see under Convention No. 7.

The following provisions are in force as regards the placing of seamen: (1) the contract of employment and the ship's articles are signed by the shipowner or his representative and by the seaman; (2) the seaman is given every opportunity of examining his contract before signing it; (3) the conditions laid down in the contract are governed by the labour legislation, and therefore the competent authorities are able to ensure that they are complied with; (4) each seaman receives a copy of his contract of employment; (5) the contract of employment or engagement is drawn up for a specified period or for a return voyage and may be automatically extended for another voyage or voyages; (6) the contract defines clearly the rights and obligations of the parties concerned; (7) the contract must contain all personal data relating to each member of the crew and must indicate the legal representative of the shipowner, details of the place at which and the date on which the contract was signed, the name of the vessel on which the seaman has undertaken to serve, the amount paid in wages, etc.; (8) the contract must also specify the conditions under which it may be terminated; and (9) the right of the shipowner to dismiss a seaman who is guilty of misconduct is laid down in the Internal Labour Regulations of the Grand Colombian Merchant Navy, which also specify

the methods of payment by the shipowner of wages and transportation expenses of the seaman from the port at which he is put ashore to the place at which the contract was signed.

*Denmark.*

During the period under review the number of seamen placed by the six public employment offices was 14,745.

*France.*

Six seamen's employment offices are in operation in the coastal areas of the French mainland, namely, at Le Havre, Rouen, Nantes, La Rochelle, Marseilles and Sète. Employment operations are limited by virtue of the fact that a large proportion of seamen are firmly settled in employment on merchant ships and by the practice of captains of the fishing fleet to engage their own crews directly.

It should be observed that marine officers, whose numbers show very little fluctuation, seldom make use of public employment offices although these are open to them as to the lower ranks of seamen.

During 1953 the seamen's employment office at Le Havre was extremely active. The number of unemployed persons who received assistance increased: 11,186 daily benefits were paid out to seamen as against 6,761 in 1952. At Nantes employment activities also increased, with 979 applications and 204 placements. At La Rochelle the seamen's employment office registered 442 applications for employment and assisted 214 seamen. Finally, the busiest office, Marseilles, received 2,580 applications for employment and placed 557 persons (504 in 1952).

*Federal Republic of Germany.*

The compilation of employment statistics began in January 1954. The number of persons placed by official action was 9,738, namely 8,613 by employment offices and 1,125 by labour exchanges. The number of applications for employment cannot yet be established but does not differ significantly from the number of placings effected. New regulations governing employment offices are at present in preparation; it has not been found possible to give statistics concerning the foreign seamen placed through such offices.

*Greece.*

During the period under review the total number of seamen and apprentices registered as unemployed was 55,921; of these, 52,393 were placed during the period in question, while 3,528 were still in search of work on 1 July 1954.

*Italy.*

The number of seamen and officers registered at the seamen's employment offices on 1 July 1953 was 62,678 (3,197 officers and 59,481 seamen); on 1 June 1954 the number was 78,535 (3,922 officers and 74,613 seamen).

*Japan.*

During the period under review 14,117 persons (4,122 officers and 9,995 seamen) were placed in

employment through the services of the Public Mariners' Employment Security Offices.

*New Zealand.*

The report gives additional information regarding the provisions of the Shipping and Seamen Act of 1952 (in force since 19 November 1953) which give effect to Articles 1, 2, 4 and 7 of the Convention.

As regards Article 5, the report states that workers' organisations are consulted before seamen are supplied and workers' representatives are present when a crew is engaged. These informal arrangements fully achieve the objects of this Article without the creation of special machinery.

During the period under review the National Employment Service placed 74 workers (male) in water transport undertakings.

*Netherlands.*

During the period under review the three special agencies dealing with the employment of seamen registered 14,720 applications and 10,598 vacancies; 10,944 persons were placed in employment.

*Nicaragua.*

See under Convention No. 7.

*Norway.*

During the year 1953 seamen's employment offices registered 45,122 applications and 45,747 vacancies; 39,731 seamen were placed in employment.

*Sweden.*

During the period under review there were 62,136 applications for employment and 41,255 vacancies; 37,675 seamen were placed by the seamen's employment offices. During the same period 6,844 foreign seamen made use of the services of these offices; of these, 4,258 were placed in employment.

*Uruguay.*

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

*Belgium, Cuba, Finland, Luxembourg, Mexico, Poland, Yugoslavia.*



# THIRD SESSION (GENEVA, 1921)

## 10. Minimum Age (Agriculture) Convention, 1921

*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
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.

The report states that no new legislative provisions on the subject have been made since the submission of the last report. It stresses that Argentine legislation is in complete conformity with the provisions of the Convention and, specifies that on the one hand, the employment of children under 12 years of age is specifically forbidden by law (Act No. 11317) and, on the other, that children over 12 years are not allowed to work unless they have already completed their compulsory education. This means, in fact, that in practice children under 14 years of age are prevented from working during school hours, since only very rarely can the standards of basic compulsory education be reached before the pupil has attained 14 years of age.

During the period under review 54 infringements were reported.

### Austria.

The report states that the province of Upper Austria is the only one which has not yet ratified the federal legislation regulating the employment of children in agriculture and forestry. A law on this subject is now in preparation and will shortly be submitted to the Upper Austrian legis-

lature. When it has been passed every province will have taken the measures necessary to allow application of the federal law, the provisions of which conform to the principles enunciated in the Convention.

### Bulgaria.

The employment of children is protected by the Labour Code, and more particularly by section 113, which prohibits the employment of young persons under 14 years of age in any occupation.

The report states that persons between 14 and 16 years of age may be employed in exceptional cases, with the permission of the labour inspector and after undergoing a medical examination. They may not, however, do night work or be given particularly laborious or unhealthy work.

Young persons under 16 years of age may not work more than six hours a day, are not allowed to do overtime and must be given a 16-hour break between two consecutive working days.

A schedule of jobs deemed to be unhealthy or dangerous for young persons between 14 and 16 years of age has been drawn up by the Council of Ministers. Another schedule lists a number of dangerous or unhealthy jobs on which no person under the age of 18 years may be employed.

The Code defines night work as that done between 10 p.m. and 5 a.m. or 6 a.m. according to the period of the year.

The application of this legislation is supervised by the labour protection authorities.

### Dominican Republic.

The inspectors of education are responsible to the Secretary of State for Education and Fine Arts for application of the Act.

### Hungary.

Since the coming into force of the agrarian reforms and owing to the progress made in agriculture in the direction of co-operative forms of association, remunerated employment for children in agriculture has entirely ceased to exist.

### Ireland.

During the period 1 July 1953 to 30 June 1954 convictions were obtained in respect of infringe-

ments involving approximately nine per thousand of children of school age.

#### *Israel (First Report).*

Employment of Children and Young Persons Act, dated 15 July 1953 (L.S. 1953—Isr. 2).  
Employment of Children and Young Persons Regulations (Work Books), 1954.  
Employment of Children and Young Persons Regulations (Dangerous Occupations), 1954.  
Employment of Children and Young Persons Regulations (Prohibited and Restricted Occupations), 1954.

The report states that the labour inspectorate is in charge of the enforcement of the Act. In addition, an advisory council advises the Minister of Labour on matters connected with the application of the Act.

Since the Convention has only been applied recently, the first months covered by the report were mainly devoted to bringing the Act to the knowledge of those concerned, preparing regulations, printing and issuing of work books and organising the medical examinations.

#### *Nicaragua.*

The report states that application of the terms of the Convention is ensured by article 122 of the Labour Code, which compels employers to

allow young workers of 12 to 14 years of age to attend primary schools.

In areas where coffee is cultivated school hours are regulated by Decree of the Minister of Education, who may authorise children to perform light work at the time of the coffee harvest.

See also under Convention No. 1.

#### *Uruguay.*

The report states that the Children's Council is engaged on action to expedite the introduction of the necessary amendments to the chapter of the Children's Code covering the work of young persons. The report adds that it can therefore be assumed that by the time the next report is due the national legislation will fully correspond to the provisions of the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

*Belgium, Chile, Cuba, France, Italy, Japan, Luxembourg, New Zealand, Poland, Sweden.*

## 11. Right of Association (Agriculture) Convention, 1921

*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 <sup>1</sup> . . . . .	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
Egypt . . . . .	3. 7.1954
Finland . . . . .	19. 6.1923
France . . . . .	23. 3.1929
Federal Republic of Germany <sup>2</sup> . . . . .	6. 6.1925
Greece . . . . .	13. 6.1952
India . . . . .	11. 5.1923
Ireland . . . . .	17. 6.1924
Italy . . . . .	8. 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 <sup>3</sup> . . . . .	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

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

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

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

#### *Bulgaria.*

Constitution of the People's Republic of Bulgaria, dated 4 December 1947 (Article 87) (L.S. 1947—Bul. 3).  
Labour Code of 13 November 1951 (Article 2) (L.S. 1951—Bul. 2).

The report states that workers and salaried employees may freely associate in occupational organisations, which are moreover encouraged by the State, and that such organisations have full legal status, are politically independent and are open to workers and salaried employees without distinction of race, nationality, sex or religious conviction. Agricultural workers are mainly organised in the trade union for workers employed in agricultural undertakings and forestry.

As regards practical application see under Convention No. 1.

#### *Chile.*

The report refers to certain statements by Chilean delegates before the Conference Committee on the Application of Conventions and Recommendations and to other statements by members of that Committee to the effect that in their view there were some differences in the degree of freedom of association as between agricultural workers and industrial workers.

The report shows that in this respect, while section 459 of the Labour Code requires the agricultural unions to obtain authorisation before utilising from their funds any sum above 2,000 pesos, the industrial unions are subject to the same rule by the terms of section 398 of the same Code. It is further stated that this measure is designed to safeguard the economic interests of the industrial and agricultural trade unions alike.

Agricultural unions may be constituted without special authorisation; section 434 of the Code confines itself to the requirement that, for the formation of a trade union, 55 per cent. of the persons present at any constituent meeting should signify agreement to that effect; apart from this provision, no authorisation is necessary to set up a trade union. The industrial unions are subject to the same rule by the terms of section 385 of the Code. The report also mentions that section 1 of Decree No. 261 of 26 February 1948 concerning the trade union organisation of agricultural workers stipulates that labour inspectors are to give encouragement to any person wishing to set up an agricultural union and are to supply all necessary facilities therefor.

As regards the observations made by the Chilean Workers' delegate in the Committee at the last session of the Conference, the report states that these are without foundation, in view of the fact that Chilean agricultural workers enjoy, both *de jure* and *de facto*, freedom of association.

Four new agricultural unions were established during the period covered by the report, which adds that workers have not so far shown much interest in setting up trade unions and that in consequence only small progress has been made in this field.

#### *New Zealand.*

On 31 December 1954 there were 16,101 members of the New Zealand Workers' Industrial Union of Workers.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Agricultural workers enjoy the same rights of association as other workers. Complete freedom of association is guaranteed to all workers by sections 188 ff. of the Labour Code.

See also under Convention No. 1.

#### *Venezuela.*

Besides giving particulars of the legislation in force (as already supplied in previous reports) the annual report provides detailed information on the structure and functions of the labour inspection services in the Federal District and in the various states. See under Convention No. 1 for the number of inspections carried out.

#### *Yugoslavia.*

At the end of 1953 there were 74,369 members of the Agricultural Workers' Union.

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

*Argentina, Austria, Belgium, Burma, Ceylon, Colombia, Cuba, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, United Kingdom, Uruguay.*

## 12. Workmen's Compensation (Agriculture) Convention, 1921

*This Convention came into force on 26 February 1923*

Countries	Date of registration of ratification
Argentina . . . . .	26. 5.1936
Austria . . . . .	14. 6.1954
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
Finland . . . . .	20. 1.1950
France . . . . .	4. 4.1928
Federal Republic of Germany <sup>1</sup> . . . . .	6. 6.1925
Ireland . . . . .	17. 6.1924
Italy . . . . .	1. 9.1930
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

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

#### *Argentina.*

During the period 1953-54 the number of infringements reported was 363.

#### *Bulgaria.*

The Labour Code makes no distinction between workers in industry, commerce and agriculture, and seamen.

#### *Chile.*

During 1953, 18,605 accidents occurred in agriculture (including cattle-raising) and forestry. Copies of three decisions given by courts of law are appended to the report.

#### *Colombia.*

The administrative labour authorities and the special labour courts are responsible for enforcing the provisions of the Convention.

#### *Federal Republic of Germany.*

Act of 7 August 1953 respecting foreign social insurance pensions for beneficiaries residing in the territory of the Federal Republic or the "Land" of Berlin, social insurance benefits for beneficiaries residing abroad, and voluntary social insurance.

The above-mentioned Act specifies the circumstances, the extent and the procedure respecting

the granting of benefits under the existing scheme of the Federal Republic to persons who were victims of accidents when they were affiliated to a German accident insurance institution which no longer exists or is located outside the territory of the Federal Republic, or who were insured under a foreign accident insurance scheme.

Statistical information is given showing that during the year under review 9,035,100 workers were covered by accident insurance in agriculture. The number of accidents reported was 286,622 and benefits were awarded in respect of 48,619 cases, of which 2,314 were fatal.

#### *Ireland.*

Workmen's Compensation (Amendment) Act, 1953.  
Workmen's Compensation (Amendment) Act, 1953  
(Prescribed Declarations) Regulations, 1953.  
Workmen's Compensation (Amendment) Act, 1953  
(Appointed Day) Order, 1953.

The new legislation mentioned above relates to the increase of benefits under the basic Workmen's Compensation Acts. Supplementary allowances are granted to workmen entitled to weekly payments. The limit of earnings for the coverage of non-manual workers has been raised from £500 to £600 per year and the rate of benefits payable in fatal cases has also been raised.

The statistical data for 1952 show that an amount of £185,436 was paid in respect of 2,778 cases of accidents, eight of which were fatal.

#### *Italy.*

Statistical data show that 233,595 accidents were reported of which 1,281 were fatal. Out of 231,777 settled cases 75,649 have already been compensated.

#### *Luxembourg.*

Grand Ducal Order of 2 January 1953 to redetermine a lump-sum contribution for small undertakings as regards accident insurance in agriculture and forestry.  
Order of 24 November 1953 to fix the average annual remuneration to be taken as a basis for the calculation of pensions for accidents occurring in agriculture and forestry.

See also under Convention No. 17 for information concerning the relevant legislation.

The report states that the above-mentioned legislative orders do not affect the application of the Convention.

The statistics appended to the report show that expenditure for curative treatment rose from 2,307,673 francs in 1952 to 2,540,205 francs in 1953—an increase of some 10 per cent.

In 1953 the sum of 9,423,403 francs was disbursed for pension and compensation payments, including "advances by the State in favour of a new Bill" and supplementary payments for revalorisation and revaluation of pensions; administrative costs amounted to 3,424,459 francs.

During the same period 2,804 accidents were reported (2,718 accidents were acknowledged as compensable; 18 were fatal). At the end of 1953, 1,994 life annuities were being paid: 1,789 were to injured persons and 205 to survivors.

#### *Netherlands.*

Act of 24 December 1953 to amend the Act of 20 May 1922 respecting the insurance of persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L.S. 1922—Neth. 2).

Royal Decrees of 15 May and 23 June 1954.

The Act of 24 December 1953 brings the Act of 20 May 1922 into line with the general legislation co-ordinating the provisions on social security and other contributions levied on wages, under which the maximum wage to be taken into account for the calculation of the benefit has been raised from 14 to 15 florins a day.

The number of "full-time" employees covered by the scheme, computed on the basis of 300 working days, is now 227,000; 24,000 are insured with the State Insurance Bank and 203,000 with the Occupational Insurance Fund.

#### *New Zealand.*

For legislation see under Convention No. 17.

The report consolidates and brings up to date the information submitted since 1950.

Detailed statistical data show that the total number of persons (including working owners) engaged in agricultural or pastoral occupations at 31 March 1954 was estimated at 134,000.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

The Labour Code includes provisions for workmen's compensation for industrial accidents and occupational diseases, which fully apply to agricultural workers.

#### *United Kingdom.*

##### *Great Britain.*

See under Convention No. 17.

##### *Northern Ireland.*

See under Convention No. 17.

The number of agricultural wage earners is approximately 19,250.

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

*Belgium, Cuba, Denmark, Finland, France, Mexico, Poland, Sweden, Uruguay.*

## 13. White Lead (Painting) Convention, 1921

*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
Finland . . . . .	5. 4.1929
France . . . . .	19. 2.1926
Greece . . . . .	22.12.1926
Hungary <sup>1</sup> . . . . .	4. 1.1928
Italy . . . . .	22.10.1952
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

<sup>1</sup> Conditional ratification.

#### *Austria.*

During the calendar year 1953 a total of 134 cases concerning occupational diseases due to lead (suspected cases, illness and death) was reported; 12 of these were among house painters.

#### *Belgium.*

During the period under review two cases of lead poisoning with permanent disability and eight cases of lead poisoning of a temporary nature were reported. Permits issued for the purchase and use of white lead numbered 2,934.

#### *Colombia.*

In reply to the observation made by the Committee of Experts the Government states that Act No. 15 of 1925 prohibits the use of harmful substances in the preparation of paints and that, consequently, the use of white lead is not permitted.

#### *Greece.*

During the period under review six cases of lead poisoning were reported.

#### *Italy.*

In reply to the observations of the Committee of Experts, the Government states that the Minis-

try of Labour is taking all possible action to secure the issue of legislative provisions to give effect to the Convention; the delay is due to the necessity for obtaining the agreement of the various government departments. The report adds that the necessary instructions have been given with a view to the collection and compilation of data to which reference is made in Part V of the report form, and it is hoped to provide these data in the next report.

#### *Luxembourg.*

One case of lead poisoning was reported.

#### *Netherlands.*

In 1953 the labour inspection services did not make use of their right to order special measures relating to the application of the existing protective regulations on white lead.

Five suspected cases of lead poisoning were reported.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Section 125 of the Code provides that young persons under 18 years of age shall not be employed in industrial painting work in which toxic materials or products are used.

#### *Sweden.*

The report states that during the period under review five cases of lead poisoning were reported to the Industrial Injuries Insurance Office.

#### *Venezuela.*

As regards information on the work of the authorities to whom the application of the relevant regulation is entrusted, see under Convention No. 1.

#### *Viet-Nam (First Report).*

Labour Code of 8 July 1952.

The report states that the provisions of Article 1 of the Convention are applied by sections 229 and 230 of the Viet-Nam Labour Code. These prohibit the use in painting of white lead, sulphate of lead, lead-bearing linseed oil and all special preparations containing white lead or sulphate of lead.

The report adds that the exceptions permitted under Articles 1 and 2 of the Convention are also provided for under section 231 of the Code, but that no exceptions have been authorised so far. If notice is received that the prohibited sub-

stances have been imported or employed, it will be necessary to differentiate between the different types of paint, to issue the detailed regulations required by the Convention and to expressly prohibit the employment of women and children under 18 years of age on industrial painting work.

The Labour Code is administered at the national level by the Minister of Labour and Youth and the General Inspector of Labour; and at the regional and provincial levels by the regional and provincial inspectors.

No decisions involving questions of principles relating to the application of the Convention have been given by courts of law and no infringements have been notified. No observations on the practical application of the Convention

have been received from employers' and workers' organisations.

Yugoslavia.

During the period under review the Federal Public Health Office was notified of 18 cases of lead poisoning due to the use of white lead in painting.

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

Argentina, Bulgaria, Chile, Cuba, Finland, France, Mexico, Norway, Poland, Uruguay.

14. Weekly Rest (Industry) Convention, 1921

*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
Bolivia . . . . .	19. 7. 1954
Bulgaria . . . . .	6. 3. 1925
Burma <sup>1</sup> . . . . .	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
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
Luxembourg . . . . .	16. 4. 1928
Mexico . . . . .	7. 1. 1938
New Zealand . . . . .	29. 3. 1938
Nicaragua . . . . .	12. 4. 1934
Norway . . . . .	7. 7. 1937
Pakistan <sup>2</sup> . . . . .	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

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

Argentina.

Decree No. 9730 of 14 June 1954.

The above-mentioned decree, a copy of which is appended to the report, includes among permitted exceptions from the provisions on weekly rest specified by Decrees Nos. 16117 of 1933 and

61907 of 1935 the operation of milk receiving and storage depots in industries using milk as a raw material.

The number of infringements reported was 1,182.

Belgium.

Five decisions were given by courts of law to ensure the application of the Convention. The number of persons employed in the industrial undertakings visited by the inspection service during the period under review was 555,415; 24 infringements were reported.

Bulgaria.

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

Section 51 of the Labour Code provides that all wage or salary earners are entitled to an uninterrupted weekly rest of 36 hours except in the case of production by continuous process and of shift work in which case the rest period shall not be less than 24 hours. This provision applies not only to workers and employees in industry but also to all other workers and employees. The uninterrupted weekly rest normally falls on Sundays but may be taken on another day of the week when the nature of the work makes this impossible.

No exceptions to the general rule are authorised. However, if in the conditions specified in detail in the Labour Code it is necessary to work during the day of rest, with the permission of the labour inspectorate, this work is considered to be overtime and is subject to overtime rates of pay (section 79 of the Labour Code).

The day fixed as the day of weekly rest, as well as the length of this day, are indicated on the work rules.

The supervision of the application of these provisions is entrusted to the services dealing with the protection of labour.

See also under Convention No. 1.

*Burma.*

During the period under review three infringements were reported.

*Canada.**Alberta.*

Act of 1954, to amend the Labour Act, 1947.

*New Brunswick.*

Weekly Rest Period Act, effective 1 August 1954.

*British Columbia.*

Order No. 4, 1954, effective 1 March 1954, issued under the Male and Female Minimum Wage Acts, 1948.

The provision of the Alberta Act regarding weekly rest has been redrafted without changing its content.

Order No. 4 in British Columbia provides a weekly rest period of 32 hours for cooks, dishwashers, waiters, bunkhouse and recreation room attendants in new unsettled areas.

The New Brunswick Act requires that employees in all types of employment, except farming, be given a weekly rest of at least 24 consecutive hours, to be taken if possible on Sunday. This provision does not apply to a part-time employee who is not usually employed more than five hours a day. The Minister of Labour may permit an exception in the case of an employee who is required to cope with an emergency. The Lieutenant-Governor in Council may exclude certain groups of employees and certain employers from the application of the Act.

The Act requires that the weekly rest be given to employees each week unless the Minister authorises its accumulation, to be taken later either all at once or a part at a time.

Supervision of the application of the Act is entrusted to the inspectors approved by the Minister of Labour. An employer guilty of contravention of the Act is liable, on summary conviction, to a maximum fine of 100 dollars and in default of payment to imprisonment for not more than 30 days.

New Brunswick is the eighth province to pass weekly rest legislation. The reports of the administrative authorities indicate that little or no difficulty is experienced in securing compliance with the provisions of the Act.

Preliminary results of a survey conducted by the Federal Department of Labour in April 1954 showed that 83 per cent. of plant workers and 88 per cent. of office workers in manufacturing industries were on a five-day week, as compared with 78 and 84 per cent. respectively in April 1953.

*Chile.*

In 1953 labour inspectors made 4,407 visits in order to verify that the provisions concerning the weekly rest and the closing of industrial and commercial undertakings were being applied. There were 576 infringements of the regulations, mostly by commercial establishments.

*Colombia.*

Labour Code of 5 August 1950 (L.S. 1950—Col. 3), as amended.

Sections 172 to 178 of the Labour Code contain provisions relating to the day of weekly rest. In accordance with these provisions all workers are

entitled to a day of weekly rest and it is not therefore necessary for undertakings to post notices showing the persons who are entitled to this rest. Consequently it is only in the case of the exceptions authorised in conformity with section 175 of the Code that it is necessary to inform the worker that he must work and in such cases the employer or the undertaking is required to pay additional wages for such work or to grant a compensatory day of rest in the following week. Section 183 of the Code indicates the manner in which such days of compensatory rest must be granted.

The labour administrative service and the special labour court are entrusted with the application of the relevant provisions of the legislation.

The extracts from the Labour Code attached to the Government's report are summarised below:

Section 172 of the Code provides that every employer must grant to his employees a rest period on Sundays of 24 hours with pay. Section 175 lays down that work shall not be authorised on compulsory days of rest with pay unless pay or compensatory rest with pay is granted, and that it shall only be authorised in the case of work which cannot be interrupted for technical reasons, and in the case of work for the purpose of supplying immediate needs such as public services and the sale and preparation of medicines and foodstuffs. It also provides that the Government shall specify the work in question and that it may prohibit or restrict Sunday work in certain branches of activity in the more important localities, irrespective of the number of employees employed in each establishment.

Section 179 contains provisions concerning remuneration in respect of work on Sundays, and sections 180 and 184 lay down that compensatory rest with pay or additional remuneration will be granted to employees who work exceptionally on the compulsory rest day and to workers employed in work which cannot be interrupted, such as work in connection with river or sea navigation. Section 181 provides that employees who are normally obliged to work on Sundays shall receive compensatory rest with pay and that technicians who are required to work on Sundays are entitled to additional remuneration.

Section 185 provides that where work is carried on habitually or permanently on Sundays the employer must, at least 12 hours beforehand, post up in a prominent place in the establishment a list of the employees who, for reasons connected with the work, are unable to take their Sunday rest. This list must also indicate the date and time of the compensatory rest periods.

Sections 31 to 44 of the Model Rules of Employment, which are appended to the report, contain provisions corresponding largely to the relevant sections of the Labour Code.

*Cuba (First Report).*

Article 66 of the Constitution, respecting the maximum daily and weekly hours of work.

Decree No. 1693 of 19 September 1933 respecting the eight-hour day (L.S. 1933—Cuba 4 A).

Decree No. 2513 of 19 October 1933, being general regulations for the administration of Decree No. 1693 (L.S. 1933—Cuba 4 B).

Order of 4 January 1934, to issue rules for the interpretation of sections I and V of Decree No. 2513 (L.S. 1934—Cuba 1 A).

Decree No. 798 of 13 April 1938.

The Order of 4 January 1934 provides in section I that employers must arrange the hours of work in such a manner that every wage-earning or salaried employee shall have a weekly rest of one full day for every 48 hours' work (at present 44), or not less than four days' rest for every 208 hours' work (at present 192).

*Article 1 of the Convention.* Legislation in Cuba concerning maximum hours of work and the weekly rest makes no distinction between industry, commerce and agriculture; the above-mentioned Decree No. 1693 applies to every kind of occupation in which the inhabitants of the Republic engage, whatever the nature of their employment.

*Article 2.* The day of rest is granted on the seventh day, following six days' work or following 44 hours' actual work. In many branches there is a 40-hour or five-day week during the summer or throughout the year. It is customary to give the weekly rest on Sunday and also on Saturday in the case of a 40-hour week. The day of rest is granted to the whole of the staff collectively, except in the case of public utility undertakings.

*Article 3.* The legislation authorises no exceptions in the case of industrial undertakings in which only the members of the employer's family are employed.

*Article 4.* The only exception to the weekly day of rest is allowed in the sugar industry in which work is carried on continuously during a certain period of the year and in which three eight-hour shifts are employed seven days in the week.

*Article 5.* As the harvesting and crushing of the sugar cane extends from January or February to May or June the workers in the sugar industry have long periods of inactivity during the dead season, up to the time when repairs are commenced.

*Article 6.* As indicated above, the only exception authorised relates to the sugar industry.

*Article 7.* By virtue of custom and the normal commercial practice Sunday is the weekly day of rest. Public utility undertakings which operate continuously indicate the day of weekly rest for each worker and enter it in a special register certified by the competent authority. Decree No. 798 of 1938 respecting contracts of employment provides that these contracts must indicate the form and the date of the rest periods, including the weekly rest.

The Ministry of Labour, the General Directorate of Inspection and the provincial offices are responsible for the application of the weekly rest provisions. The inspectors carry out periodical visits to working centres. All industrial undertakings are obliged to close on Sundays, as from 6 p.m. on Saturday up to Monday morning. The National Police supervises the enforcement of the system.

In general the tribunals have confirmed the principle, laid down in the legislation concerning hours of work, that each worker has the right to one complete day of rest in the week.

The General Directorate of Inspection and the provincial offices have not reported any infringements of the weekly rest regulations. All work-

ers, including domestic workers, are entitled to this rest.

No observations have been received from the organisations of employers or workers concerned.

#### *Denmark.*

During the period under review observations were received from employers' and workers' organisations on the basis of which certain exceptions were granted from the prohibition to work on Sundays and customary holidays. Reports made by the inspection services concerning contraventions of the provisions gave rise to two lawsuits.

Under section 26 of the Factories Act, a number of exceptions to the Act concerning work on Sundays and public holidays were authorised, in particular in the food and chemical industries.

In reply to the observation made in 1954 by the Committee of Experts, the Government confirms that workers in the transport and construction industries are not fully covered by the Factories Act or by other legislative provisions relating to the weekly rest. The Act of 7 April 1936 respecting rest on holidays of the National Church to some extent indirectly guarantees the workers' weekly rest but does not cover transport workers. However, persons working in the construction industry or transportation of passengers or freight, who are covered by collective agreements do, in fact, enjoy a weekly rest. Young workers under 18 years of age are guaranteed a weekly rest period of 24 hours under section 6 of the Act of 18 April 1925 respecting the work of children and young persons; this rest should, in principle, be granted on a Sunday or on a customary holiday of the National Church.

In addition, two Acts promulgated on 11 June 1954, one relating to the protection of workers in general and the other to the protection of workers in commerce and offices, which will come into force on 1 April 1955, provide that a weekly rest period must be given to workers in the construction industry and to a certain extent to workers in transportation. These Acts also confirm the regulations in force in respect of young persons under 18 years of age.

#### *Haiti.*

Act of 15 September 1947 respecting the registration of undertakings.

In reply to the observation made by the Committee of Experts in 1954 with regard to Article 7 of the Convention, the Government states that the above-mentioned Act requires undertakings which employ paid workers to furnish the Department of Labour with information on a form which includes details regarding the observation of weekly rest, the posting of notices and special systems of weekly rest.

Section 5 of the Act requires every undertaking employing more than three paid workers to maintain registers which record various details in respect of each such employee, and show daily and weekly hours of work and the times at which the staff begins and finishes work.

#### *Ireland.*

One contravention was reported during the period under review.



*Israel.*

The Government has prepared a list of industries for which exceptions have been granted under Articles 3 and 4 of the Convention. In all these instances compensatory rest periods were granted. This list is appended to the annual report.

During 1953, 86 special permits were issued authorising work on the weekly rest day. These permits also prescribed the compensatory rest day and were granted after consultation with the organisations concerned.

*Italy.*

In reply to the request for information made by the Committee of Experts the Government confirms its communication to the Conference Committee in the following statement:

(a) *Consultation with the associations concerned before authorising total or partial exceptions in virtue of Article 4 of the Convention.* Prior consultation with the representative organisations of employers and workers, as envisaged in Article 4 of the Convention, is required under the national law. Article 6 of Act No. 370 of 22 February 1954 confers upon labour inspectors the power to authorise the reduction of the weekly rest to 12 consecutive hours at the request of the employer and after consultation with the workers' organisations concerned, in cases where it is impossible to grant a weekly rest of 24 hours in rotation owing to inability to replace specialised personnel, by virtue of article 5 of the aforesaid Act.

In accordance with this rule, the Ministry and its subsidiary branches are in constant touch with the organisations concerned in order to obtain the necessary information to formulate regulations concerning competence.

On the other hand, no authorisation is necessary to substitute a weekday for Sunday as a day of rest inasmuch as the regulation concerning rest days, within the meaning of article 5 of Act No. 370, conforms with the legislation concerning workers employed in certain kinds of occupations as indicated in the tables annexed to the Acts (occupations or activities which, under technical or seasonal requirements or in the public interest, necessitate continuous operation).

Finally, transfer of the weekly rest from Sunday to a weekday does not depart from the requirements of Article 2, which expressly states that the rest day shall be given as far as possible on days allowed by tradition or the custom of the country.

(b) *Provision for compensatory periods of rest in virtue of Article 5 of the Convention.* Italian legislation comprises the possibility of reducing the weekly holiday in only one case, namely, under article 6 of Act No. 370, wherein it is provided that labour inspectors may, after consulting the workers' organisations concerned, authorise the reduction of the rest period of 12 consecutive hours per week when it is impossible (in the particular occupations set out in article 5) to grant 24 hours' rest because of "inability to replace specialised personnel". This constitutes therefore a limited exception relating to a particular possibility, which excludes by its very nature the grant of compensatory rest periods. In effect,

resort to this method implies the existence of specialised personnel whose irreplaceable characteristic is responsible for the exception in question.

(c) *List of exceptions granted in virtue of Articles 3 and 4 of the Convention.* The following list of authorised establishments was drawn up by the Government for the period 1 July 1952 to 30 June 1953: Cantieri Riuniti, Ancona; I.R.I.S. Dyeing Works of Orgnano (Bergamo); a concern engaged in consolidating mine workings (Trente); Levico Baths (Trente); The Hydro-Electric Company, Sarca-Molveno (Trente); "Vetraria Fidenza" (Parma); Eridania Refinery, Parma; Automobile Transportation Company, S.I.T.A. (Potenza); Calabre-Lucanie Railway (Potenza); Dairy Societies of the Udine Province.

During the period under review 41,852 inspection visits were made, 1,555 infringements were reported and 1,077 instructions were issued by the labour inspection services. Some exceptions were permitted for the changing of the weekly rest day and the reduction of the rest period itself in certain undertakings listed in the report.

The number of workers in the undertakings covered by the Convention was 1,544,131.

*Luxembourg.*

The annual report of the Labour and Mines Inspection Service for 1953 states that the legislative provisions concerning weekly rest have been satisfactorily applied during the period under review.

Work carried out on Sundays in connection with maintenance, repairs and preparation amounted to 1,301,096 hours, of which 1,156,768 related to continuous services in six iron works, 33,240 in 17 mines and five quarries, and 111,088 in 51 other undertakings in medium and small industrial undertakings.

Seventeen permits for production work on Sunday were granted to 13 undertakings; 13,314 hours were worked by 320 workers.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Section 57 of the Code provides for a compulsory weekly rest day. In exceptional cases, where undertakings cannot interrupt their operations on Sunday, a compensatory rest day is granted (sections 58-61).

See also under Convention No. 1.

*Norway.*

*Article 4 of the Convention.* With reference to the observations made by the Committee of Experts in 1952-53, the Government states that the exceptions granted under the Workers' Protection Act, section 22, paragraph 2, most frequently occur in the summer months in connection with the food and drink industries. During this period the great seasonal increase in milk production requires workers in these industries to work a certain amount of overtime on Sundays. In other industries similar exceptions are authorised in connection with certain duty rosters entailing Sunday work.

The Directorate of Labour Inspection has taken note of the provision of the Convention which states that the responsible employers' and workers' associations are to be consulted before such authority is granted.

*Article 6.* In 1953 a dairy, a cellulose factory and a cement factory were authorised to arrange the weekly rest so that their workers might enjoy an average rest period of 24 consecutive hours.

#### *Pakistan.*

During the year 1952 weekly rest was granted on Sunday in 100 seasonal factories, while in 333 other undertakings of the same type the weekly rest was given sometimes on a week-day and sometimes on a Sunday; for perennial factories the figures were 572 and 523 respectively. Exceptions to the provisions of the Federal Act on the weekly rest were authorised for the majority of workers in 106 seasonal factories and 219 perennial factories.

#### *Portugal.*

A number of collective agreements containing clauses relating to the provisions of the Convention were approved during the period under review.

Penalties were imposed in the case of 1,774 contraventions to the provisions of the Convention.

#### *Sweden.*

During the period under review 257 exceptions were authorised under the legislation in force, subject to the same conditions as in previous years; some of these exceptions were for a maximum of three years. General exceptions were authorised with regard to certain categories of wage earners such as janitors, etc.

#### *Switzerland.*

During the period under review the number of undertakings covered by the Factories Act was 11,538; during the period ending mid-September 1953 the number of factory workers was 551,851.

A detailed note concerning the application in the cantons of the Federal Factories Act in 1951 and 1952 is attached to the Government's report.

#### *Uruguay.*

Resolution of 23 March 1954.

In virtue of the above-mentioned resolution factory night watchmen were included in the scope of Act No. 11887 of 2 December 1952, which provides for a weekly rest of 36 hours for persons employed in offices and in commercial branches of industrial undertakings.

During the period under review 32 infringements of the provisions of Act No. 7318 of 10 December 1920 were reported and fines amounting to 1,355 pesos were imposed.

#### *Venezuela.*

As regards information on the authorities to whom the application of the relevant legislation is entrusted, see under Convention No. 1.

#### *Yugoslavia.*

As regards the exceptions authorised under Articles 3 and 4 of the Convention, the report states that the labour legislation in force, while admitting that such exceptions may be made, does not indicate in detail the cases in which these would be authorised, that is, cases when work on the day of rest is authorised. Nevertheless, work on the day of weekly rest is in practice authorised only in exceptional circumstances, that is to say, when the special needs of the undertaking make it necessary; such exceptions may only be made for the specified cases for overtime work.

The Bill concerning labour relations, which is soon to be submitted to the competent authorities with a view to its adoption, lays down definite criteria as regards the exceptions which may be authorised to the general provisions respecting weekly rest.

The report indicates that no contraventions can occur in view of the higher rate of pay for work on the day of rest, in view of the fact that the undertakings are administered by the workers and employees concerned, and in view of the system of inspection.

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

*Finland, France, Mexico, New Zealand, Poland, Turkey.*

15. Minimum Age (Trimmers and Stokers) Convention, 1921

*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 <sup>1</sup> . . . . .	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
Finland . . . . .	10.10.1925
France . . . . .	16. 1.1928
Federal Republic of Germany <sup>2</sup> . . . . .	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
Luxembourg . . . . .	16. 4.1928
Netherlands . . . . .	17. 6.1931
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	7.10.1927
Pakistan <sup>3</sup> . . . . .	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

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

*Argentina.*

Section 1265 of the Maritime and Inland Water Transport Regulations fixes the minimum age for apprentice seamen at 16 years; section 1260 fixes the minimum age for trimmers and stokers at 18 years. Under Chapter XXXV of the Regulations, medical examinations are compulsory for all persons employed in the merchant marine.

Seafarers are recruited in accordance with section 986 of the Commercial Code. The following particulars must be entered in the seaman's employment book: the place and date of embarkation, the name 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, the nature of his employment, the date and place of embarkation, the seaman's signature, his domicile, the terms of his contract (round trip), and remuneration (monthly, on a percentage or share basis, 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. The competent public authority is present at all times

when the crew are engaged and—unless this is specifically mentioned in the contract—the date of expiration of the contract is indicated in the ship's articles only when the engagement is made for a return voyage.

According to statistics compiled by the National Maritime Prefecture, and appended to the report, the number of persons employed on board ships of all tonnages between 1 July 1953 and 30 June 1954 was 31,787.

*Australia.*

Act of 1953, to amend the Navigation Act of 1912-1952.

The report states that the law is fully in harmony with the provisions of the Convention.

In virtue of section 3 of the above-named Act, the latter does not apply to ships of war.

*Bulgaria.*

The report states that no young persons under 18 years of age may be employed on board vessels as trimmers or stokers.

As regards practical application see under Convention No. 1.

*Ceylon.*

In reply to the observations made by the Committee of Experts in 1954, the Government supplies the following information.

Shipping masters and sub-collectors of customs do not permit young persons under 18 years of age to be employed in any capacity on ships; the provisions of the Convention will continue to be strictly enforced.

The report for the previous year stated 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. It should be pointed out that in the above-mentioned ordinance the expression "ship" is the same as in the United Kingdom Act, except that the words "and including any British fishing boat entered in the fishing-boat register" have been excluded. The exclusion of these words is due to the fact that in Ceylon there are no fishing boats as envisaged in the British Act.

*Colombia.*

By the provisions of sections 30 to 32 of the Labour Code young persons under 18 years of age may not be employed on the type of work covered by the Convention. In cases of contravention of the legislation, labour inspectors may, either ex officio or on the request of the person concerned, order that the contract be annulled. In such cases the employer is liable to a fine.

France.

The Merchant Marine Services have no knowledge of any decisions by courts of law in connection with the application of the Convention.

Hungary.

Act No. XVII of 1928, to ratify the Convention.  
Labour Code of 31 January 1951 (L.S. 1951—Hun. 1).

Young persons under 18 years of age are not employed on board Hungarian merchant vessels as trimmers or stokers.

The report adds that certain provisions of the Labour Code also deal with the subject matter of the Convention. However, because of the geographical situation of the country the matter is of little practical importance.

The Hungarian Shipping Office is the competent supervisory authority.

Japan.

In reply to a request from the Committee of Experts in 1954 regarding the application of Article 6 of the Convention, the Government has submitted the following information:

As was stated in June 1954, the practice of exchanging a written contract does not exist in Japan. Nevertheless, a shipowner who desires to employ a young person under 18 years of age shall submit to the competent authorities the young person's pocket-ledger and the ship's articles both of which contain details regarding his duties, working conditions, and, in particular, the date on which he reaches the age of 18 years. On the basis of these documents, the competent authorities ascertain whether there is any contravention of the provisions of the Convention, certify that the contract is in order and authorise the employment of the young person. As regards the employment of seamen under 18 years of age, therefore, the shipowner is subjected to two methods of control.

In addition, the shipowner is required to post up in a conspicuous place on board the vessel the full text of the Mariners' Law, section 85, paragraph 2, of which corresponds to Article 2 of the

Convention. The above-mentioned measures are considered sufficient to draw the attention of the persons concerned to the main provisions of the Convention. The Government considers that the existing system satisfies the spirit of the Convention.

During the period under review 17,016 vessels and workplaces were inspected; 6,012 young persons were working on board. One contravention was reported on board a steamship of 923 tons gross; the labour inspector issued a warning to the shipowner and the master. About 540,000 contracts of employment are certified each year. In all, 58 contraventions occurred in connection with the certification of the employment contracts of young persons under 18 years of age; details of the contraventions are given in the report.

Nicaragua.

See under Convention No. 7.

Norway.

Seamen's Act of 17 July 1953.

The above-mentioned Act, which came into force on 1 January 1954, contains provisions designed to give effect to the Convention.

Sweden.

Seamen's Act of 30 June 1952 (L.S. 1952—Swe. 3).

A provision in conformity with Article 2 of the Convention has been incorporated in section 10 of the Act of 1952.

Uruguay.

See under Convention No. 7.

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

*Belgium, Burma, Canada, Chile, Cuba, Denmark, Finland, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Pakistan, Poland, United Kingdom, Yugoslavia.*

16. Medical Examination of Young Persons (Sea) Convention, 1921

*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 <sup>1</sup> . . . . .	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
Finland . . . . .	10.10.1925
France . . . . .	22. 3.1928
Federal Republic of Germany <sup>2</sup> . .	11. 6.1929
Greece . . . . .	28. 6.1930
Hungary . . . . .	1. 3.1928
India . . . . .	20.11.1922

Countries	Date of registration of ratification
Ireland . . . . .	5. 7.1930
Italy . . . . .	8. 9.1924
Japan . . . . .	7. 6.1924
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	9. 3.1938
Netherlands . . . . .	9. 3.1928
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>3</sup> . . . . .	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

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

*Australia.*

During the period under review 492 young persons underwent medical examinations. Of this number 479 were passed fit, five were deferred and eight rejected.

*Brazil.*

The harbour authorities do not grant or renew labour permits for young persons unless the latter have been examined by an officially approved doctor. The absence of infringements is due to the fact that shipowners or employers may not engage labour for work on board ship unless the persons concerned are already registered with the harbour authorities.

*Bulgaria.*

Young persons under 18 years of age may not be employed without previously undergoing a medical examination; they are also required to attend for a periodical medical examination at least once a year. As regards practical application see under Convention No. 1.

*Ceylon.*

See under Convention No. 15.

*Colombia.*

There are no provisions in the legislation expressly applying the Convention but the Grand Colombian Merchant Navy strictly adheres to its terms in its Internal Labour Regulations. These Regulations are approved by the Ministry of Labour and consequently have force of law.

In reply to the observations made by the Conference Committee, the Government states that in Colombia there is only one maritime transport undertaking, namely the Grand Colombian Merchant Navy, and that all questions relating to maritime Conventions are governed by the provisions of the labour regulations applying to this merchant navy.

*France.*

The number of ships' boys covered by the Convention was 3,057 on 1 January 1953.

*Hungary.*

No new legislative or administrative measures have been taken. The report states that the Labour Code contains provisions concerning medical examination of children and young persons employed at sea, who are obliged to undergo a medical examination before being employed and subsequently once a year.

*Italy.*

The number of workers covered by the legislation, that is to say, all persons entered in the seamen's register, is approximately 260,000, but

only about 120,000 are actively engaged as seamen.

*Japan.*

The report states that during the period June 1953-July 1954, 17,016 vessels were inspected (approximately 84 per cent. of the vessels covered by the Mariners' Law). During the same period the authorities were informed of 131 infringements of the regulations concerning health certificates of young seamen under 18 years of age; 50 of these persons were not in possession of a certificate. The inspectors took the necessary administrative measures and issued warnings to the offending shipowners.

*Netherlands.*

During the year 1953, 3,428 seamen underwent medical examination.

*Nicaragua.*

See under Convention No. 7.

*Yugoslavia.*

Decree of 30 August 1948 (No. 75/48) and Regulation No. 86/48 of the same date concerning the medical examination and vaccination of members of crews of the merchant marine.

Decree of 28 January 1954 (No. 5/54) on the issue of seamen's books.

Instruction of 4 June 1954 (No. 27/54) concerning the application of this Decree.

Article 1 of Regulation 86/48 provides that everyone must, according to the kind of work which he wishes to perform, or is performing, undergo a special medical examination and be certified physically and mentally fit.

Article 5 of Decree 5/54 provides that seamen's books can only be issued to persons over 15 and under 25 years of age desiring employment on board ship. Persons applying for these books must submit, in support of their application, medical certificates testifying to their physical and mental fitness for a given type of employment on board. The certificates should, in accordance with the regulations in force, be supplied by the public health authorities and by a social insurance office, or by the medical officer of the competent national committee. Medical examinations are carried out free of charge. If the examination takes place in a foreign country, the expenses are borne by the shipping company and the person concerned receives the certificate free of charge. Provisions relating to the periodicity of medical examinations are laid down in Regulation 86/48.

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

*Argentina, Belgium, Burma, Canada, Chile, Cuba, Denmark, Finland, Federal Republic of Germany, Greece, India, Ireland, Luxembourg, Mexico, Pakistan, Poland, Sweden, United Kingdom, Uruguay.*

## SEVENTH SESSION (GENEVA, 1925)

### 17. Workmen's Compensation (Accidents) Convention, 1925

*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
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 the request made by the Committee of Experts the Government states that the aims pursued by the Convention are guaranteed, inasmuch as persons having sustained industrial accidents not only enjoy benefits under Act No. 9688 (Industrial Accidents) but in addition are protected by the legal provisions of the various pensions schemes. The Government considers that the full material coverage afforded permits injured persons to surmount any difficulties encountered, including those due to the additional expenses necessitated by such items as prosthetic and orthopaedic apparatus, etc.

The report cites the relevant provisions of the legislation concerning insurance schemes for persons employed in commerce and allied activities and in the public service; for persons employed in industry and allied occupations; the Railway Workers' Pension and Retirement Fund, and the National Pension, Retirement and Aid Fund for Journalists.

Three relevant legal decisions were given during the period under review. Statistics show that, during 1953-54, 123,037 accidents were reported, of which 381 were fatal. Cash compensation to a value of 18,642,996 pesos was paid out.

#### *Austria.*

From detailed statistical data for 1953 it is shown that the total number of workers insured against industrial accidents was 1,535,300.

Expenditure for cash benefits amounted to 150,880,000 schillings (98.30 schillings per insured person); benefits in kind amounted to 66,360,000 schillings (43.20 schillings per insured person).

The total expenditure for these benefits as well as for administrative expenses was 259,720,000 schillings.

The number of accidents reported was 138,303, of which 457 were fatal.

Accidents in respect of which new compensation was awarded numbered 7,930.

#### *Belgium.*

Act of 16 March 1954 extending the right to compensation in case of industrial accidents.

The new Act extends to adopted children the right to payment of compensation as a result of an industrial accident.

Detailed statistical data for 1948, 1949 and 1950 are given in the report of the Minister of Labour on the enforcement of legislation concerning compensation for industrial accidents, the text of which is appended to the Government's report.

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Ukase concerning people's free medical assistance  
(*Izvestiya* No. 23 of 20 March 1951).

State social insurance shall be compulsory for all wage and salary earners employed in State, co-operative, mixed or private undertakings, establishments or organisations or by private persons, irrespective of the character and duration of their employment or the mode of remuneration. (Article 145 of the Labour Code.)

State social insurance provides for cash compensation and benefits during periods of temporary incapacity resulting from employment accidents.

Article 173 of the Labour Code states that "persons disabled by an employment accident or occupational disease shall receive a pension at the following percentages of their average monthly remuneration: disability group I—100 per cent.; disability group II—75 per cent.; disability group III—50 per cent."

Group I comprises persons who have lost all capacity for work and require the help of another person; group II comprises persons who have lost all capacity for work in their occupation or any other occupation; group III comprises persons incapacitated for regular work in their occupation under the normal conditions in that occupation but able to use their remaining capacity (a) for occasional work; (b) by working a reduced working day; (c) in another occupation requiring considerably less qualifications.

Article 184 of the Code provides that the right to a survivor's pension on account of the death of a person (wage or salary earner or recipient of a personal pension under this Code) who was maintaining a family shall belong to certain specified members of the family.

Cash compensation for temporary incapacity due to employment accident shall be payable from the first day of incapacity.

Supplementary compensation is provided for persons incapacitated by accident who require the help of another person. These persons are classed in invalidity group I and are granted a supplement ranging from 10 to 25 per cent.

Persons in receipt of invalidity pensions are subject to regular examinations at intervals determined by the Council of Ministers.

Wage and salary earners sustaining an employment accident are entitled in common with all other citizens to the free medical assistance and hospitalisation provided by the Ukase concerning people's free medical assistance. Such assistance includes all medical examinations carried out at dispensaries, polyclinics or at home; operations, manipulative treatment, examinations for purposes of diagnosis, treatment or prophylaxis; treatment in bed and childbirth at clinics and hospitals, tuberculosis sanatoria, maternity homes, etc., including operations, manipulative treatment, etc.; treatment of teeth and diseases of the mouth (with the exception of dentures for which the patient pays only the cost price of the material used), X-ray examinations, medicines and dressings; board during treatment in permanent clinical establishments; prophylactic examinations, vaccinations, quinine treatment, anti-epidemic disinfection and all other prophylactic measures; serums and vaccines required for protection against infectious diseases, and all special anti-malaria medicines.

Employment injury invalids are entitled to orthopaedic apparatus, prostheses, instruments, orthopaedic footwear, invalid carriages, etc., to be provided free of charge.

As regards practical application, see under Convention No. 1.

#### *Chile.*

With reference to the observation made by the Committee of Experts, the Government states that the committee entrusted with the study of amendments to the Labour Code has drafted a new article to replace article 276, which reads as follows: "In case of permanent partial incapacity, the injured workman shall be entitled to a life annuity which shall be paid according to the percentage assigned to his incapacity and in relation to his annual wage". It is hoped that this amendment to the Labour Code will shortly be approved by the National Congress.

Statistical data included in the report show that in 1953 there were 111,874 accidents, including 216 cases of occupational diseases; the amount of cash benefits paid was 270,458,115 pesos. Copies of nine decisions by courts of law are appended to the report.

#### *Colombia.*

In reply to the observations made by the Committee of Experts on the provisions of Article 5 of the Convention, the Government mentions and reproduces several sections of the Labour Code, among them section 204, which provides, in the case of industrial accident or occupational disease, for medical, pharmaceutical and surgical assistance and hospitalisation for the entire period necessary, but not exceeding two years, including supplementary examinations, such as X-ray examinations, specialists' consultations, full therapeutic prescriptions for treatment such as transfusions and physiotherapy, together with the supply of the necessary orthopaedic and prosthetic appliances. In addition, cash benefits in the case of temporary incapacity and of permanent partial incapacity are made. In the case of permanent total incapacity, the employee shall be entitled to a sum amounting to 24 months' wages and in the case of complete invalidity to 30 months' wages; in the case of death, a sum equal to the deceased worker's wage for 24 months is paid to the wife and to the descendants or to ascendants or to any person who proves he was financially dependent on the deceased.

#### *Finland.*

During the period under review 105,905 accidents were reported. The total cost of cash benefits was 1,327 million marks (plus transfers to the Pension Fund amounting to approximately 690 million marks). The total cost of benefits in kind was 275 million marks. The expenses involved in the application of the legislation relating to accident insurance amounted to 1,534 million marks.

#### *France.*

Act No. 53-777 of 17 August 1953 to amend Decree No. 46-2959 of 31 December 1946, as amended, to regulate public administration in respect of the application of Act No. 42-2426 of 30 October 1946 respecting the prevention of and compensation for industrial accidents and occupational diseases.

Decree No. 53-777 lays down the conditions under which the surviving husband or wife is entitled to a pension equal to 50 per cent. of the annual wage of the deceased person (instead of 30 per cent.). It provides that a differential supplement under industrial accident legislation be paid to the surviving husband or wife in receipt of a 30 per cent. pension or a pension or allowance acquired through his or her employment or contributions, in cases where the total amount of such allowances is lower than the amount to which the survivor would be able to claim under the 50 per cent. pension. The differential supplement is equal to the difference between the amount of the 50 per cent. pension and the total arrived at by adding the 30 per cent. pension to the pension or allowance acquired through employment or contributions.

The decree stipulates that any request for conversion of a pension must be subject to a means test. It states, however, that this is not obligatory where the rate of permanent incapacity is lower than 10 per cent. and where the person concerned has attained his majority. The decree further lays down that the date on which the injured person attains his majority is to be taken as the base date for establishing whether the 10 per cent. incapacity condition is fulfilled and for determining the capital sum.

The decree finally states that, except in cases of conversion of a pension into a lump sum or into a revertible pension—an operation which is final—the rights and obligations of the injured person after such conversion remain the same as before. Conversion into capital or a revertible pension is merely a method of paying the pension awarded to an injured person; the incapacity rate is not modified and the injured person fully maintains the right to claim further pension supplements as if no conversion had been carried out.

The statistics relating to the year 1953 are as follows: the number of wage earners covered by the Act of 30 October 1946 is estimated at 9,331,000 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 1,269,000; they include civil servants and workers employed by the State, persons holding positions under the local authorities and regular soldiers. The report also supplies detailed statistics concerning the benefits paid in cash and kind, the number and nature of recorded accidents and, for the years 1952 and 1953, the total receipts and expenditure.

#### *Greece.*

Ministerial Decision No. 50066/1/54 of 29 March 1954 respecting the granting of pharmaceutical benefits.

Various administrative measures extending insurance to additional regions.

In reply to observations made last year by the Committee of Experts, the Government provides the following additional information:

Ninety per cent. of all employed workers in Greece are now insured (exclusive of agricultural workers), the scheme having been extended to several additional regions during the past year. About 530,000 workers are insured with the central Social Insurance Institution (I.K.A.) and 320,000 are insured with special insurance funds (though some are insured with more than one fund). Existing insurance schemes assure application of the Convention and cover all persons to whom the Convention applies. The Royal Decree of 24 July 1920 concerning employers' liability for compensation now applies to less than 10 per cent. of all workers and only in very small districts where the insurance scheme has not yet been introduced. Since the insurance scheme is gradually being generalised, there is no need to amend the 1920 Decree.

Employees of the following undertakings are covered by special insurance funds: banking, railway, mining, gas, warehouses, theatres, chambers of commerce, powder mills, tramways, printing, baking and flour milling, newspaper distributing, dock enterprises, raisin drying, chemical, mari-

time, telecommunication, electricity production, hotels and agricultural co-operative organisations. Every person covered by the regulations of these special funds has the right by law to benefits at least equal to those provided under the main scheme; as a general rule, however, they receive somewhat higher benefits.

As regards measures of supervision, the report states that benefits are awarded by public agencies and not by private bodies. A tripartite governing body of these agencies and local committees are responsible for supervising the manner in which benefits are granted. In carrying out their duties the staff of these agencies and committees have the same responsibilities as civil servants.

Ministerial Decision No. 50066 of 29 March 1954 specifically exempts victims of employment injury from any participation in the cost of serums or medicaments, whether these persons are cared for at home or are hospitalised. The doctor who issues a prescription in a case of injury must note this fact on the prescription. All expenses for treatment of injured workers are borne by the social insurance institutions. Victims of employment injury are, in virtue of the Decree of 1920, also entitled to reimbursement for the cost of medical care and medicaments, the maximum limit of compensation not being applicable to such benefits. The courts apply this provision in a liberal manner.

The regulations governing the scheme stipulate that artificial limbs and surgical appliances shall be furnished to injured workers. They also provide that appliances that wear out are either to be replaced or repaired at I.K.A.'s expense, after the Medical Committee has certified that the deterioration has been caused by normal use during a fixed period. Compensation under the decree also covers the cost of prosthetic and other necessary therapeutic appliances.

Statistical data show that during the period under review 26,646 accidents were reported (22 of which were fatal); the total amount of compensation paid out was 9,346 million drachmas.

#### *Hungary.*

Legislative Decree No. 30 of 1951 of the Presidium of the People's Republic respecting uniform social insurance pensions for workers.

Legislative Decree No. 30 organically incorporates compensation for employment accidents into the pension and retirement system.

Workers injured through accident are entitled to the following benefits:

- (a) complete medical treatment without limitation of time until a cure has been effected, including treatment in an institution, spa or sanatorium and provision of medical benefits; all such treatment is provided entirely free;
- (b) allowances under the sickness insurance regulations without limitation of time; the proportion of such allowances may amount to 65 or 75 per cent. of the most recent wage;
- (c) an accident allowance when the reduction of working capacity is between 15 and 66 per cent., and an invalidity pension when the reduction of working capacity reaches or exceeds 67 per cent.; in the case of 100 per cent. incapacity for work, the benefit rises to



60 per cent. plus a pension supplement calculated according to the period of uninterrupted service in the same employment;

- (d) a special pension in case of decease, the rate of which is more favourable than that of the other benefits.

Benefits due to injured persons are determined by the local bodies of the trade union social insurance centre and paid out by the National Pension and Retirement Institute. They are exempt from all distraint.

#### *Luxembourg.*

Several Orders concerning the regulation of relations among insurance institutes, the organisation of the Higher Council for Social Insurance, the Arbitration Council, and the Higher Commission for Occupational Diseases, and concerning scales of charges for medical supplies, doctors' fees, etc.

Orders of 27 April 1953, 21 August 1953 and 24 October 1953 to publish the administrative arrangements concerning general agreements on social security signed separately by the Grand Duchy of Luxembourg with France, Italy and the Netherlands.

Grand Ducal Order of 21 July 1953 to amend the conditions governing family allowances in respect of workers who change their place of residence.

Grand Ducal Order of 3 August 1953 to extend the time limits laid down by the Grand Ducal Order of 2 January 1953, to amend the 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.

Ministerial Order of 14 December 1953 to fix the average value of remuneration in kind in relation to the application of the Act of 17 December 1925 concerning social insurance and tax deductions from wages.

Act of 24 April 1954 to revalidate Book I of the Social Insurance Code and to amend and supplement Books II, III and IV of that Code; Act of 29 August 1951 concerning sickness insurance for officials and salaried employees; Act of 29 August 1951 to reform the pension insurance scheme covering private employees; and Act of 21 May 1951 to set up a pension fund for craftsmen.

Detailed information is supplied concerning the specifications and amendments contained in the Act of 24 April 1954, in particular as regards the scope of the accident insurance scheme and the cash benefits granted under it. This Act extends and defines the scope of the scheme and the level of benefits is considerably raised.

Under the Act of 24 April 1954 the railways are considered as being industrial undertakings (section 85 of the Code). Domestic workers and independent master-craftsmen and members of their families employed regularly or occasionally are compulsorily insured against industrial accidents (section 85 of the Code). Persons engaged in construction work under public administration but carried out by a private individual are compulsorily insured only where each job, taken separately, actually requires more than 40 hours of labour. Nevertheless, if the duration of each of such jobs, taken separately, is not more than 40 hours, the insurance of the persons so occupied is the responsibility of the State (section 89 of the Code).

Generally speaking, the compensation due in respect of permanent incapacity or to survivors is granted in the form of a pension. The report states that compensation may in certain cases be paid in the form of a lump sum. Furthermore, when the condition of an injured person may be

regarded as unlikely to improve, but not less than three years after the accident, any pension lower than 10 per cent. of the pension payable in cases of total incapacity will be converted by the allocation of a corresponding lump-sum payment. Under the same conditions the managing committee may, at the request of the person concerned, substitute a corresponding lump-sum payment for any pension of less than 40 per cent. of the total disability pension, with the agreement of the beneficiary's local municipal authorities. No such transaction may take place as long as the beneficiary remains a minor. In cases of subsequent increase in incapacity for work (of at least 10 per cent.) the injured person is entitled to an additional pension calculated on his former basic remuneration and corresponding to the degree of incapacity. The managing committee may allow advance payment on pensions, even when these exceed 40 per cent., so that the injured person may set up in a trade or acquire or construct housing property.

According to section 149 (6) of the Code as modified by the Act of 24 April 1954, a permanent pension may not be revised except during the three years following the relevant decision of the institute responsible for granting it or a definitive legal decision where appeal has been made to the courts, except in the case of an increase in incapacity for work of at least 10 per cent. in comparison with the capacity previous to the accident.

The statistics appended to the report show that the number of undertakings registered in 1953 amounted to 8,533, of which 2,090 did not employ staff covered by accident insurance. The number of insured heads of households was 3,864. The number of accidents reported was 17,156; accidents recognised as giving entitlement to compensation amounted to 16,528 and there were 43 fatal accidents. At 31 December 1953 there were 4,355 life annuities in respect of injured persons and 1,004 payable to survivors. The expenditure in 1953 for pensions and other cash compensation amounted to 123.6 million francs, and 11.7 million francs were expended on curative treatment. Total expenditure, including payment in respect of occupational diseases, accident prevention and administrative expenses, etc., amounted to 192.5 million francs.

#### *Netherlands.*

Act of 24 December 1953 to amend the Act of 1921 respecting industrial accidents.

Two legislative decrees of 1954 (*Bulletin des Lois*, Nos. 223 and 198) issued under the Act of 1921 respecting industrial accidents.

The new legislation introduces slight modifications which do not affect the application of the Convention.

During 1952 the total number of accidents reported was 383,403, of which 444 were fatal. The total expenditure on cash benefits was 55,200,000 florins, and expenditure on medical care amounted to 8,640,000 florins.

In reply to the observation made by the Committee of Experts concerning additional compensation in cases where the insured person must have the constant help of another person, the Government states that the Bill dealing amongst other things with this point will in all probability be shortly submitted to the States-General.

*New Zealand.*

Social Security Amendment Act, 1953.  
 Workers' Compensation Amendment Act, 1953.  
 Employers' Liability Insurance Regulations, 1954.  
 Workers' Compensation Order, 1953.

The report submitted consolidates and brings up to date the information provided from 1950 onwards.

The Workers' Compensation Amendment Act, 1953, extended coverage to all commission agents except where the commission is received in connection with a trade or business carried on by the recipient. It increased the basic weekly compensation from 75 to 80 per cent. of the worker's weekly earnings. The minimum and maximum amounts of compensation now payable are as follows: death, minimum £825 and maximum £2,370; death subsequent to receipt of payments in respect of accident, over-all maximum compensation, £2,700; incapacity, maximum £2,370; temporary incapacity, minimum £2 4s. 0d. per week and maximum £8 16s. 0d. per week.

Statistics concerning the functioning of the inspection service show that 32 warnings in respect of breaches were issued following complaints, and 28 following inspections.

As at October 1953, 487,256 persons were employed in all firms in which two or more persons were engaged for all occupations other than farming, fishing, hunting, trapping, waterfront work and domestic work. The annual report of the Department of Labour for 1954 states that 10,628 industrial accidents were reported under the Factories Act, 1946 (at 31 March 1953, 191,502 persons were engaged under this Act). Data for the year 1952, published in 1954, show that the premium income in employers' liability insurance was £2,469,139 and the claims paid, £1,381,906, this being 55.97 per cent. of the total. The corresponding percentages were 66.23 in 1949, 59.14 in 1950 and 52.50 in 1951.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Legislation has been substantially amended since the period to which the previous report related (1934-35).

The provisions of the Code which regulate compensation for employment injury apply to all employees and apprentices. They do not cover: (a) insured workers engaged for purposes not connected with commerce or industry by a person who employs them for less than seven days; (b) homeworkers; (c) workshops in which only members of the same family, related to the fourth degree by blood or to the second degree by marriage, are employed under the direction of a member of the family; and (d) officials in public employment.

Compensation in case of permanent incapacity or death is still paid in the form of a lump sum; the employer may pay this lump sum in five annual instalments, with interest. In cases of temporary incapacity, a periodical payment is due as from the first day of incapacity.

*Portugal.*

The text of 23 decisions of the Supreme Administrative Tribunal concerning workmen's com-

pensation for accidents are included in the report. Twelve infringements were reported by the labour inspectorate.

*Sweden.*

Royal Notification No. 503 of 19 June 1953, to amend section 10 of Ordinance No. 295 of 2 June 1950 respecting supplements payable out of public funds to certain injured workers under the Act respecting insurance against industrial accidents.

The total number of persons (man-years) insured against industrial accidents amounted in 1950 and 1951 to 2,254,273 and 2,291,647 respectively, including 304,733 and 300,674 state-employed workers.

During the period under review the Industrial Accident Insurance Office paid out 5,742,431 kronor in cash benefits and 6,181,596 kronor in benefits in kind. The number of accidents reported to the Industrial Accident Insurance Office was 156,762 and the number reported to mutual insurance companies was 133,630, making a total of 290,392. The administrative expenses incurred by the Insurance Office amounted to 8,968,440 kronor.

*United Kingdom.**Great Britain.*

National Insurance (Industrial Injuries) Act, 1953.  
 Industrial Diseases (Benefit) Act, 1954.  
 Various Amending Regulations and Orders, issued in 1953 and 1954, relating to benefits, prescribed diseases, transitional provisions, claims and questions, and reciprocal agreements.

The report summarises the above-mentioned legislative texts, which introduce only minor amendments relating to the extension of industrial injuries insurance to certain classes of seafarers, to the determination of claims and questions, to the granting of disablement benefits and special hardship allowances, and to the extension of benefits to victims of industrial accidents or diseases before the scheme came into force.

It is estimated that 20½ million persons were contributing to the industrial injuries insurance scheme at 30 June 1954; benefits paid and administrative expenditure at the same date were approximately £25 million and £4.4 million respectively. Statistical data are given on spells of certified incapacity resulting from accidents or prescribed diseases occurring in Great Britain in 1951 and 1952, analysed by cause of incapacity, sex and average duration.

*Northern Ireland.*

National Insurance (Industrial Injuries) Act, (Northern Ireland), 1953.  
 Various Amending Regulations and Orders, issued in 1953 and 1954, relating to the commencement of the new Act, transitional provisions, benefits, and claims and questions.

The report summarises the provisions of the above-mentioned legislation, the main changes in which refer to the payment of disablement benefits, an extension of the class of persons to whom certain benefits might be paid and an increase of certain benefits.

The total number of persons insured was 467,000. During the year ended 31 March 1954 10,186 claims were received in respect of accidents, and the estimated total cost of benefits in cash was £396,000.

*Uruguay.*

During the period under review the number of workers insured was 216,640 and the number of accidents reported was 46,305; the amount paid out for different categories of benefits was 7,065,162 pesos. Nineteen infringements were reported and fines imposed by courts of law amounted to 695 pesos.

*Yugoslavia.*

Decree of 23 December 1953 respecting the financing of social insurance.

Under the above decree there is a new system for the payment of social insurance contributions,

but it does not affect the application of the Convention.

The total number of salaried employees, workers, wage earners and apprentices to whom the legislation applies—except in agriculture—was 2,158,600 in June 1954. For the whole country, 72,667 accidents were recorded and a total of 11,426,890 dinars was paid out in pensions and invalidity benefits.

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

*Cuba, Mexico, Poland.*

## 18. Workmen's Compensation (Occupational Diseases) Convention, 1925

*This Convention came into force on 1 April 1927*

Countries	Date of registration of ratification
Austria <sup>1</sup>	29. 9.1928
Belgium <sup>1</sup>	3.10.1927
Bulgaria <sup>1</sup>	5. 9.1929
Burma <sup>2</sup>	30. 9.1927
Ceylon	17. 5.1952
Chile	31. 5.1933
Colombia	20. 6.1933
Cuba <sup>1</sup>	6. 8.1928
Czechoslovakia <sup>1</sup>	19. 9.1932
Denmark <sup>1</sup>	18. 6.1934
Finland <sup>1</sup>	17. 9.1927
France <sup>1</sup>	13. 8.1931
Federal Republic of Germany <sup>3</sup>	18. 9.1928
Hungary <sup>1</sup>	19. 4.1928
India	30. 9.1927
Iraq <sup>1</sup>	26.11.1938
Ireland <sup>4</sup>	25.11.1927
Italy	22. 1.1934
Japan <sup>1</sup>	8.10.1928
Luxembourg	16. 4.1928
Netherlands <sup>4</sup>	1.11.1928
Nicaragua	12. 4.1934
Norway <sup>1</sup>	11. 6.1929
Pakistan <sup>5</sup>	30. 9.1927
Poland <sup>1</sup>	3.11.1937
Portugal	27. 3.1929
Spain	29. 9.1932
Sweden <sup>4</sup>	15.10.1929
Switzerland	16.11.1927
United Kingdom <sup>4</sup>	6.10.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

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

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

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

<sup>4</sup> Has denounced this Convention and ratified Convention No. 42 (revised).

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

*Austria.*

See under Convention No. 42.

*Belgium.*

See under Convention No. 42.

*Bulgaria.*

See under Convention No. 42.

*Chile.*

Detailed statistical data show that in 1953 there were 216 cases—one of which was fatal—of occupational diseases (99 cases of silicosis, 96 cases of pneumoconiosis, 1 case of sulphur poisoning, 1 case of anthrax, 16 cases of dermatitis and 3 cases of diseases caused by X-rays and radioactive substances). The total expenditure involved was 34,986,590 pesos. The text of a decision given by a court of law is appended to the report.

*Colombia.*

In reply to the observations made by the Committee of Experts the Government states that the table of occupational diseases in section 201 of the Labour Code is binding for the purposes of the presumption established in section 202, which states: "Only those diseases indicated in the table set out in the foregoing section shall be presumed to be occupational diseases". The types of work in which a given disease is presumed to be occupational are also definitively established.

Where a worker is found to be suffering from a pathological condition and cannot benefit from the above presumption the disease may be declared to be an occupational disease, providing that this is approved by the Department of Medicine and Industrial Hygiene.

*Cuba.*

See under Convention No. 42.

*Denmark.*

Statistical data show that during the period under review there were 173 cases of occupational diseases costing 555,224 kroner in compensation. Compensation paid in respect of 118 cases previously reported involved an amount of 202,498 kroner.

*France.*

See under Convention No. 42.

*Federal Republic of Germany.*

For legislation see under Convention No. 12.

During the period under review, 56,774 cases of occupational diseases were reported; in the calendar year of 1953 the sum of 172½ million DM was paid out in compensation.

*Hungary.*

See under Convention No. 42.

*Iraq.*

See under Convention No. 42.

*Italy.*

Statistical data show that 10,171 cases of occupational diseases were reported, 602 of which were fatal.

*Japan.*

Statistical data show that at the end of 1953 the number of establishments to which the Labor Standard Act applied was 869,377 and that the number of workers employed therein was 11,515,174. During the same year 24,387 cases of occupational diseases, occurring in 16 groups of industries, were reported. The total amount of compensation paid out for industrial accidents and occupational diseases during the period April 1953 to March 1954 was 13,927,821,639 yen.

*Luxembourg.*

Act of 24 April 1954 designed to restore Book I of the Social Insurance Code and to amend and supplement Books II, III and IV of the same Code and the Acts of 21 May 1951 and 29 August 1951.

The Act of 24 April 1954 makes certain amendments to Book II of the Social Insurance Code and specifies the compensation to which the insured person is entitled by reason of injury or sickness, in accordance with articles 92, 93 and 94. Article 94 extends accident insurance to occupational diseases; the list of such diseases includes all diseases given in the list appended to Article 2 of the Convention.

See also under Convention No. 17.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

According to section 82 the term "occupational injury" (*riesgo*) shall mean any accident or industrial disease.

Under section 92 employees who incur an injury shall be entitled to receive from the employer

medical attendance and the medicaments necessary for his cure, as well as the compensation provided for in Chapter VII of the Code.

Section 84 defines "occupational disease" (*enfermedad profesional*) as "every pathological condition due to a cause repeated during a long period of time, being the consequence of the class of work performed by the wage-earning or salaried employee or the environment in which he is obliged to work, which gives rise to incapacity or functional disturbance, whether permanent or temporary".

No list of occupational diseases has been drawn up, since section 84 applies to all diseases which, according to the medical report, fall within this definition.

*Norway.*

See under Convention No. 42.

*Portugal.*

A decision of a court of law was given which stated that silicosis is an incurable occupational disease, the aggravation of which is inevitable and progressive and requires clinical treatment and the use of medicines; where the sufferer from silicosis is already disabled for work, his disability should be considered as temporary and partial if loss of earning capacity has not reached its maximum, and as permanent and complete if this degree has been reached.

*Switzerland.*

Ordinance of 21 December 1953 to supplement Ordinance No. I concerning accident insurance.

Under the Ordinance of 21 December 1953 undertakings using solid synthetic materials or cork in mechanical processes are also subject to compulsory insurance against accidents.

During the period under review 33 cases of lead poisoning (one of which was fatal) and 23 cases of mercury poisoning (one of which was fatal) were reported. Compensation paid amounted to 246,847 Swiss francs.

*Uruguay.*

A decree dated 30 March 1954 increases the list of occupational diseases giving the right to compensation.

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

*Burma, Ceylon, Finland, Pakistan, Poland, Yugoslavia.*

19. Equality of Treatment (Accident Compensation) Convention, 1925

*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
Bolivia . . . . .	19. 7.1954
Bulgaria . . . . .	5. 9.1929
Burma <sup>1</sup> . . . . .	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
Finland . . . . .	17. 9.1927
France . . . . .	4. 4.1928
Federal Republic of Germany <sup>2</sup> . . . . .	18. 9.1928
Greece . . . . .	30. 5.1936
Hungary . . . . .	19. 4.1928
India . . . . .	30. 9.1927
Indonesia <sup>3</sup> . . . . .	13. 9.1927
Iraq . . . . .	30. 4.1940
Ireland . . . . .	5. 7.1930
Italy . . . . .	15. 3.1928
Japan . . . . .	8.10.1928
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	12. 5.1934
Netherlands . . . . .	13. 9.1927
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	11. 6.1929
Pakistan <sup>4</sup> . . . . .	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

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> See footnote 2 to Convention No. 2.  
<sup>3</sup> 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.  
<sup>4</sup> See footnote 3 to Convention No. 1.

Argentina.

During the period 1953-54, 5,418 cases of accidents involving foreign workers were reported.

Bulgaria.

Regulation to apply Part III of the Labour Code (*Izvestiya* No. 31 of 15 April 1952).

Under section 3 of the above-mentioned regulation foreign subjects employed as wage or salary earners on the territory of the People's Republic of Bulgaria are covered by compulsory social insurance for all categories of compensation, allowances and pensions, and consequently have the same rights as Bulgarian wage and salary earners, including rights in case of industrial injury. This being so, the principle of equal treatment as

between the People's Republic of Bulgaria and foreign countries in respect of workers and salaried employees living on the territory of the People's Republic of Bulgaria does not come into question. Pensions of foreign nationals are suspended except where a reciprocal agreement exists with the foreign country concerned.

Foreign nationals employed as wage or salary earners on the territory of the People's Republic of Bulgaria have the same rights as wage and salary earners of Bulgarian citizenship. Pensions of foreign nationals having left the People's Republic of Bulgaria are suspended except where a reciprocal agreement exists with the foreign country concerned.

Chile.

During the year 1953, 342 foreign workers sustained industrial accidents.

Colombia.

Article 11 of the National Constitution provides that foreigners in the territory of the Republic shall enjoy the same guarantees as are granted to nationals. Section 2 of the Labour Code states that the Code applies throughout the whole territory of the Republic to all inhabitants without any condition as to nationality. Section 206 of the Code enumerates the benefits which shall be awarded in respect of industrial accidents.

Cuba.

Seven foreign workers converted their pensions to a lump sum during the period under review.

France.

For relevant legislation see under Convention No. 17.

The Social Security Agreement between France and the Principality of Monaco signed on 28 February 1952 came into force on 1 April 1954.

Statistics of foreign workers entering the country between 1 July 1953 and 30 June 1954 give the following figures: 536 Germans, 8,514 Italians, and 3,117 other nationalities. No details can be given concerning the number of workers leaving France during the same period or the number and kind of accidents sustained by foreign workers.

Federal Republic of Germany.

Act of 7 August 1953 respecting foreign social insurance pensions for beneficiaries residing in the territory of the Federal Republic or the "Land" of Berlin, social insurance benefits for beneficiaries residing abroad, and voluntary social insurance.

The above-mentioned Act specifies the circumstances, the extent and the procedure respecting

the granting of benefits under the existing scheme of the Federal Republic to persons who were victims of industrial accidents when they were affiliated to a German accident insurance institution which no longer exists or is located outside the territory of the Federal Republic or who were insured under a foreign accident insurance scheme.

On 14 August 1953 a social insurance agreement was signed with Denmark; this agreement has, however, not yet entered into force.

In reply to the general observations made in 1954 by the Committee of Experts on the Application of Conventions and Recommendations, the report states that the Federal Republic applies the special provisions concerning supplementary benefits contained in social security agreements concluded with other Members of the International Labour Organisation only to the nationals of the contracting parties and to persons assimilated to them in this respect. Since these provisions take account of the special relations existing between the Federal Republic and the other States who are parties to these agreements, the Federal Government hesitates to make them applicable to the nationals of all the other States bound by Convention No. 19. The Government is, however, prepared to reconsider this question as soon as information on the attitude of the other governments is available.

#### *Greece.*

The legislation governing the general social insurance scheme makes no distinction between Greek and foreign nationals, either as regards coverage or benefit provisions; they are both entitled to receive benefits irrespective of the place or country of residence. Certain foreign exchange formalities apply equally to Greek citizens and the nationals of other countries. Under the special insurance fund for miners, however, foreign beneficiaries leaving Greece have their pensions commuted into a lump-sum payment equal to three years' pension.

Greece has not signed any bilateral agreements with other countries dealing with payment of social insurance benefits.

In 1953 there were 18,798 foreign workers in Greece, and 51 pensioners living outside the country were receiving pensions from the central Social Insurance Institute.

#### *Hungary.*

Legislative Decree No. 30 of 1951 of the Presidium of the People's Republic respecting uniform social insurance pensions for workers.

The above legislation makes no distinction between nationals and foreign workers in so far as workmen's compensation is concerned. It also provides for the possibility, upon authorisation by the Minister of Finance, of paying at their new place of residence the pensions of workers who have left the country.

#### *Ireland.*

Workmen's Compensation (Amendment) Act, 1953.

Workmen's Compensation (Amendment) Act, 1953 (Appointed Day) Order, 1953.

Workmen's Compensation (Amendment) Act, 1953 (Prescribed Declarations) Regulations, 1953.

The above legislation does not introduce any discrimination between national and foreign workers in respect of workmen's compensation.

#### *Italy.*

In addition to the existing bilateral agreements mentioned in the previous reports similar agreements concluded with Austria, the Federal Republic of Germany, Luxembourg and the Netherlands have been ratified by Italy; discussions are taking place on the same subject with Denmark, Norway and Sweden and negotiations are envisaged with Argentina, Australia and the United States.

#### *Japan.*

The total number of labour standard inspection offices is 337.

#### *Luxembourg.*

Act of 21 August 1953 to approve the General Convention and the Special Protocol on social security, between the Grand Duchy of Luxembourg and the Republic of Italy, signed at Luxembourg on 29 May 1951.

Grand Ducal Order of 24 October 1953 to publish the Administrative Agreement, signed at Luxembourg on 1 October 1953, relating to the methods of application of the General Convention on social security, between the Grand Duchy of Luxembourg and the Netherlands, signed at Luxembourg on 8 July 1950.

The legislation on this subject is supplemented by the above Act and Order.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

The relevant provisions of the Code do not discriminate between nationals and foreigners.

#### *Norway.*

The report contains statistics by group of industry and by nationality, respecting foreign workers with working permits in Norway. The number of such workers on 30 June 1954 was 16,160. The report also indicates that during the period 1 July 1953 to 30 June 1954, 9,847 working permits were granted to foreign workers in Norway.

#### *Portugal.*

The number of permanent work permits issued to foreigners in Portugal in 1954 was 1,186.

#### *Switzerland.*

Ordinance of 21 December 1953 to supplement Ordinance No. I concerning accident insurance.

Undertakings engaging in mechanical processing of synthetic solid material and cork are now covered by compulsory insurance.

There were 389 fatal accidents during the period from 1 July 1953 to 30 June 1954, including 64 in respect of foreigners (51 Italians, 5 Germans, 1 Frenchman, 5 Austrians, 1 Belgian and 1 Spaniard).

The text of the above-mentioned Ordinance and the annual report and accounts for the financial year 1953 of the Swiss National Accident Insurance Fund are appended to the report.

*Union of South Africa.*

The total number of reported accidents to non-Union Natives working in the mines in the Transvaal was 17,145.

*United Kingdom.**Great Britain.*

National Insurance (Industrial Injuries) Act, 1953.

National Insurance and Industrial Injuries (Reciprocal Agreement with Denmark) Order, 1954.

National Insurance and Industrial Injuries (Switzerland) Order, 1954.

As regards the above Act, see under Convention No. 17. The first of the above Orders gives effect in England, Wales and Scotland to the convention made with Denmark on 15 December 1953 which provides for reciprocal application of the employment injury insurance legislation of the two countries in cases where a national of one country is employed in the other. The second Order gives effect in Great Britain to the convention and protocol made with Switzerland on 16 January 1953 dealing with equal treatment of nationals of the two countries under social insurance and making arrangements enabling nationals going from one country to the other to keep social insurance rights already acquired in the former.

In reply to the general observations of the Committee of Experts in 1954, the report states that persons entitled to benefit under the industrial injuries insurance legislation may also receive four types of supplementary benefit: special hardship allowance, constant attendance allowance, hospital treatment allowance, and unemployment supplement. The general terms of the scheme, however, disqualify beneficiaries from receiving the supplementary payments while they are outside the United Kingdom, irrespective of nationality. Bilateral agreements affecting qualifying conditions for industrial disablement benefit and increases thereof have been concluded with Ireland, Denmark, France, Italy, Switzerland, the Netherlands and Luxembourg; the agreements with the two last-named countries are not yet ratified. The agreement with Ireland makes no distinction on grounds of nationality, but the others are applicable in each case only to nationals of the two contracting parties. The

limitations of the agreements in this respect are removed to some extent by provisions of the Convention to Extend and Co-ordinate Social Security Schemes signed on 7 November 1949 by the parties to the Brussels Treaty, and of the European Interim Agreement on Social Security signed on 11 December 1953 by members of the Council of Europe.

*Northern Ireland.*

National Insurance and Industrial Injuries (Reciprocal Agreement with Switzerland) Order (Northern Ireland), 1954.

The above-mentioned Order gives effect in Northern Ireland to the convention made with Switzerland on 16 January 1953 which deals with equal treatment of nationals of the two jurisdictions under social insurance.

*Uruguay.*

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

*Venezuela.*

During the period under review 5,456 foreign workers suffered industrial accidents. As regards information on the work of the authorities to whom the application of the relevant legislation is entrusted see under Convention No. 1.

*Yugoslavia.*

Decree of 23 December 1953 respecting the financing of social insurance.

The report points out that the provisions of the new decree apply equally to foreign nationals and to nationals of the Federal People's Republic of Yugoslavia.

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

*Austria, Belgium, Burma, Denmark, Egypt, Finland, Indonesia, Iraq, Mexico, Netherlands, Pakistan, Poland, Sweden.*

**20. Night Work (Bakeries) Convention, 1925**

*This Convention came into force on 26 May 1928*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Bulgaria . . . . .	5. 9.1929
Chile . . . . .	31. 5.1933
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Finland . . . . .	26. 5.1928
Ireland . . . . .	15. 3.1937
Israel . . . . .	26. 7.1951

Countries	Date of registration of ratification
Luxembourg . . . . .	16. 4.1928
Nicaragua <sup>1</sup> . . . . .	12. 4.1934
Spain . . . . .	29. 8.1932
Sweden . . . . .	5. 1.1940
Uruguay . . . . .	6. 6.1933

<sup>1</sup> Ratification denounced.

*Bulgaria.*

Night work is considered to be any work carried on between 10 p.m. and 5 a.m. during the period from 1 March to 30 September, and between 10 p.m. and 6 a.m. during the remainder of the year.

As regards practical application see under Convention No. 1.

*Chile.*

During the period under review two decisions of the labour tribunals were communicated to the General Directorate of Labour. There were 121 infringements of the regulations.

*Finland.*

The revised draft legislation concerning work in bakeries, which was submitted to Parliament in 1953, will be considered only after the new elections.

In 1953, 1,219 bakeries employing a total of 9,966 persons, including 7,286 women, were covered by the relevant legislation. During the same period, 1,836 visits of inspection were made, 123 of them at night.

During the period under review proceedings were instituted in respect of 15 offences against the Act concerning work in bakeries and the regulations issued under it.

*Ireland.*

During the period under review the competent authorities carried out 1,905 inspection visits in 658 bakeries, and noted two contraventions of the legislation.

*Israel.*

The report mentions that a committee composed of representatives of employers and workers

in the baking trade has been set up to assist in the application of the law.

A request submitted by the producers to permit work to begin at 5 a.m. is under consideration. Measures are at present being studied with a view to increasing the penalties provided under the law.

During the year 1953, 737 inspection visits were carried out; 1,262 warnings were issued. During the same period, 133 cases were referred to the courts, and 36 cases which were *sub judice* on 31 December 1952 were also tried. In all but four cases the accused were found guilty.

*Nicaragua (Voluntary Report).*

This Convention has been denounced by Nicaragua since, under an amendment to section 174 of the Labour Code of 1945, night work in bakeries is permitted provided that it does not exceed six hours per day and that double wages are paid.

*Sweden.*

During the period under review the inspection services reported ten cases in which the regulations had been contravened; in all cases fines were imposed. A judgment was given in one case only; a copy is appended to the report.

*Uruguay.*

During the period under review 2,002 infringements of the provisions of Act No. 11146 were recorded and fines totalling 30,630 pesos were imposed.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

*Colombia, Cuba, Luxembourg.*



## EIGHTH SESSION (GENEVA, 1926)

### 21. Inspection of Emigrants Convention, 1926

*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 <sup>1</sup> . . . . .	14. 1.1928
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 9.1954
Czechoslovakia . . . . .	25. 5.1928
Finland . . . . .	5. 4.1929
France <sup>2</sup> . . . . .	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 <sup>3</sup> . . . . .	14. 1.1928
Sweden <sup>2</sup> . . . . .	15.10.1929
United Kingdom <sup>2</sup> . . . . .	16. 9.1927
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944

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

<sup>2</sup> Conditional ratification.

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

#### *Austria.*

During the period under review 8,140 persons emigrated by sea to countries outside Europe. This total includes 2,773 Austrians, 2,840 "Volks-deutsche", 2,431 non-German speaking refugees, 91 German citizens and 5 South Tyrolians.

#### *Belgium.*

A statistical chart appended to the report contains details of migratory movements through the Port of Antwerp during the period under review. A total of 4,500 persons left the country, including 2,300 Belgians.

#### *Bulgaria.*

In the absence of any emigration the application of the Convention does not arise and there is no legislation on the matter.

#### *Colombia.*

No special regulations have as yet been issued concerning the inspection of emigrants. The legal provisions which apply in this case are those of the country where the vessel is registered or of the country where the vessel has put into port, as the case may be.

#### *Finland.*

During the year 1953, 5,051 Finnish nationals emigrated.

#### *Hungary.*

The report states that, full employment having been achieved, no surplus of manpower exists and emigration is therefore unnecessary.

#### *Ireland.*

During the period under review 5,481 persons emigrated by sea from Ireland to countries outside Europe. A number of persons of British nationality are included in this total.

#### *Japan.*

Between 1 July 1953 and 30 June 1954, 1,574 emigrants left the country, primarily for Brazil, under the auspices of the Japanese Government. Legislative as well as administrative measures to apply the Convention are under consideration.

#### *Netherlands.*

Out of 39,020 emigrants who left the country during the period under review, 32,091 travelled by ship.

#### *New Zealand.*

The number of permanent residents who left the country for good during the year ended 31 March 1954 was 7,048 (6,435 to British Commonwealth countries and 613 to other countries). In the absence of organised emigration, the figures quoted relate to persons who travel under

private arrangements by the ordinary passenger services. Since the Second World War there have been no violent fluctuations in the number of departures.

*Nicaragua.*

Nicaragua does not possess an official system of inspection of emigrants. As there is very

little maritime trade the Government has not entered into any bilateral agreements for the appointment of official inspectors.

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

*Argentina, Australia, Burma, Luxembourg, Mexico, Pakistan, Uruguay, Venezuela.*

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## NINTH SESSION (GENEVA, 1926)

### 22. Seamen's Articles of Agreement Convention, 1926

*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 <sup>1</sup> . . . . .	31.10.1932
Canada . . . . .	30. 6.1938
Chile . . . . .	18.10.1935
China . . . . .	2.12.1936
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 7.1928
Finland . . . . .	8. 4.1947
France . . . . .	4. 4.1928
Federal Republic of Germany <sup>2</sup> . . . . .	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 <sup>3</sup> . . . . .	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

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

#### *Australia.*

During the period under review 9,510 seamen of all ranks were signed on for vessels in Australian ports. The total number of engagements registered during the period was 33,945.

#### *Belgium.*

During the period under review approximately 2,900 seamen were covered by the provisions of the Convention. There were five disputes relating to payment of compensation for breach of contract, public holidays, periods spent in the home port under the provisions of the collective agreement (without performing any work) and labour carried out by persons not properly enrolled. Three of these cases were settled by conciliation.

The Committee of Experts noted that there was a discrepancy between Article 9 of the

Convention and section 92 of the Act of 5 June 1928 concerning seamen's agreements. This discrepancy is to be abolished by the Act to amend the 1928 Act, now in the course of preparation.

#### *Bulgaria.*

Seamen's contracts are given in writing in the same way as all other labour contracts. Contracts are normally valid for an indefinite period. They are terminated in accordance with the conditions laid down in article 29 of the Code.

As regards practical application see under Convention No. 1.

#### *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. These figures have not changed since the previous year. The five seamen's employment offices operating under the direction of the harbour, masters encountered no difficulty in the placing of crews.

#### *Colombia.*

For relevant legislation see under Convention No. 7.

The enrolment of workers in maritime undertakings is governed by the standards concerning labour contract procedure laid down in Chapter IV, section I of the Labour Code. The regulations of the Grand Colombian Merchant Navy applying the above standards are also valid; these give every satisfaction in practice.

#### *Finland.*

During the period 1 July 1953 to 30 June 1954 the inspection visits carried out in connection with the engagement and discharge of seamen numbered 16,921 and 17,304 respectively. There were six infringements of the regulations.

#### *France.*

The Committee of Experts having requested supplementary information on certain clauses of the seamen's articles of agreement, the Govern-

ment recalls that section 14 of the French Maritime Labour Code provides, in conformity with Article 5 of the Convention, that "enrolment on board ship must be noted in a book to be delivered free of charge to the seaman by the maritime authorities and which he must keep. The book must not contain any opinion as to the quality of his work." It is expressly stated that the seaman's book is to note the dates of enrolment and discharge and the length of legal holidays granted but that any statement as to wages or the reasons for discharge is to be excluded. Recent instructions have been issued to remind the local maritime authorities of these provisions.

Further, section 10 of the Code corresponds to Article 9 of the Convention and runs as follows:

"If the engagement of the seaman is concluded for a specified or unspecified period, the contract must fix the length of notice to be observed in the case of termination of the contract by one of the parties. This period must be identical for the two parties and may not be less than 24 hours.

"In the case of an agreement entered into for a voyage, the contract must mention by name the port where the voyage is to end and fix the time at which stage of the commercial and maritime operations in the port the voyage shall be considered as having been completed.

"In cases where the specification of this port is not sufficient to enable an estimation to be made of the approximate duration of the voyage, the contract must fix a maximum period after which the seaman may request his discharge in the first port where the vessel stops in Europe for unloading, even if the voyage has not been completed."

Finally, in conformity with Article 14 of the Convention, the seaman may obtain from his employer, in accordance with common law, a certificate of employment in addition to the maritime occupational book showing the quality of his work.

#### *Ireland.*

The Government reports that the number of seamen who signed on during the period under review was 4,669.

#### *Italy.*

During the period under review approximately 47,200 seamen were signed on. Of these 30,300 took service on steam or motor vessels (passenger or cargo) and 16,900 on smaller vessels (fishing and sailing boats).

#### *Netherlands.*

Royal Decree No. 278 of 18 March 1953.

Royal Decree No. 123 of 21 August 1953.

Act No. 619 of 17 December 1953 to amend the provisions respecting the dismissal of seamen while under contract.

Decree of 16 December 1953.

The texts mentioned above, which contain no provisions which do not conform to those of the Convention, govern the dismissal of seamen who are under contract of employment.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

See under Convention No. 1 for all information concerning the force of law of ratified Conventions,

as well as the authorities responsible for the application of labour laws.

The labour laws of Nicaragua contain a chapter entitled "Employment at sea and on navigable waterways" (articles 151 to 166 of the Labour Code). Article 154 in particular provides that the seaman be returned to the place or port indicated in his contract. This provision is applicable even in case of shipwreck, but not where the seaman has been sentenced to a term of imprisonment for an offence committed abroad or in any other similar case where it is absolutely impossible for the employer to comply with the said obligation. Articles 155 to 162 impose similar obligations.

#### *Norway.*

Seamen's Act of 17 July 1953 (came into force on 1 January 1954).

In connection with Article 6, paragraph 3 (10) (c), of the Convention, the Government states that, unless otherwise stipulated, either party may give notice of termination at any Norwegian port at which the ship calls. This provision ordinarily applies also to seamen of non-Norwegian nationality and persons not resident in Norway. The period of notice is one month for engineer officers, mates, chief stewards, radio operators and certificated electricians, and seven days in the case of other members of the crew.

#### *Poland.*

The report refers to the observations made by the Committee of Experts in 1954 and gives the following information:

*Article 9 of the Convention.* The legislation does not allow the shipowner to terminate in a foreign port any contract made with a seaman domiciled in Poland, which thus ensures a wider protection of the interests of seamen than that envisaged in the Convention. This principle has been adopted by reason of the fact that in Poland there is no emigration of Polish seamen and that their employment is guaranteed under highly favourable conditions. It does not, however, imply that seamen domiciled in Poland are forbidden to work on vessels of other nationalities. Recently for example, a large number of Polish seamen have been employed on ships flying the Czechoslovak flag.

*Article 10.* The legislation does not envisage the possibility of terminating a contract by reason of the loss or total unseaworthiness of a vessel: seamen thus enjoy greater advantages than those provided for in the Convention.

*Article 11.* Under section 470, paragraph 2, of the Code of Obligations, the contract of engagement may be terminated for important reasons, as, for example, if the worker presents falsified documents, systematically drinks too much or is guilty of theft, fraud, etc.

*Article 13.* The legislation does not regulate this matter. Workers are employed according to their qualifications and everyone is entitled to take up vocational training in order to improve such qualifications. When a seaman has reached

a high level of training he is promoted to a better position, regardless of the nature of his contract of engagement. In practice, promotion is very frequent and it would be difficult to envisage the requirement that a seaman promoted to a higher position must find someone to take his place.

#### *Uruguay.*

*Article 1 of the Convention.* There is no legislation concerning tonnage limits.

*Article 2.* The definitions given in the legislation correspond to those of this Article of the Convention. However, no geographical limits are laid down since navigation is divided into coast-wise and ocean-going shipping.

*Article 3, paragraph 1.* There are no legislative provisions applying this paragraph, but nothing prevents the agreement between the two parties from being signed in the presence of the maritime authorities.

*Paragraph 2.* The relevant conditions have not been prescribed by national law and the agreements are signed in accordance with the custom prevailing in other countries which have large merchant navies.

*Paragraph 3.* There are no specific provisions on this point.

*Paragraph 4.* There are no specific provisions on this point except in section 1161 of the Commercial Code.

*Paragraph 5.* In Uruguay, agreements which contain anything contrary to the provisions of the national law are null and void.

*Paragraph 6.* There is no legislation on this point except Title VI of Book III of the Commercial Code.

*Article 4.* The rules as to jurisdiction are laid down in the Commercial Code.

*Article 5.* The particulars must be recorded in the seaman's book provided for in the Commercial Code.

*Article 6, paragraph 1.* In the case of ocean-going shipping, the agreement is made for the whole of the voyage, including the return journey.

*Paragraph 2.* The Commercial Code complies with this provision.

*Paragraph 3.* These particulars are included when the agreement is drawn up, but agreements are not in current use.

The annual holidays must be notified to the National Labour Institute for the purpose of supervision.

*Article 7.* Vessels must carry a list of crew.

*Article 8.* This Article is not complied with but there is nothing to prevent such measures from being taken.

*Article 9.* There are no agreements for an indefinite period. Under section 1160 of the Commercial Code the contract is always for the whole of the trip, including the return voyage.

*Article 10.* The national legislation is in conformity with this Article.

As regards clause (c), the crew is repatriated in case of loss or total unseaworthiness of the vessel. The national legislation does not provide for any other cases.

*Article 11.* Section 1166 of the Commercial Code determines these circumstances.

*Article 12.* This Article is applied through sections 1169 to 1171 of the Commercial Code.

*Article 13.* The legislation does not include any provisions on the subject, but it is unlikely that such cases will arise.

*Article 14.* The Commercial Code is in agreement with this provision. The discharge of the seaman is noted in the book referred to under Article 5. There is no reason why certificates could not be delivered.

No statistics have been established. The national merchant navy totals 180,000 tons and is not likely to increase since exports are shipped in small quantities to a large number of destinations and it is more economical to use vessels which ply normally between the Rio de la Plata and the ports to which the merchandise is to be shipped. For example, wool and meat are shipped by Uruguay to various countries in 50 to 100 ton lots and this renders difficult the economic organisation of a merchant navy.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

*Argentina, Burma, Canada, Cuba, Federal Republic of Germany, Luxembourg, Mexico, New Zealand, Pakistan, United Kingdom, Venezuela, Yugoslavia.*

23. Repatriation of Seamen Convention, 1926

*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
France . . . . .	4. 3.1929
Federal Republic of Germany <sup>1</sup> . . . . .	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

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

*Belgium.*

During the period under review 46 seamen were repatriated; no objections were raised in this connection by any authority.

*Bulgaria.*

In accordance with the provisions of the Labour Code and of the Regulations concerning relations between members of the crews of Bulgarian vessels and the Consuls of the People's Republic of Bulgaria, crews are repatriated at the expense of the company which owns the vessel.

In case of shipwreck, the seaman is not dismissed and after his return he is entitled to a place on other vessels, without any interruption in his labour contract.

As regards practical application see under Convention No. 1.

*Colombia.*

In the case of workers employed in maritime undertakings it is the undertaking which must, upon the termination of the contract, pay the cost of repatriation unless such termination is due to the misconduct of the worker or is made at his request. If the worker prefers to go to another place than the port at which he was engaged, the shipowner or undertaking must pay for the voyage up to an amount not exceeding the cost of a return journey to his previous place of residence. The cost of a return journey of the worker is meant to include that of transporting

the members of his family who live with him, in accordance with the provisions of paragraph 8 of section 58 of the Labour Code.

*Italy.*

During the period under review 1,475 seamen were repatriated at the expense of shipowners or the public authorities.

*Netherlands.*

Act No. 619 of 17 December 1953 to amend the provisions respecting the dismissal of seamen while under contract.

The provisions relating to repatriation of seamen form the subject of the Act of 14 June 1930, as amended by the new Act of 17 December 1953 modifying the provisions relating to the dismissal of seamen where the latter's employment is governed by contract; this Act does not affect the application of the Convention.

*Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

The Labour Code contains a chapter on employment at sea and on navigable waterways. Sections 154 to 156 require the employer to return members of the crew to the port where their contracts were signed, even in the event of shipwreck.

No statistics are available for the number of seamen repatriated, as the country has very little shipping. The application of the legislation is ensured by the labour inspectors.

*Uruguay.*

There are no provisions concerning tonnage or geographical limits; navigation includes coastwise and ocean-going shipping.

The Commercial Code lays down that the repatriation is at the expense of the shipowner and covers the return journey to the port at which the seaman was engaged.

The consular authorities assist in repatriation. They ensure such assistance only in case of destitute persons and apply as far as possible the Regulations concerning steamships.

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

*Argentina, Cuba, France, Federal Republic of Germany, Ireland, Luxembourg, Mexico, Poland, Yugoslavia.*

## TENTH SESSION (GENEVA, 1927)

### 24. Sickness Insurance (Industry) Convention, 1927

*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 <sup>1</sup> . . . . .	23. 1. 1928
Hungary . . . . .	19. 4. 1928
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

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

#### *Austria.*

Statistical data for 1953 show that the total number of workers and employees in industry, commerce and domestic service covered by compulsory sickness insurance was 1,446,000 (1,074,000 wage earners and 372,000 salaried employees). In addition, 61,000 federal railway officials and 116,000 officials in other public services were insured against the risk of sickness. The total amount paid out in cash benefits was 422.6 million schillings (181.90 schillings per insured person); benefits in kind amounted to 1,073.7 million schillings (462.20 schillings per insured person). The total financial resources of the insurance scheme amounted to 1,559.5 million schillings, made up as follows: employers' contributions, 604.3 million; insured persons' contributions, 650.5 million; from public funds 304.7 million, including 149.5 million schillings paid by pension insurance institutions for the sickness insurance of pensioners.

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Ukase concerning people's free medical assistance  
(*Izvestiya*, No. 23 of 20 March 1951.)

The Labour Code regulates social insurance and compensation for workers and salaried employees

in the event of industrial accidents, sickness, invalidity, old age and death. The state social insurance organisation is responsible for the administration and supervision of the insurance scheme for workers and salaried employees and for the payment of benefits.

Under section 145 of the Labour Code state social insurance is compulsory for all wage and salary earners in state, co-operative, mixed or private undertakings, establishments or organisations or by private persons, irrespective of the character and duration of their employment or the mode of remuneration. The Labour Code makes no distinction between industrial, commercial and agricultural workers and seafarers; they all have the same rights. Workers engaged in temporary or casual work, homeworkers and members of the employer's family enjoy the same rights, irrespective of their earnings and the method of payment thereof, provided that their work is governed by a labour contract.

Persons in the following categories are also required to be members of the compulsory social insurance scheme: (a) advocates and employed persons receiving personal or hereditary pensions; (b) trainees undergoing a period of training fixed by law, and pupils attending institutional courses if immediately before they were wage or salary earners.

State social insurance for wage and salary earners begins on the day on which their employment begins.

Percentage insurance contributions are levied on the remuneration paid, the rate being prescribed by the Council of Ministers (section 147 of the Labour Code).

The insurance contributions are paid by the undertaking, establishment, organisation or individual employer, and may not be charged to the wage or salary earner or deducted from his remuneration; that is to say, wage and salary earners pay no insurance contributions and enjoy full rights irrespective of whether the employer has paid the insurance contributions due or not (sections 148 and 149 of the Labour Code).

The state social insurance scheme for wage and salary earners provides, *inter alia*, cash compensation and benefits in the event of temporary incapacity due to illness, pregnancy, confinement or employment accident, and while in quarantine or looking after a sick member of the family, and

also the necessary orthopaedic appliances, prosthetic appliances, orthopaedic footwear, etc.

All Bulgarian citizens receive medical assistance free of charge, which is provided in state health institutions. Such assistance includes all medical examinations carried out at dispensaries, polyclinics or at home; operations, manipulative treatment, examinations for purposes of diagnosis, treatment or prophylaxis; treatment in bed and childbirth at clinics and hospitals, tuberculosis sanatoria, maternity homes, etc., including operations, manipulative treatment, etc.; treatment of teeth and diseases of the mouth (with the exception of dentures for which the patient pays only the cost price of the material used), X-ray examinations, medicines and dressings; board during treatment in permanent clinical establishments; prophylactic examinations, vaccinations, quinine treatment, anti-epidemic disinfection and all other prophylactic measures; serums and vaccines required for protection against infectious diseases, and all special anti-malaria medicines.

Compensation due in respect of temporary incapacity as the result of an industrial accident or through any other cause is payable as from the first day of incapacity.

The amount of compensation due in the event of temporary incapacity is laid down in section 150 of the Labour Code.

It is not required of victims of industrial accidents that they shall have carried out a qualifying period of service.

All wage and salary earners are required to be members of the compulsory sickness insurance scheme; they receive compensation in accordance with section 150 of the Labour Code. Sickness benefit for wage and salary earners is payable as from the first day of sickness and is calculated on the basis of the average daily earnings during the month preceding that in which the sickness occurred. Sickness benefit is exempt from taxes, dues and other deductions.

Temporary incapacity on account of sickness is established by an advisory board which issues a sickness certificate confirming incapacity.

A wage or salary earner suffering from a prolonged and uninterrupted illness may receive compensation for a period up to one year and sometimes longer. When a sick person is placed in a free medical care establishment he continues to receive the benefit due to him.

Disability pensions are payable to wage and salary earners who as a result of ordinary sickness, an industrial accident or occupational disease lose their capacity for work permanently or for a long period.

To be entitled to a disability pension in respect of ordinary disease the employee concerned must have completed a period of service which is fixed according to his age.

The amount of the personal disability pension payable in respect of ordinary disease depends on the type of employment, the period of continuous service in a particular undertaking, organisation or establishment and the disability group to which the employee concerned belongs, and is fixed as a percentage of the average monthly remuneration during the last 12 months of service.

The maximum monthly remuneration to be taken into account for the pension is 800 leva and the minimum monthly pension is 120 leva.

The amount of the personal disability pension payable in respect of ordinary disease varies between 33 and 69 per cent. of the average monthly remuneration according to the category of employment and the disability group to which the person concerned belongs.

Persons disabled in employment who belong to disability groups I and II receive an increase of from 10 to 25 per cent. of the fixed pension if they have completed a stipulated period of continuous service in the same undertaking, establishment or organisation.

See also under Convention No. 1.

#### *Chile.*

Decree No. 856 of 21 April 1953, amended by several Decrees, to approve the regulations for the National Health Service.

Act No. 11462 of 29 December 1953, to amend the provisions in the Labour Code respecting maternity protection.

Decree No. 402 of 10 April 1954, to approve the regulations concerning sickness, maternity and nursing allowances.

Appended to the report are detailed statistical data relating to the unified sickness, invalidity and old-age insurance scheme for the year 1953. The number of insured persons is estimated at 1,150,000, including 414,230 persons employed in agriculture; in addition their wives and children, and pensioners, are entitled to medical benefit.

The amount paid in sickness and maternity cash benefits was 745 million pesos (648 pesos per insured person), while the cost of benefits in kind was 2,125.6 million pesos (1,848 pesos per insured person). The total resources amounted to 2,870 million pesos, the contribution by the State being 1,578 million.

Expenditure on invalidity, old-age and survivors' pensions, and funeral benefits totalled 658.5 million pesos. The cost of administration was 407.8 million pesos. The total income of the scheme was 4,827.8 million pesos but of this 287.1 million were transferred as a subsidy to the Housing Corporation for building workers' dwellings.

The report gives particulars of the expenditure on family allowances.

#### *Colombia.*

Act No. 64 of 1946.

Act No. 90 of 1946, to establish a social insurance scheme in Colombia.

Act No. 90 of 1946 introduced compulsory social security in Colombia and established the Social Insurance Institute. The contingencies covered are sickness and maternity; benefits may be granted in cash or in kind. These include medical, surgical, dental and hospital treatment, pharmaceutical products, preventive medicine, laboratory and X-ray examinations, care during confinement, pediatric treatment for the children, up to the age of six months, of an insured person, and benefits and extra food for nursing mothers. An insured person is entitled to all these benefits and his wife or the woman living with him to maternity benefit.

Under section 4 of Act No. 64 of 1946, workers employed by the central, provincial, regional, local and municipal authorities are entitled to



benefits and compensation for industrial accidents and occupational diseases.

Referring to the observation made by the Committee of Experts in 1954 on the question of extending social insurance throughout the country, the Government states that the Colombian Social Insurance Institute is in a position to provide the necessary information on this matter and, in particular, on the localities in which the social security scheme is in operation and the functions of each institute.

#### *France.*

Act No. 54-301 of 20 March 1954, to increase the allowance made to old wage earners, old-age allowances and the special allowance, and to amend certain provisions concerning social security contributions.

Act No. 54-440 of 15 April 1954, to amend the Act of 24 October 1946 reorganising the procedure for dealing with disputes arising out of the social security scheme and the agricultural mutual benefit scheme.

Decree No. 54-370 of 29 March 1954, to supplement section 31 of the Ordinance of 4 October 1945 organising the social security scheme.

Decree No. 54-651 of 11 June 1954, to amend the amended Decree of 28 February 1951 regulating the procedure for implementing the Act of 29 July 1950 which extends social security benefits to seriously disabled ex-servicemen, war widows, widows of seriously disabled ex-servicemen and war orphans.

*Article 2 of the Convention.* Decree No. 54-651 extends social insurance benefits to certain classes of war victims: (a) disabled civilian war victims drawing a pension based upon a degree of invalidity of not less than 85 per cent.; (b) certain widows, who have not remarried, drawing a civilian war victim's pension; (c) legitimate, adopted, illegitimate and acknowledged children drawing a civilian war victim's pension in cases where the deaths of their fathers occurred in certain specified circumstances.

*Article 7.* Act No. 54-301 replaces the concept of a wage by the concept of remuneration for the purposes of calculating social security contributions. It states that these contributions must be based upon the total remuneration received by the beneficiaries. It thereby supplements the Ordinance which defines remuneration as all the sums paid or due to the workers by virtue of their work. This includes wages or earnings, allowances covering the period of holidays with pay, deductions for contributions of all kinds, allowances, bonuses, gratuities and all other benefits in cash, benefits in kind and all sums in the shape of tips received either directly or through a third person.

Deductions for business or workshop expenses can only be made from the remunerations of those concerned subject to certain conditions defined by an Order issued by the Minister of Labour and Social Security. Social security benefits paid by the employer are not counted as remuneration.

In the case of certain classes of workers defined by Orders issued by the Minister of Labour and Social Security, who regularly and simultaneously work for two or more employers, Decree No. 54-370 states that the contributions payable by each employer may, after making allowance for the special circumstances of each industry, be based on the remuneration paid by each; this may be done by prescribing a lump-sum payment (to be determined by decree) or by subjecting contribu-

tions to flat-rate reduction (also to be determined by decree).

The Act of 20 March 1954 states that any person guilty of obstructing or abusing the scheme is liable to be fined. It also empowers social security inspectors to require employers to submit their payrolls for inspection; these payrolls must be kept by employers for five years after the end of each financial year.

Statistical information on the working of the sickness insurance scheme appended to the report shows that 8,400,000 wage earners and assimilated persons are covered by the general scheme for all risks; 1,328,000 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 2,602,000 are insured under compulsory schemes independent of the general scheme (mine-workers, employees of the French National Railways and branch lines, seamen, farm workers and regular soldiers). This makes a total of 12,330,000 wage earners and assimilated persons covered by compulsory schemes of one kind or another. It is estimated that some 17 million persons are entitled to benefits under the social insurance scheme (general scheme) by virtue of the rights acquired by the 8,400,000 insured persons mentioned above. The total expenditure in cash benefits amounted during the period in question to 44,704 million francs, made up of 30,556 million for sickness insurance proper and 14,148 million for long-term sickness insurance, which is an average of 5,322 francs per insured person. The total expenditure on benefits in kind under the general scheme for non-farming occupations (9,728,000 members) amounted to 185,214 million francs, made up of 151,832 million for sickness insurance proper and 33,382 million for long-term sickness insurance, which is an average of 19,039 francs per insured person.

The contributions received by the sickness insurance scheme during the period covered by the report amounted to 393,477 million francs for the general scheme (full insurance), 20,973 million for officials and workers in the government service (partial insurance) and 7,130 million for the miscellaneous schemes (partial insurance), making a total of 421,580 million.

Of this sum, contributions from the workers accounted for 147,554 million and contributions from the employers for 259,975 million. A further 77 million were received in respect of students. There is no financial contribution to the scheme by the Government except, on the one hand, in respect of students (486 million were paid out during the period in question, the Government having earmarked 687 million for the 1953 financial year and 769 million for 1954) and, on the other, in respect of severely handicapped persons, war widows and orphans (2,461 million were paid out during the period in question, the Government's share amounting to 1,837 million).

#### *Federal Republic of Germany.*

Act of 3 September 1953 concerning courts for social questions.

*Article 5 of the Convention.* Insured persons are entitled to medical care for an unlimited period in respect of their dependent spouse and children if these latter persons normally reside in the

Federal Republic and have no other statutory right to medical care. The cost of medicines and minor medical equipment is refunded up to 50 per cent.; however, the rules of each sickness fund may increase this up to 80 per cent. and in some provinces the cost is reimbursed in full. For certain diseases the full cost is reimbursed by all the funds. A prescription fee of 0.25 or 0.50 DM has to be paid by the insured person towards the cost of each doctor's prescription of medicines, etc. The rules of each individual fund may authorise hospital treatment for a period not exceeding 26 weeks or an additional payment for this purpose. Moreover, the rules may extend medical care to dependants, other than the spouse and children, who are living in the insured person's household and reside in the Federal Republic.

*Article 9.* Since 1 February 1954 special social courts have been established on the local, provincial and federal level. These courts have to settle disputes concerning insurance and particularly disputes involving claims to benefits. They are composed of professional judges and honorary assessors; the latter are appointed from lists of candidates drawn up by employers' and workers' associations. Before being submitted to a social court, a complaint must be referred to the complaints committee of the sickness fund, in which the insured persons and the employers are represented equally.

Detailed statistical data for the year 1952 show that the total number of employed wage earners, salaried employees and officials was 14,995,000 (including 1,002,000 persons employed in agriculture, stockbreeding, forestry and hunting, horticulture and fisheries). The total number of compulsorily insured persons was 13,864,000 (including 1,157,000 unemployed); in addition 2,666,000 persons were voluntarily insured under the statutory sickness insurance scheme. The scheme also covered 11,500,000 dependants of compulsorily insured persons and 1,800,000 dependants of voluntarily insured persons. Some 29,800,000 persons were therefore covered by the statutory sickness insurance scheme (this figure does not include members of the statutory pensioners' sickness insurance scheme and members of their families). The amount expended on cash benefits was 775,800,000 DM (46.93 DM per year and per person insured) and that for benefits in kind was 1,738,300,000 DM (105.16 DM per year and per person insured). The total receipts amounted to 2,784,400,000 DM, distributed as follows: (a) compulsory insurance: employers' contributions: 1,279,200,000 DM, workers' contributions: 1,115,900,000 DM; (b) voluntarily insured persons' contributions: 342,900,000 DM; (c) subsidies from public funds: 23,700,000 DM.

#### *Hungary.*

The report states that the existing regulations covering compulsory health insurance in Hungary go beyond the provisions of the Convention, in so far as concerns the risks and benefits. The cost of compulsory health insurance is borne exclusively by the employer.

#### *Luxembourg.*

Act of 21 August 1953 to approve the General Convention and Special Protocol concerning social security concluded between the Grand Duchy of Luxembourg and the Republic of Italy, signed at Luxembourg on 29 May 1951.

Act of 24 April 1954 to reintroduce Book I and to amend and supplement Books II, III and IV of the Social Insurance Code; the Act of 29 August 1951 concerning sickness insurance for officials and salaried employees; the Act of 29 August 1951 to reform the pension insurance scheme for salaried employees in private employment; and the Act of 29 May 1951 to establish the pension fund for craftsmen.

Grand Ducal Order of 24 October 1953 publishing the Administrative Arrangement (signed at Luxembourg on 1 October 1953) for the application of the General Convention on social security between the Grand Duchy of Luxembourg and the Netherlands, signed at Luxembourg on 8 July 1951.

Ministerial Order of 2 December 1953 confirming the arbitration award of the Arbitration and Conciliation Commission (pronounced on 28 November 1953) in the dispute between the sickness funds governed by the Social Insurance Code and the medical profession. Ministerial Order of 14 December 1953 to fix the average value of remuneration in kind for purposes of social security.

Ministerial Order of 3 May 1954 exempting children and young persons studying abroad from having to reside in Luxembourg as a qualifying condition for sickness insurance benefits.

Grand Ducal Order of 31 May 1954 to give effect to section 69, paragraphs 10 and 11, section 70, paragraph 4, and section 74, paragraph 3, of the Social Insurance Code fixing sickness insurance contributions for persons receiving pensions and annuities.

The provisions of the Act of 24 April 1954 relating to the application of the different articles of the Convention are as follows:

*Article 2 of the Convention*, paragraphs 2 and 3. The following persons are exempt from compulsory insurance: (1) persons employed only occasionally as wage earners or for whom wage-earning employment is a secondary occupation; (2) persons employed in domestic service whose hours of work do not normally exceed 16 per week.

Persons receiving invalidity or old-age pensions who take up employment do not require to be insured; nevertheless, the employer of such a person must pay his share of the contribution which would normally be due. The Ministry of Labour and Social Security may exempt aliens residing only temporarily in the Grand Duchy from the compulsory insurance scheme.

*Article 3*, paragraphs 1 and 2. The right to receive benefit is acquired on the day on which a person enters the scheme. However, the rules of the sickness funds may provide that the right to the supplementary benefits allowed under the rules shall only be acquired after a qualifying period of not more than six months. The cash benefit payable in the event of incapacity for work shall be payable beginning on the third full day of incapacity (or the first full day if the incapacity results in death). Benefit is payable in respect of every calendar day during a period not exceeding 26 weeks, but may be paid for a further period of not more than three months if there is a reasonable likelihood that the insured person will be able to return to work at the end of that time. The rules may provide that cash benefits shall be payable as from the first full day of incapacity for work in the event of particular types of sickness (or irrespective of the type of sickness) and extend the maximum duration of benefit to one year. The benefit payable shall be one-half of the normal

wage of the person concerned, but the rules may increase the amount payable to three-quarters of the wage.

*Article 3, paragraph 3.* When the insured person is at the same time receiving cash compensation from another insurance scheme, the rules of the sickness fund may provide for reductions in benefit, so that the total allowances being received by the person concerned shall not exceed his average daily wage. The cash benefit payable in respect of incapacity for work shall not be payable if under provisions of the law or collective agreement the person concerned continues to receive full pay while incapacitated, provided that the employer fulfils his obligations; if the employer fails to do so, the sickness fund shall be required to pay at least the ordinary sickness benefit, without prejudice to its right to cover the amount paid from the employer. Cash benefits are not due if the insured person is kept in hospital except in respect of the days on which he enters and leaves hospital. If an insured person transported to hospital has a family for the maintenance of which he is wholly or to a considerable extent responsible, the members of the family receive a housekeeping allowance. The rules of the sickness fund may provide that cash benefits shall be partly or entirely withheld when an insured person without good reason removes himself from the supervision of the fund or fails to comply with the instructions of the fund in spite of having received written warning that he is rendering himself liable to such a penalty. In addition, the rules may provide for suspension of the right to receive cash benefit on the grounds that incapacity for work has not been reported to the fund, if this is not done during the first three days of incapacity, without prejudice, however, to the right of the management committee to cancel such suspension for a period not exceeding 15 days.

*Article 3, paragraph 4.* The rules may provide for the withholding of all or part of the cash benefit due when the insured person has provoked an illness intentionally or has participated in or caused a brawl or fight, for the duration of such illness.

*Article 4, paragraphs 1 and 2.* The contribution of beneficiaries to the cost of medical treatment varies from three to five francs for a consultation and seven to ten francs for a visit, according to the fund concerned. The management committees have been empowered by the supervisory authorities to order that all or certain categories of the persons receiving benefits in kind shall bear a proportion (not exceeding one-quarter) of some or all of the cost of such benefits. The Minister of Labour and Social Security may take similar action after consulting the supervisory authorities and the management committee concerned.

*Article 5.* The insurance scheme also covers members of an insured person's family, provided that they form part of the insured person's household in the Grand Duchy and are not individually insured against the same risks. Coverage under this Article includes: (1) the wife of the insured man or the husband of an insured woman who is dependent on her on account of physical disabilities;

(2) if an insured person has no spouse entitled to benefit, a mother, grandmother, mother-in-law, sister, sister-in-law or daughter (even if she is of age) looking after the insured person's household and dependent on him or her; and (3) children entitled to statutory family allowances. A child engaging in secondary, university or vocational studies remains covered by the insurance up to the age of 23 years. The desertion by an insured person of his family does not prejudice the rights of his wife and children. In such cases the members of the family shall be entitled to assistance in cases of sickness within limits to be laid down in the rules. The rules concerning medical assistance may be different for the insured person and for members of his family. The rules may provide that the persons mentioned in (2) above shall not be required to fulfil the conditions laid down in the same section and may extend the family assistance scheme to cover other close relatives of the insured persons who fulfil the general conditions laid down in (1) provided that they are mainly or entirely dependent on the insured person.

*Article 6.* Every regional fund shall have a management committee consisting of six insured persons and three employers elected by the general meeting in a manner to be determined by the public administrative regulations. There shall be a substitute member for every titular member. The general meetings of regional funds shall consist of members elected by the insured persons and employers from among themselves; the number of members of the general meeting, the methods of electing its members, the representation of the different districts and other matters are to be specified in public administrative regulations. There shall be two representatives of the insured persons for every employer's representative and one substitute representative for every titular representative.

Every factory fund (i.e. administered by the employer) shall have a management committee consisting of the manager or his representative, who shall be the chairman, and four representatives of the insured persons (or six if there are 5,000 insured persons or more in the fund). The general meeting of a factory fund shall consist of the manager or his representative, who shall be the chairman, and representatives of the insured persons the number of whom and the manner of whose election is to be fixed by public administrative regulations.

*Article 7.* Two-thirds of the sickness insurance contributions of persons receiving pensions and annuities shall be paid by the insured persons and one-third by the organisations paying the pensions or annuities concerned. The State no longer makes any contribution.

*Article 9.* All disputes concerning membership, the obligation to be a member, contributions, disciplinary fines and sickness insurance benefits shall be examined by the Arbitration Board, against whose decisions appeal may be made to the Higher Social Insurance Council. Appeals may be made to have final decisions of the Arbitration Council and orders of the Higher Social Insurance Council set aside on points of law. Appeals shall only be receivable if they are based on infringements of the law or failure to

carry out an essential formality or a formality prescribed under penalty of nullity.

Statistics attached to the report show that in 1953 the membership of all sickness insurance funds for workers (incorporating all branches of the national economy, including agriculture and domestic service) averaged 79,400 persons, 15,904 of whom were members of the sickness insurance scheme for persons receiving old-age, invalidity or survivors' pensions and 3,175 voluntary members. The total resources of the fund in 1953 amounted to 228,600,000 francs (contributions from employers: 65,900,000; contributions from insured persons: 138,900,000; contributions from the State: 23,800,000). Expenditure for cash benefits amounted to 60,900,000 francs (1,009 francs per compulsorily insured person in employment); for benefits in kind, including funeral benefits paid to insured persons, the expenditure was 85,600,000 francs (1,078 francs per insured person), and for benefits in kind, including funeral benefits paid to members of insured persons' families, the expenditure was 68,500,000 francs (862 francs per insured person). The average membership of the sickness insurance funds for officials and salaried employees in 1953 was 13,402. The total resources of these funds in 1953 amounted to 35,900,000 francs (contributions from employers: 12,500,000; contributions from insured persons: 21,600,000; and contributions from the public authorities 1,800,000). The expenditure of these funds for benefits in cash was 300,000 francs (27 francs per compulsorily insured person in employment), for benefits in kind, including funeral benefit, 16,100,000 francs (1,201 francs per insured person), for benefits in kind, including funeral benefit paid to members of insured persons' families 13,200,000 francs (983 francs per insured person).

#### *Nicaragua.*

Under section 100 of the Labour Code the employer must fulfil the obligation imposed on him by the legislation as regards compensation, by insuring the worker at his expense in an institution approved by the State, provided that the amount of the insurance is not less than the compensation for industrial and agricultural workers or for any other class of worker. If the employer does not effect this insurance he is required to pay the compensation for occupational risks (sections 92, 93 ff. of the Labour Code). A social insurance expert is now in Nicaragua and will prepare the preliminary draft of a social security law to be adopted.

See also under Convention No. 1.

#### *Peru.*

Supreme Decree No. 117 of 7 August 1953, to increase the wage scale of the compulsory social security scheme.

Supreme Decree No. 171 of 2 December 1953, to fix the time within which persons drawing pensions under the invalidity and old-age schemes may opt to maintain their entitlement to benefits under the health scheme.

Supreme Decree No. 177 of 18 December 1953, to extend the compulsory social security scheme to non-owner taxi drivers.

During the period covered by this report the compulsory sickness insurance scheme has been

extended to include non-owner taxi drivers in those parts of the country covered by the scheme.

The Government states that, with the forthcoming completion of the workers' hospitals at Huariaca and Cerro de Pasco, the facilities of the workers' social security scheme will be extended to large mining areas in the centre of the country.

The report contains a number of statistics concerning the workers' social security scheme in 1953. The number of insured persons in covered employment during the year was 362,483; the cash benefits paid out in the form of sickness and maternity grants amounted to 24,156,627 soles, and benefits in kind granted under this scheme cost a total of 64,997,169 soles.

Total contributions from employers, members and Government amounted respectively to 38,881,848, 19,519,701 and 12,972,209 soles.

The total number of persons belonging to the salaried employees' scheme is 202,617 and the total cost of cash benefits during the year ending 31 December 1953 was 24,509,978 soles. At the present stage of organisation of this scheme, no benefits in kind can be given. The contributions of the employers, members and Government amounted, respectively, to 39,978,976, 19,968,464 and 6,000,000 soles.

#### *Poland.*

Decree of 6 May 1954, to amend the Act concerning social insurance.

Decree of 25 June 1954 respecting the granting of retirement pensions to all workers and their families (L.S. 1954—Pol. 2).

Under the terms of the Decree of 6 May 1954 sickness benefit is payable beginning on the first day of incapacity irrespective of the duration thereof, whereas previously this was only the case when incapacity for work lasted for at least three days.

The Decree of 25 June 1954 concerning the granting of retirement pensions to all workers and their families constitutes a fundamental reform in old-age pension insurance in Poland. It came into force on 1 July 1954.

#### *United Kingdom.*

##### *Great Britain.*

National Insurance Act, 1953.

Various Regulations and Orders, issued in 1953 and 1954, relating to maternity benefit, contributions, married women, unemployed and sickness benefit, reciprocal agreements, local advisory committees, and the National Health Service.

##### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1953.

Various Regulations and Orders, issued in 1953 and 1954, relating to national insurance and health services.

It is estimated that at 31 December 1952, 20,800,000 contributors to the national insurance scheme were covered for sickness benefit in Great Britain. In Northern Ireland it is estimated that 523,000 persons are insured against sickness. Expenditure on sickness benefit in Great Britain during the year ended 31 March 1953 (apart from administrative costs) was about £79 million, and that in Northern Ireland in the year ended 30 June 1954 is estimated to have been about

£3,165,000. In Northern Ireland the total contribution income for the year ended 30 June 1954 was about £10,855,000 from insured persons and employers, and about £1,523,000 from the Exchequer.

Uruguay.

The Central Family Allowances Board, which is the supreme body of the family allowance scheme and in which the Government, employers and workers are represented, is studying a Bill for the introduction of sickness insurance to supplement the family allowance scheme.

Yugoslavia.

Decree of 23 December 1953 respecting the financing of social insurance.

The above decree lays down new principles governing the financing of social insurance.

Section 2 of the decree states that social insurance expenditure is to be covered by contributions to the social insurance scheme payable by all the economic organisations, the bodies and institutions of the State, the social organisations and private employers, according to fixed rates. This expenditure is normally covered by regular contributions. The rate of the regular contribution is uniform for all insured persons and is fixed in the federal social plan. The social plan in each of the federal states must fix the proportion of

the regular contribution to be allocated to the district or town social insurance offices, and the proportion to be allocated to the social insurance office of the state concerned to cover their respective expenses.

If the expenditure on social insurance for an area within the jurisdiction of a particular district or town cannot be covered by the contributions allocated to the social insurance office for the district or town concerned and the other funds at the latter's disposal, the competent committee for that district or town must provide the additional funds needed. If the social insurance expenditure of economic organisations or state bodies and institutions paying the ordinary contributions are unjustified or excessive, the Committee may require them to pay a special additional contribution.

The report contains detailed statistical information. In particular, as regards the scope of application of the Convention, the number of wage earners employed in the economy (workers, salaried employees and apprentices), with the exception of wage earners in agriculture, increased from 1,900,700 in July 1953 to 2,158,600 in June 1954. During the same period the total cash benefits paid to all insured persons fell from 517,742,000 to 484,804,000 dinars (the average per insured person thus falling from 259 to 214 dinars), while the total expenditure on benefits in kind increased from 1,189,968,000 to 1,919,979,000 dinars (the average per insured person thus increasing from 595 to 847 dinars)

25. Sickness Insurance (Agriculture) Convention, 1927

*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 <sup>1</sup> . . . . .	23. 1.1928
Luxembourg . . . . .	16. 4.1928
Nicaragua . . . . .	12. 4.1934
Poland . . . . .	29. 9.1948
Spain . . . . .	29. 3.1932
United Kingdom . . . . .	20. 2.1931
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	21. 5.1952

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

Austria.

Statistical data for 1953 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 40.2 million schillings (126.70 schillings per insured person) and in benefits in kind

99.9 million schillings (315.20 schillings per insured person). The total financial receipts amounted to 154.8 million schillings, made up as follows: employers' contributions, 61.1 million; insured persons' contributions, 73.2 million; public funds, 20.5 million (including 15.3 million paid by pension insurance institutions for the sickness insurance of pensioners).

Bulgaria.

See under Convention No. 24.

Chile.

See under Convention No. 24.

Colombia.

See under Convention No. 24.

Federal Republic of Germany.

See under Convention No. 24.

Luxembourg.

See under Convention No. 24.

*Nicaragua.*

See under Convention No. 24.

*Poland.*

See under Convention No. 24.

*United Kingdom.*

See under Convention No. 24.

*Uruguay.*

See under Convention No. 24.

*Yugoslavia.*

See under Convention No. 24.

The report supplies detailed statistics on the number of wage earners employed in agriculture (workers, salaried employees and apprentices). This number was 100,600 in July 1953 and 107,700 in June 1954. The report adds that the total number of insured agricultural workers is not given on account of the fact that all agricultural workers employed in any capacity are covered by social insurance and that the figures for the amounts or types of expenditure in cash or in kind granted in connection with health insurance are not listed separately for insured persons employed in agriculture, since the aggregate figures have already been given in the Government's report on Convention No. 24.

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## ELEVENTH SESSION (GENEVA, 1928)

### 26. Minimum Wage-Fixing Machinery Convention, 1928

*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
Bolivia . . . . .	19. 7.1954
Bulgaria . . . . .	4. 6.1935
Burma . . . . .	21. 5.1954
Canada . . . . .	25. 4.1935
Chile . . . . .	31. 5.1933
China . . . . .	5. 5.1930
Colombia . . . . .	20. 6.1933
Cuba . . . . .	24. 2.1936
Czechoslovakia . . . . .	12. 6.1950
Ecuador . . . . .	6. 7.1954
France . . . . .	18. 9.1930
Federal Republic of Germany <sup>1</sup> . . . . .	30. 5.1929
Hungary . . . . .	30. 7.1932
India . . . . .	10. 1.1955
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

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

#### *Australia.*

The New South Wales Industrial Arbitration Act, 1940-1952, was amended in December 1953. The amendments covered a wide field but, as far as the subject matter of this Convention is concerned, the relevant provisions were those enabling awards to be made for the payment of wages or remuneration to persons occupying managerial positions; increasing the maximum wages or remuneration that may be fixed by awards made under the Act from £35 to £40 per week or, in the case of annual salaries, from £1,750 to £2,000 per annum; and repealing the existing provisions relating to the right of entry for inspection by union officials and providing for the issue of entry and inspection permits by the Industrial Registrar. In December 1953 regulations were made under the Act relating to the revocation of entry and inspection permits. The New South Wales Industrial Arbitration Act was further amended in March 1954 to

provide that appointments in excess of the statutory maximum number of members of the Industrial Commission may be made where the appointment is to fill the office of a member who has been granted leave prior to retirement.

The Victorian Factories and Shops (Wages Boards) Act, 1953, received assent in December 1953. It provided for the amendment of section 21 of the Factories and Shops Act, 1934, and made it mandatory for Wages Boards to provide a cost-of-living adjustment clause in their determinations. Previously the Wages Boards had a discretion in this matter. The Wages Boards, however, still had a discretion to determine the extent of the variation in the cost of living to be taken into account in changes in the basic wage. Section 23 of the Principal Act, which required the Wages Boards to incorporate the relevant provision of a federal award appropriate to the particular process or trade covered by a Board, was rescinded. This amendment to the Victorian Factories and Shops Act arose from the decision of the Commonwealth Court of Conciliation and Arbitration in September 1953, to abolish the adjustment clauses in federal awards whereby the basic wage under those awards was varied quarterly in accordance with changes in the cost of living as disclosed in the Court series of index numbers of retail prices. The Victorian Wages Boards attempted to follow the Commonwealth Court's lead in this matter but the Victorian Government decided that it would not follow the lead of the Commonwealth Court, and, consequently, amended the powers of the Wages Board.

The Victorian Labour and Industry Act received assent on 23 December 1953 and came into force as from 1 July 1954. This Act consolidates the existing Factories and Shops Acts (including the Factories and Shops (Wages Boards) Act, 1953, mentioned above and incorporates all questions relating to the regulations of labour and industrial matters in one statute. The only changes from the existing legislation dealing with the creation of minimum wage fixing machinery are that Wages Boards are given specific power to make determinations in relation to a particular establishment, and there is a provision for the appointment of Boards of Reference to determine disputed questions of fact, with an appeal from their findings to the Industrial Appeals Court.

The Queensland Industrial Conciliation and Arbitration Amendment Act received assent on 27 December 1953. On the whole, the matters in respect of which this Act was amended do not appear to be relevant to this particular Convention. However, the amendment does provide that the Industrial Court must hear union applications lodged on behalf of members other than applications affecting members of such union involved in a dispute.

#### *Belgium.*

During the period under review a collective agreement was concluded covering homeworkers in a branch of the fur industry. The text of this agreement, which is to be made generally binding by Royal Decree, is appended to the report.

The social inspection services reported 45 contraventions of the legislation respecting wages. Of these, compromises were reached in two cases, three were not followed up and two gave rise to a conviction; the outcome in respect of 38 cases is not known.

In reply to a request made by the Committee of Experts for statistical data on the number of workers covered by the wages legislation, the Government states that no such information exists beyond the results of the 1947 census. The report gives figures, drawn from this census, relating to the trades which were the subject of the collective agreements mentioned in last year's report.

#### *Bulgaria.*

Article 73 of the Constitution and section 67 of the Labour Code provide that employees and workers must be remunerated for all work performed, the remuneration being related to the quantity and the quality of the work.

Wage rates are fixed by the Council of Ministers for the different branches of production and categories of work, according to the length of the working day, the training required, the laborious or unhealthy nature of the work, and its importance to the national economy. The principle of equal pay for equal work is applied without exception; in particular, women receive the same remuneration as men for equal work. Proposals concerning wage rates and systems are made to the Council of Ministers by representatives of the workers and of the undertakings concerned. A worker may not be paid a wage other than that fixed for the work performed.

The application of these provisions is entrusted to the organs responsible for the protection of labour which, being generally part of the same framework of organisation as the undertaking itself, are in direct contact with local conditions and are the most closely concerned with enforcing labour legislation. The higher administrative organs in turn exercise a parallel administrative control over the enforcement of the legislation.

Penalties and fines are imposed for infringements of the labour legislation as provided for and required under article 205 of the Labour Code in all cases where severer penalties are not applicable.

#### *Canada.*

Only one minor legislative change is reported. The Alberta Labour Act has been clarified by amendments, after consultations with organisations of employers and workers and other interested groups.

New orders were issued in two provinces, while two revisions and one consolidation in existing orders were carried out in two provinces. In British Columbia, a minimum wage rate of \$1.25 an hour was established for permanently employed workers in the machinist trade, and a minimum wage rate of \$1 an hour was established for all male workers in the geophysical exploration industry. In Nova Scotia a new order established a minimum wage rate of 35 cents an hour for women workers in the fish-processing industry, which includes washing, preparing, preserving, drying, curing, smoking, packing or otherwise adapting any kind of fish for sale, shipment or use.

Approximately 40,000 inspections were reported by various provinces, wage adjustments amounting to about \$168,000 were effected under minimum wage orders, and successful prosecution of employers was obtained in 28 cases.

#### *Chile.*

In addition to the machinery for wage fixing referred to in previous reports the Government has adopted Legislative Decree No. 244 of 23 July 1953, which establishes a minimum wage for agricultural workers, and Decree No. 653 of 2 November 1953, which regulates the application of the legislative decree. The Government has also promulgated Decree No. 10 of 7 September 1954 for the fixing of minimum wages laid down by Act No. 7295 of 22 October 1942, for workers in industry and commerce.

The legislation establishing minimum wage fixing machinery for agricultural workers provides that these workers must not be paid less than the minimum wage, in order that they may enjoy an adequate standard of living. A Central Board composed of representatives of the Departments of Labour, Agriculture, Economy and Commerce, appointed by the President of the Republic, will decide if wages, whether in cash or in kind, are in accordance with the legislation. In making its decisions the Board will take account of opinions of the provincial committees composed of representatives of the provincial governments, of employers and of workers. In fixing the minimum wages the provincial boards will take into account the cost of living and the prices of the principal agricultural products in the region concerned, as well as the payments which the worker receives in kind. Each provincial board must determine to what extent payments in kind contribute toward satisfying the conditions for a minimum wage; in all cases 25 per cent. of the worker's wage must be paid in cash. Another decree (No. 325 of 4 May 1954) specifies the conditions under which workers' housing provided by employers may be considered to be payment in kind in partial satisfaction of the minimum wage requirement.

Regulation No. 10 of 7 September 1954 lays down standards to assist the joint provincial wages boards concerned with fixing minimum



wages, in conformity with Act No. 7295 of 22 October 1942. This regulation sets out the worker's needs in regard to food, housing, clothing, etc.; it establishes two scales of percentages of the minimum wage for each item of expenditure, one for workers in industry and commerce and the other for workers in agriculture and mining.

The labour courts frequently issue decisions concerning minimum wage fixing machinery; however, during the period under review the General Directorate of Labour has not been notified of any such decisions.

The Government furnishes detailed information on the minimum wages applied in different regions and occupations, on the joint committees of employers and workers for wage fixing now in operation, and on the number of workers covered by machinery set up under different laws.

#### *Colombia.*

The Government has fixed a minimum wage of two pesos a day for all workers aged 16 years or over for a statutory maximum working day of eight hours. For workers who, for reasons of service or because of some legal provision, work less than eight hours a day, the minimum hourly wage rate is fixed at 0.25 peso. When workers are remunerated on a piece-work basis, the average wage must not be less than the legal minimum of two pesos a day. For agricultural workers the minimum wage must take account of the payments in kind made by the employer, such as the provision of housing accommodation, land, fuel, etc. The minimum wage as defined in the Labour Code is the wage to which every employee is entitled in order to cover his "normal requirements and those of his family, both in the material and in the moral and cultural spheres".

Every employer who gives out home work must keep a register containing the name of each employee, the place where the work is carried on, the amount and nature of the work given out, the form and amount of remuneration, and the reasons for any reduction or suspension of work. The employer must also issue free of charge to every homemaker a wage book initialled by the labour inspector for the area or, failing that, the highest local civil authority; this book must contain information relating to the value and nature of materials issued to the worker, the date when such materials are returned, the date on which the employee hands in the finished work, and the amount of any payments on account and wages paid.

The Government states that since an Analytical Section has been established in the Ministry of Labour it will soon be possible to supply statistics concerning the application of minimum wage legislation.

#### *Cuba.*

In reply to the request of the Committee of Experts made in 1953 and 1954 for information concerning the number of workers covered by the minimum wage regulations, the Government states that it has just set up the Statistical Board through the programme of technical

assistance. It adds that the introductory sections of all the wage orders issued by the National Minimum Wages Board contain information concerning the number of workers covered by such orders.

The Supreme Court does not consider itself competent to fix officially wages of any kind.

#### *France.*

Decree No. 54-131 of 5 February 1954 respecting revalorisation of the wages of the lowest-paid workers. Circular TR.4 of 1 April 1954 respecting the application of the amended decree of 23 August 1950.

Circular TR.5 of 5 April 1954 respecting supervision of the application of texts designed to establish a national minimum inter-occupational guaranteed wage.

The report states that the information given in the report for the previous period on the situation of homeworkers should be amended as follows: Decree No. 51-075 of 8 September 1951 raised the hourly rate from 87 to 100 francs and the minimum rate applicable in the lowest-wage zone to 86.50 francs.

Under the Decree of 5 February 1954 individual wages may not be less than the cumulated rate of the national minimum inter-occupational guaranteed wage and the uniform hourly rate allowance of 15 francs in the Paris district; this is subject to the zonal changes provided for in the Decree of 13 June 1951. Consequently, no remuneration may be lower than the rate of 115 francs per working hour in the Paris district or lower than 99.50 francs in the lowest-wage zone.

Providing that these minima are observed and, where appropriate, that the minimum rates established by previous Ministerial Orders are observed in cases where these are higher than the minimum guaranteed wage, the wages of different trade categories in various branches of the economy may be freely fixed by means of collective agreements, joint agreements, employers' decisions or individual contracts.

The report further contains a detailed analysis of various legal decisions concerning the application of the national minimum inter-occupational guaranteed wage, among which should be noted a judgment of the Appeal Court to the effect that the said minimum is also applicable in instances where piece-rate wages are paid.

#### *Federal Republic of Germany.*

During the period under review a number of home-work committees have again been established under the Homework Act of 1951, to encourage the conclusion of collective wage agreements or, where this should prove to be impossible, to fix compulsory minimum wages.

Compulsory minimum wage rates have now been fixed for the following categories of homeworkers: those employed in the writing of addresses; in artificial flower and feather making; in the manufacture of underclothing and similar articles, who are employed by contractors outside the clothing industry; and in embroidery. Details regarding the rates fixed and the approximate numbers of workers covered are given in the report.

The Minimum Wages Act of 1952, in respect of which the Committee of Experts made certain observations last year, has not yet been applied.

*Hungary.*

Legislative Decree No. 25 of 1953.

Decrees, resolutions and collective agreements lay down the wages of workers in industry and commerce employed in state undertakings, as well as those of workers employed in handicraft industries. The wages so fixed must be considered as minimum and maximum wages, and there are no exceptions. Section 153, paragraph 2 (c) of the legislative decree mentioned above states that: "Any person who knowingly pays a worker more or less than the wages to which he is entitled, including all other compensation owed to him, is guilty of a specified offence." This indicates that no special complaint is necessary to give effect to the Convention.

*Ireland.*

Two Employment Regulation Orders were issued during the year.

The Messengers' Employment Regulation Order (Cork City Area) establishes a minimum wage of 27s. 6d. for workers of 14 years of age but under 15, which is increased to 51s. for workers of 19 years of age but under 20 for a normal working week of 46 hours, with one-and-a-quarter times the rate for the first two hours of overtime on any day and one-and-a-half times the rate for overtime in excess of the first two hours in any day.

The Messengers' Employment Regulation Order (Dublin City and Dun Laoghaire) provides in an amendment to a previous Order that the minimum wage should not apply to workers who are employed solely in the delivery of newspapers or periodicals and for not more than three hours of any day.

*Italy.*

The Government states that, according to the census of 5 November 1951, 4,044,543 industrial workers and 1,525,735 commercial workers were covered by collective agreements. The General Confederation of Italian Industry, on the one hand, and the Italian Confederation of Workers' Unions and the Italian Labour Union, on the other hand, concluded a collective agreement in June 1954 which fixed the present system of basic wages and allowances according to a basic rate varying according to wage zones. Various branches of industry are now in the process of working out new minimum wage rates under this national blanket agreement. The Government states that the relevant information will be communicated to the Office when these special agreements have been signed. Similarly, the information on the new Bill regarding the scope of collective agreements, which was requested by the Committee of Experts in 1954, will be transmitted when the Act has been passed by the two Houses of Parliament.

*Mexico.*

A document listing the various controlled minimum wage scales was appended to the Government's report.

*Netherlands.*

In the absence of the circumstances mentioned in Article 1 of the Convention there has been no necessity to apply the Homework Act, 1933, or the Homework Order, 1936.

A note on methods of wage determination under the Order of 1945 is appended to the Government's report.

*New Zealand.*

During the period under review the Economic Stabilisation Regulations of 1953, Amendment No. 2, gave the Court of Arbitration a discretionary power to fix a date for the commencement of its general wage order before the date of the order itself, but to apply not earlier than 15 September 1953.

The Minimum Wage Order of 1953, pursuant to the Minimum Wage Act of 1945, fixed the following minimum rates of wages for male workers: if paid by the hour or by piece work, 4s. 6d. an hour or an amount equivalent thereto having regard to the rate of production of the worker, if paid by the day £1 16s. 0d. a day, in all other cases £8 15s. 0d. a week; for female workers, if paid by the hour or by piece work, 3s. 0d. an hour or an amount equivalent thereto having regard to the rate of production of the worker, if paid by the day £1 4s. 0d. a day, in all other cases, £5 16s. 4d. a week.

Statutory minimum rates applied to 182,564 factory workers, 108,600 shop workers and 38,200 office workers. Wages recovered on behalf of workers who had been paid less than the wages prescribed by awards of the Court of Arbitration or Acts amounted to £1,921 18s. 7d. for the year ending 31 March 1954.

A judgment in the Supreme Court of New Zealand in a case concerning non-payment of wages held that section 34 of the Factories Act of 1946 did not require payment of wages not lawfully recoverable and that the Minimum Wages Act of 1945 prescribed wages to be paid only where indeed there were wages duly payable.

*Nicaragua.*

In accordance with the Labour Code, the worker-employer commission in each municipality, under the chairmanship of the mayor, is charged with the responsibility of studying and recommending minimum wage rates based on a study of the cost of living in each locality.

The Government states that minimum wage commissions have functioned only to a small extent owing to the fact that wage questions are frequently settled by employers and workers through negotiation with the mediation of the Government labour authorities, and that on other occasions the workers present their wage claims directly to the Conciliation Board.

*Norway.*

The Government reports that the Convention covers 3,702 workers employed by 395 employers, of whom 2,677 were employed in their homes and 1,025 in workshops. During the years 1951-53 there has been some decrease in the number of workers covered by the machinery of the Council

for Home Industry. Homeworkers consist almost exclusively of persons employed in the garment-making and hosiery industry.

In reply to observations made by the Committee of Experts in 1954 concerning information on inspection, the Government states that local labour inspection agencies are responsible for examining lists that are submitted annually by employers containing information on the number of employed homeworkers and the amount of wages paid, and carrying out inspections during the year.

#### *Switzerland.*

Three orders giving force of law to collective agreements in the ready-made clothing and under-clothing industries, as well as a number of orders fixing minimum wages have been extended; the texts of the orders concerned are appended to the report.

The report refers to an observation made by the Committee of Experts last year asking for information on the number of workers covered by minimum wage regulations. In its reply to the Conference the Government had indicated that an industrial census of the country was envisaged for 1955. It is now stated that the census will be taken. This statistical investigation will also supply the information requested by the Committee.

#### *Union of South Africa.*

The report states that there has been an increase in the number of inspections made during the period under review compared with the corresponding period covered by the previous report. An amended list of the wage determinations in operation during the period under review is attached to the report.

#### *United Kingdom.*

##### *Great Britain.*

The Acts and Regulations described in previous reports remain in operation.

During the year the Minister of Labour and National Service appointed the members of the Retail Bread and Flour Confectionery Trade Wages Councils of England and Wales and of Scotland respectively, the Orders establishing which were mentioned in the last report. The Councils met several times, but no wages regulation proposals had been submitted to the Minister before 30 June 1954.

The Unlicensed Residential Establishment Wages Board had still not been reconstituted during the period under review, and the Catering Wages Commission, which submitted their tenth annual report covering the period ended 31 December 1953, expressed their disappointment that their recommendation on the re-establishment of this Board had not met with success. The Commission referred again to the limitations imposed on their activities by the wording of the Catering Wages Act, 1943, pointed to the social legislation of the last ten years dealing with matters with which the Commission is concerned, and reiterated their request for a revision of the Catering Wages Act to bring it into line with the changes which have occurred since it was passed in 1943.

The report gives details as to the number of establishments (565,655) in various trades or parts of trades affected by the minimum wage fixing machinery. This figure comprises 428,567 establishments covered by wages councils and 137,088 by catering wages boards. Details are given regarding the minimum remuneration effective on 30 June 1954 for the lowest grades of adult workers employed on time work in those trades for which rates of statutory minimum remuneration are in force. The estimated number of workers covered by the statutory wage fixing machinery (other than for agriculture) remains at about three million. The inclusion of further groups of workers within the scope of trades and industries covered by statutory wages regulation by the establishment of the Retail Bread and Flour Confectionery Trade Wages Councils of England and Wales and of Scotland respectively will increase the number of such workers to an extent not yet known, but it is expected to be considerable. 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 249. The total number of apprentices who were registered during the year by wages councils which had provided special minimum rates for this class of worker was 3,583. The number of exemption permits (including renewals) issued during the year to disabled or infirm workers by wages boards and councils was 583. The total number of workers holding such permits at 30 June 1954 was 2,007. During the year the Paper Box Wages Council (Great Britain) excluded from its Wages Regulation Orders disabled workers employed in the trade who are employed in government-sponsored establishments (known as Remploi, Ltd.) maintained for the employment of such persons in sheltered conditions. As a result it was no longer necessary for them to hold permits, and 114 of those held by workers in the paper box trade and employed by Remploi, Ltd. were cancelled. During the year, 39,773 inspections were made under the Wages Councils Acts of 1945-48. The wages of 244,282 workers were examined, seven prosecutions (six criminal and one civil) were undertaken and £124,479 was collected in arrears of wages. Under the Catering Wages Act of 1943, 14,215 inspections were made; the wages of 75,810 workers were examined; three prosecutions (two criminal and one civil) were undertaken and the amount collected in arrears of wages was £51,877 10s. 0d. During the period under review eight decisions were given in courts of summary jurisdiction regarding statutory minimum remuneration, and the various employers were convicted in all cases (but in one case the decision of the court was reversed by a higher court on appeal, costs amounting to £63 10s. 6d. being awarded against the department concerned) and fined a total of £82 10s. 0d. and ordered to pay costs and arrears amounting respectively to £49 2s. 0d. and £593 4s. 11d. Action was also taken in civil courts on behalf of workers in two cases, and an order for the payment of arrears of remuneration due totalling £7 8s. 0d. was secured in one case. Costs awarded by the court amounted to £1 4s. 0d. In the other case the court decided in favour of the defendants, who were awarded £235 19s. 9d. costs against the department concerned.

*Northern Ireland.*

The Acts and Regulations described in previous reports remain in operation, with the exception of the abolition of the Tobacco Wages Council by the Tobacco Wages Council (Northern Ireland) (Abolition) Order, 1953. The report indicates the reference numbers of wages regulation order or orders, prescribing the statutory minimum remuneration in force on 30 June 1954, which should be substituted for previous entries.

The report gives details as to the number of establishments (12,773) in various trades or parts of trades affected by the minimum wage fixing machinery. Details are also given regarding the minimum remuneration effective on 30 June 1954 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 is 58,293. The total number of apprentices registered during the year by wage councils which require certification as a condition to the application of the special lower rates of remuneration fixed for this class of worker was 4,506. Nine workers held exemption permits at 30 June

1954. During the year 453 partial inspections and re-inspections and 669 full inspections were made under the Wages Councils Act (Northern Ireland) of 1945. The wages of 18,046 workers were examined and an amount of £1,834 6s. 11d. was collected in arrears of wages.

*Uruguay.*

Decree of 25 May 1954.

Decree of 26 January 1954.

The Decree of 25 May 1954 lays down a special provision relating to workers of whom the wage boards require a production minimum in order that they may be eligible for the wages awarded.

The Decree of 26 January 1954 raises the minimum family allowance to 11 Uruguayan pesos.

Statistics concerning the number of infringements and total fines imposed are furnished in the report with respect to each of five minimum wage laws.

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

*Argentina, Venezuela.*

## TWELFTH SESSION (GENEVA, 1929)

### 27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*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 <sup>1</sup> . . . . .	7. 9.1931
Canada . . . . .	30. 6.1938
Chile . . . . .	31. 5.1933
China . . . . .	24. 6.1931
Cuba . . . . .	7. 9.1954
Czechoslovakia . . . . .	26. 3.1934
Denmark <sup>2</sup> . . . . .	18. 1.1933
Finland . . . . .	8. 8.1932
France . . . . .	29. 7.1935
Federal Republic of Germany <sup>3</sup> . . . . .	5. 7.1933
Greece . . . . .	30. 5.1936
Hungary . . . . .	6.12.1937
India . . . . .	7. 9.1931
Indonesia <sup>4</sup> . . . . .	4. 1.1933
Ireland . . . . .	5. 7.1930
Italy . . . . .	18. 7.1933
Japan . . . . .	16. 3.1931
Luxembourg . . . . .	1. 4.1931
Mexico . . . . .	12. 5.1934
Netherlands . . . . .	4. 1.1933
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	1. 7.1932
Pakistan <sup>5</sup> . . . . .	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 <sup>2</sup> . . . . .	21. 2.1933
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	17.12.1932
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	22. 4.1933

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> Conditional ratification.  
<sup>3</sup> See footnote 2 to Convention No. 2.  
<sup>4</sup> See footnote 3 to Convention No. 19.  
<sup>5</sup> See footnote 3 to Convention No. 1.

#### Argentina.

The report states, in reply to the observation made by the Committee of Experts, that although Decree No. 9652/53 does not specifically indicate whether the obligation to have the weight marked falls on the consignor, this is in fact the case under section 460 of the Commercial Code, which provides that the seller is responsible for the expenses of the object sold "until he has put it at the disposal of the purchaser, after it has been weighed and measured".

#### Belgium.

The Technical Inspectorate noted during the period under review that the weight is very often marked even when it is less than 1,000 kilograms.

#### Bulgaria.

The Convention is applied in practice in accordance with the Act of 1953 adopted for this purpose.

#### Federal Republic of Germany.

In reply to the questions raised by the Committee of Experts in 1954, the report indicates that the difficulties relating to the marking of weight on large pieces of scrap metal had arisen in connection with clearing waterways encumbered by ruined bridges and wrecked ships. As it was very difficult to determine the weight of the pieces removed no indication of the weight was given. These difficulties no longer exist since most of the waterways have been cleared.

As regard the exemption from the obligation to mark the weight in connection with the frequently recurring transportation of objects of known weight in local traffic on inland waterways when public harbours are not used, the report states that this applies to semi-finished and finished products which are sent by vessels on inland waterways from one undertaking to another, and which are, therefore, of no importance to international trade; such items include, for example, cars and lorries which are generally standard models and of uniform weight.

#### Hungary.

Act No. VII of 1937 respecting the marking of the weight on heavy packages transported by vessels (L.S. 1937—Hun. 2).

No new legislative action has been taken and there is nothing to report on the practical application of the Convention. The supervision of its implementation is entrusted to the Hungarian Maritime Office.

#### Japan.

The number of labour standards inspection offices is now 337.

Netherlands.

The port inspection services examined 13,406 heavy packages transported by sea-going and river vessels. Out of 12,946 packages originating in countries which had ratified the Convention, 595 had the weight marked and 12,351 had not. The great increase over the number of contraventions noted the previous year was due to shipments of packages of sheet iron, totalling 11,619 pieces, from countries which had ratified the Convention. Of 460 consignments from countries that had not ratified the Convention, 424 had the weight marked and 36 had not. The attention of the agents or the consignors, as the case may be, has been called to this matter, and assurances have been given that the country of origin will be informed.

Sweden.

The labour inspectorate reports one case where bales containing wooden fibre boards and weighing about 1,200 kilograms were not marked as required. The consignors were reminded of the relevant provisions; the necessary measures were taken in subsequent consignments.

Uruguay.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of inter-

national labour Conventions ratified by Uruguay, see under Convention No. 1.

Venezuela.

As regards information on the work of the authorities to whom the application of the relevant legislation is entrusted see under Convention No. 1.

Yugoslavia.

The provisions of the Convention are complied with in practice, although no legislative text exists giving effect to the Convention. Draft regulations concerning the marking of weights on heavy packages transported by vessels have been prepared by the Maritime and River Navigation Directorate and have already been submitted to the competent bodies for approval.

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

Australia, Austria, Burma, Canada, Chile, Finland, France, Greece, Indonesia, Ireland, Italy, Luxembourg, Mexico, Norway, Pakistan, Poland, Portugal, Switzerland.

28. Protection against Accidents (Dockers) Convention, 1929

*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 <sup>1</sup> . . . . .	29. 8.1932

<sup>1</sup> Since the ratification of Convention No. 32 this ratification has lapsed.

Nicaragua.

As this Convention, which has been approved by Nicaragua, is now a law of the Republic, the international safety standards for the pro-

tection of dockers are observed. Supervision of their enforcement in the ports is entrusted to the respective Army and Navy commanders, and especially to the labour inspector attached to every port in the Republic. In addition, in the Ministry of Labour there is a safety and housing section in the charge of an engineer, who periodically inspects places of employment and indicates the necessary safety measures to be taken and ensures their application.

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

Ireland, Luxembourg.

## FOURTEENTH SESSION (GENEVA, 1930)

### 29. Forced Labour Convention, 1930

*This Convention came into force on 1 May 1932*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Australia <sup>1</sup> . . . . .	2. 1.1932
Belgium <sup>1</sup> . . . . .	20. 1.1944
Bulgaria . . . . .	22. 9.1932
Burma . . . . .	4. 3.1955
Ceylon . . . . .	5. 4.1950
Chile . . . . .	31. 5.1933
Cuba . . . . .	20. 7.1953
Denmark . . . . .	11. 2.1932
Ecuador . . . . .	6. 7.1954
Finland . . . . .	13. 1.1936
France <sup>1</sup> . . . . .	24. 6.1937
Greece . . . . .	13. 6.1952
India . . . . .	30.11.1954
Indonesia <sup>2</sup> . . . . .	31. 3.1933
Ireland . . . . .	2. 3.1931
Italy . . . . .	18. 6.1934
Japan . . . . .	21.11.1932
Liberia . . . . .	1 <sup>a</sup> 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 <sup>1</sup> . . . . .	3. 6.1931
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	4. 3.1933

<sup>1</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

<sup>2</sup> See footnote 3 to Convention No. 19.

#### *Belgium.*

The report confirms the statement made by the Government representative at the Conference on the work of persons detained in penal establishments. Such work is carried out under the exclusive supervision and control of the public authorities. If any convict is engaged on work for private undertakings, which sometimes appoint one of their representatives to supervise production technique, that convict is still subject to the sole authority of the administration, in particular in matters of discipline, payment and hours of work. Such activities are not exercised outside the prisons. There is, therefore, no question of a concession or of putting the convict at the disposal of private individuals, companies or associations.

As for penal sanctions punishing unlawful exaction of forced or compulsory labour from a

detained person not liable by law to perform any work, sections 151 ff. of the Penal Code could be applied relating to infringements by officials of rights guaranteed by the Constitution and in particular of the right of individual freedom. Similarly, certain infringements of individual freedom on the part of private individuals, as for instance unlawful detention, are punishable under sections 434 ff. of the Penal Code. Finally, sections 392 ff. of the Penal Code provide for punishment where a person is induced to conclude a labour contract by means of violence or assault.

#### *Bulgaria.*

In accordance with article 14 of the Constitution, work is free and is recognised as a fundamental factor of society and of the nation's economy and enjoys the protection of the State. There is no forced or compulsory labour in the sense of the Convention.

#### *Ceylon.*

The Government refers to a declaration made by its representative at the Conference, according to which forced or compulsory labour as defined by the Convention does not exist in Ceylon. Where any person is unlawfully confined or an attempt to exact forced labour is made, an application can be made on his behalf to the Supreme Court, which, after inquiry, may order his release. An injured party can always seek redress from a court of law. Under Ordinance No. 20 of 1844 (Chapter 62 of the Legislative Enactments) slavery is abolished. Section 361 of the Penal Code (Chapter 15 of the Legislative Enactments) provides that: "Whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts, receives or detains against his will any person as a slave shall be punished by imprisonment of either description for a term which may extend to seven years and may also be liable to a fine." Under sections 333 to 339 of the Penal Code, the wrongful confinement of any person is an offence punishable by imprisonment for a term of up to three years and a fine.

Sections 483, 486 and 487 of the Penal Code provide imprisonment of from two to seven years and a fine for anyone directly or indirectly threatening a person in order to influence him to do any act which he is not legally bound to do.

*Denmark.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the report states that the exaction of forced labour contrary to the provisions of the Convention is punishable under section 260 of the Penal Code. This section provides simple detention or imprisonment up to two years for any person who, by violence, threats or other unjustified means of coercion, compels another person to perform any act. A person holding public office and guilty of contravening the Convention is punishable under section 150 of the Penal Code, which provides simple detention or imprisonment up to three years for persons who, holding public office, abuse their position in order to force another person to do, to suffer or omit to do anything.

No cases of this nature have been brought before the courts.

*Finland.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the report states that, in the case provided for under Article 25 of the Convention, penal sanctions are applied by virtue of paragraphs 9 and 12 of Chapter 25 of the Penal Code. Under paragraph 9 a person depriving another person of his liberty is liable to a maximum sentence of four years' solitary confinement or imprisonment. Should such deprivation of liberty last more than 30 days or be accompanied by aggravating circumstances, the penalty may be increased to a maximum of six years' solitary confinement. Finally, under paragraph 12, persons who, by threats or violence, compel anyone to commit, suffer or omit an act, are liable to one year's imprisonment or to a fine, except in cases where, for certain offences, the law provides for a more severe penalty.

*France.*

The Government refers to the reply communicated with regard to the draft periodical report concerning the Convention. In this reply the Government states in particular that since the ultimate object of the provisions of Article 2 of the Convention is to safeguard, even amongst condemned persons, human dignity and freedom, it should be stressed that the conditions in which penal work is organised in France are such that these rules are fully observed. Furthermore there has been a notable improvement in the conditions of work of prisoners in recent years.

It may sometimes have appeared that the letter of Article 2 of the Convention concerning the work of condemned persons was not fully applied, but the sole reason for these apparent contradictions was to ensure the better application of the object of this Article which is to safeguard the condemned persons.

In order to appreciate this it is necessary to examine in the first place a certain number of aspects of penal labour in France.

1. *The Present Conception of Penal Labour in France and Its Consequences: the Right of the Prisoner to Work, Vocational Training, Outside Work, Work in Semi-Liberty.*

The original conception of penal labour, that is, of labour which is the element or a consequence of

a sentence privative of freedom made by a court of law, which conception is similar to that of forced labour involving personal restraint, has lapsed entirely in France.

In the penitentiary doctrine and practice as followed by the French administration, penal labour has become a successful way of ensuring the rehabilitation of the condemned person. Attention was drawn to this moral aspect of penal labour by the French Commission for Penitentiary Reform in 1945 when it emphasised that the chief object of a sentence privative of liberty was the reform and social readaptation of the condemned persons.

Three stages will be found in this evolution of the conception of penal labour, which was formerly one of the penal elements of the sentence and has become a morally constructive element:

(1) The modern penitentiary policy in most States is directed as in France towards the conception of "a real right to work" for the prisoner. The question has even been raised as to whether the enforced idleness of a condemned person could not be considered as a disciplinary sanction. (See United Nations, Conference of the European Regional Consultative Group on the prevention of crime and treatment of offenders, 8-16 December 1952: Document ST/SOA/SDL-1, Add. 1 of 17 October 1952, p. 28.)

The French penitentiary administration considers that it is legally and morally bound to supply the prisoner with work. The chief reason for this is that enforced idleness will contribute to his downfall and open the way to disaster when he leaves the prison.

In this connection two procedures may be employed: either the administration itself can organise the work under its direct supervision, or it can have recourse to private initiative to procure work for all the prisoners.

However, in practice, the difficulties of procuring work for prisoners are such that both procedures must be used simultaneously. This is particularly the case with regard to prisoners in isolation, which system is the rule in France in the case of persons on remand or persons condemned for a short period, and with regard to the numerous prisoners who are unfit or who are physically or mentally handicapped or who have no occupational qualifications; they must be supplied with varied light work in which no tools or very few tools are required and for which no skill is necessary. The administration is frequently obliged to have recourse to private industry in order to find work of this type in sufficient quantity.

Moreover, the need to have recourse to private initiative in order to supply all the prisoners with work was noted at the time of the Conference held in Geneva between 23 August and 2 September 1954 by the Regional European Consultative Group of the United Nations on the prevention of crime and the treatment of offenders, at which Conference the International Labour Office was represented by an observer. The Group drafted a report on the question of penitentiary labour which contained the following statement on work carried out for private industry:

"When the State is unable to provide the different classes of prisoner with sufficient suitable work, arrangements should be made for them



to work for free industry.<sup>1</sup> This applies, in particular, to mere occupational work for persons awaiting trial or serving short sentences. By obtaining work from the private sector it is often possible to cover a great variety of simple activities. Co-operation with the private sector can also be of value in order to obtain work especially suited for vocational training. Hence the Working Group is not opposed, in principle, to the fact that prisoners carry out work for free industry, but stresses that the primary responsibility in the matter rests with the State."

(2) At the second stage the morally constructive effect of penal labour can be more effectively ensured if prisoners are taught a trade while in prison. It has long been known that there is a parallelism between the occupation of a person and his moral life: thus, giving a trade to a prisoner contributes to ensuring his future rehabilitation.

The French penitentiary administration has succeeded in doing this with the assistance of the services of the Ministry of Labour and of the national Interoccupational Association for the Rational Training of Manpower, by organising vocational training in two prison-schools for prisoners between 18 and 25 years (Oermingen for men and Doullens for women) and in a central penitentiary (Ecrrouves) for men between 25 and 35 years. Apprenticeship workshops have also been organised in several prisons for long-term and short-term prisoners, in which the most deserving prisoners may be placed in order to learn a trade. Thus, each year more than 500 prisoners receive vocational training in these workshops, which is terminated by the same examinations and diplomas as in the normal apprenticeship schools (the C.A.P. of technical education and the C.F.P.A. of the Ministry of Labour).

Although the vocational training of prisoners is almost the exclusive responsibility of the administration itself, the collaboration of private undertakings or persons sometimes makes it possible, by procuring certain interesting types of work, to give to a suitable prisoner vocational qualifications which he did not have when he entered the prison. The prisoner is thus in a better position when he is freed to earn his living, for he will find it easier to get work if he has learnt his trade in prison from a private employer; the latter frequently employs the released prisoner in his undertaking and this eliminates the difficulties met by a prisoner when he looks for work after being liberated. His social rehabilitation is thus facilitated. As an example reference is made to the case of a person condemned to 20 years' penal labour, who was employed while in prison in the manufacture of bead articles and who, when released, was engaged by his employer and is still in his employment after 10 years.

(3) Finally, it appeared that, in addition to the vocational training of prisoners, the readaptation of released prisoners would frequently be better ensured if the penitentiary obligations were lightened and the condemned persons were allowed a certain degree of freedom even before the expiry of their term of punishment, and

supplied with regular work, protected and remunerated under the same conditions as free work. At this stage the work is either done outside the penitentiary by small groups of prisoners under the supervision and control of the penitentiary administration (i.e. work in outside workplaces) or it is done by a prisoner in the employment of a private person under the same conditions as a free worker. This is known as the stage of semi-liberty; it is an apprenticeship for future civilian life and is a test during which the prisoner or convict must show that he is fit to be released definitely, irrespective of the unexpired portion of his punishment.

Thus the administration, having in the first place made sure that the moral and material conditions of the work are suitable, agrees to release the prisoner from the supervision of the penitentiary but this is done in the interests of the condemned person who thus enjoys a situation fully comparable to that of a free worker. His co-workers are free persons in the employment of the undertaking and nobody, with the exception of the employer who has been bound to secrecy, is aware that he is a prisoner and that, as such, he must return each night to the "home" of semi-liberty or to the prison.

It is not therefore possible to consider this work as "forced labour" according to the terms of the international Convention, that is, "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". On the contrary, it is a modern method of penitentiary treatment for prisoners, a method which is unanimously approved throughout the world by specialists in penitentiary questions. Moreover, admission to the system of semi-liberty is subject to the consent and collaboration of the condemned person and is obviously a favour for him. As regards the employment of this method, the Regional European Consultative Group of the United Nations on the prevention of crime and the treatment of offenders made the following statement in the course of the Conference held at Geneva from 23 August to 2 September 1954:

"The employment of prisoners in private industry outside the penitentiary institutions also deserves special attention. It is calculated to facilitate vocational training under circumstances which are often difficult to realise in prison workshops. At the same time it can offer the prisoner an opportunity for gradual adjustment to free society. Many countries allow certain prisoners to work with private employers during the day, returning to the institution in the evening. The Consultative Group thinks that it is worth considering provided there are sufficient safeguards, including those against exploitation, and provided that the prisoners are specially selected."

The efforts of the administration itself were never sufficient to ensure that penal labour should be given its full moral value and to promote its function of individual readaptation and social rehabilitation for all prisoners, whatever the external or material circumstances (layout or arrangement of the prison buildings, local possibilities of ensuring full employment) and whatever the individual cases (physical and mental

<sup>1</sup> It appears that all countries resort to work of this kind.

capacities, penal situation affecting the nature and utility of the work, and vocational training).

## II. *Numbers of Prisoners Employed According to the Different Types of Employment.*

Some figures will show the limited but necessary scope of the extent to which recourse is had to private initiative, both in order to supply prisoners with constant, useful and varied employment and as regards their vocational training, and their moral and physical preparation for life when they are released.

On 1 January 1954 there was a total of 22,662 men and women in the penitentiary establishments of metropolitan France; at the end of September 1954 the number was about 21,000.

From this total figure of 22,662 prisoners, 10,000 should be deducted since they were unemployed because of their age, their health, their penal situation (persons on remand, under orders of extradition, etc.), or even because the arrangement of cells made it impossible for the prisoners to work in spite of the efforts of the administration to ensure employment for all prisoners.

Of the 12,600 remaining prisoners, 5,200 were employed in the general services of the penitentiaries (prisons for short-term or long-term sentences) where they were employed in the kitchen, laundry, heating, upkeep of the buildings, etc.; 4,600 prisoners (3,200 in the prisons for short-term sentences and 1,400 in the prisons for long-term sentences) were occupied in light work which was not industrial in character and required no vocational skill.

This type of work ensures the observation of the first objective of penal work, which is to avoid idleness and supply work to the largest possible number of prisoners. It consists, for example, in work on semi-finished articles, threading beads, etc., and in all types of work which may be carried out in restricted workplaces such as cells and with few tools. These prisoners are employed thanks to the assistance of private industry which is alone able to procure sufficiently flexible and varied openings to furnish work to these prisoners who would otherwise be unemployed.

A total of 500 prisoners are employed in the construction of new buildings and in maintenance work carried out directly by the penitentiary administration and financed by it; about 500 men are employed either on outside workplaces for private employers, but subject to the control and supervision of the administration and under conditions of work (protection, health, safety and remuneration) which are similar to those of free workers, or under the system of semi-liberty in which no distinction whatever is made, within the undertaking which has agreed to employ him at the request of the administration, between the prisoner and any other worker or employee.

In October 1954 there were only 169 trainees under this system of semi-liberty: 88 prisoners and 81 convicts. Moreover, the latter figure covers persons sentenced to life imprisonment or relegation, and who are thus, under the system of semi-liberty, put to the test with a view to their possible return to freedom if the "treatment" proves satisfactory.

This third phase is the ultimate objective of penal labour: it prepares the prisoner for his final

release by uniting the best prospects for his rehabilitation, the habit and regularity of work, vocational qualifications and the possibility of finding a job.

Finally, 1,800 prisoners are employed on work of an industrial character. Of these approximately 800 are employed by the administration itself and 1,000 with the assistance of private industry. Amongst these are many who, thanks to these conditions of labour, receive a vocational training which enables them to find employment when they are freed, sometimes even with the same employer who has trained them while they were in prison.

In conclusion, penal labour in France, even in cases where the administration considers it useful and necessary to have recourse to the collaboration of private industry, constitutes nothing more than a method and a means for obtaining the individual re-education and the social rehabilitation of the prisoner; this method and these means do not involve any restraint and are as far from "forced labour" as the methods of supervised education for young offenders.

In addition, the French penitentiary administration does not favour public works carried out by penal labour. The conditions of work and of living of prisoners engaged in the execution of major national projects are to some extent reminiscent of forced labour in former convict prisons or in concentration camps. There would in any case be a risk that utilitarian productive considerations should have priority over the moral questions of reform and social rehabilitation.

## III. *Conditions of Work and Supervision by the Administration of Prisoners When They Are Employed by Private Persons.*

When it seems to be necessary to have recourse to private industry it should be borne in mind that in France the work of the prisoner always takes place in material conditions as near as possible to those of free persons. Although the penitentiary administration maintains its right to control and supervise penal manpower in all cases, whether the work is carried out within the penitentiaries or at outside workplaces, this control and supervision are only relaxed when it is to the advantage of the prisoner who is admitted to the system of semi-liberty and to work in industry, commerce or agriculture, under material conditions (place, time and remuneration) exactly similar to those of the free worker. The only difference to be noted is that they are required each evening to return to the "home" of semi-liberty or, failing this, to the prison. Although the juridical technique has not yet gone so far as to make such an analysis, the situation between the employer and the trainee on semi-liberty is comparable to that which would result from a contract of employment.

It should be noted that when the administration reaches an agreement with a private individual with a view to supplying work to prisoners within a penitentiary, or even on outside workplaces, there is never a concession of manpower as such to the private employer.

It is possible that misunderstandings, or the current practice, may have led to the custom of using such terms as concessionary, entrepreneur or employer of penal manpower; this vague terminology is due either to former methods or to

the practical necessity for the administration to refer to the co-contractor by a simple term.

The private employer does not acquire a juridical individual situation which entitles him to use to his advantage penal labour, as may have been the case under what was known as the "system of the undertaking"; this was progressively suppressed and finally abolished on 1 January 1927, that is before the adoption of the Forced Labour Convention of 1930 (No. 29).

This system was characterised by the contract which provided that the entrepreneur was responsible for the economic administration of the prison and the clothing, feeding and maintenance of the prisoners and the upkeep of the buildings, and that he was free to employ to his profit the work of the prisoners. Under such types of contract the entrepreneur could hire out penal labour to private employers or could make use of it himself directly. The consequence was that penal labour could sometimes be actually exploited since the entrepreneur or his substitute concessionaries were interested only in obtaining the maximum profit and gave no thought to the vocational training of the prisoners or the material conditions of work.

It was for these reasons that in 1927 the State put an end to this type of work by taking over the responsibility for the general services of the prisoners (upkeep, clothing and feeding of the prisoners, etc.) which were from then on put under the direct supervision of the State; the State organised penal labour in its own workshops under its direct control or in collaboration with private industrialists.

Contracts concluded with private persons with a view to procuring labour for prisoners always provide that the administration maintains its right to supervise and control the prisoners. As a rule the work takes place within the penitentiary: thus, out of the 6,000 prisoners who are required to work by the administration with the collaboration of private employers, 5,600 are employed within the prisons for short-term or long-term prisoners. In such cases the penitentiary administration remains responsible for organising and supervising penal labour as regards time, place and conditions of work, and the private employer intervenes only as regards the technical organisation and supervision necessary with a view to the utilisation of the material and goods. It cannot be denied that the close collaboration between the private employer and the administration, involves an interpretation of the orders given to prisoners and their supervision, but this does not change the fact that penal labour is carried out under the sole direction of the administration, which may at any moment suspend or stop the work in course or modify its conditions.

When the work carried out is industrial in character, the remuneration of the prisoner, after the apprenticeship period, is close to the legal wages of a free worker and may even be equal to these. The only exception to this rule concerns work the object of which is to supply employment for the unfit and which is obviously comparable to work carried out by sick persons in hospitals or by the mentally unsound.

On outside workplaces remuneration is generally equal to that paid to free labour. This is always the case for prisoners who are authorised to work under the system of semi-liberty. For example, in the case of 16 prisoners in the prison of Bau-

mettes in Marseilles for persons undergoing a short sentence, the monthly wages vary between 28,000 and 42,000 francs, which corresponds with the wages of free workers.

Moreover, the Act of 30 October 1946 provides in section 3, paragraph 5, that prisoners employed on penal labour are entitled to protection against industrial accidents and occupational diseases. This provision is applicable to prisoners whether they are employed on industrial or agricultural work and regardless of the manner in which the penal labour is carried out, i.e. even if it is executed with the collaboration of a private undertaking.

In this connection the liberal character of the French legislation should be stressed since the prisoner who has been injured while at work has the same rights as the free worker, both as regards the nature and extent of the benefits, compensation and allowances and as regards the right to appeal to the social security tribunals for disputes.

Finally, when recourse is had to private employers, the legal provisions concerning the health and safety of workers and the regulations for the prevention of industrial accidents and occupational diseases are applicable to penal labour under the co-ordinated supervision of the penitentiary administration, labour inspectors and security supervisors of the social security bodies.

#### *Greece.*

Act No. 2079 of 1952 to ratify international Convention No. 29 concerning forced or compulsory labour.

Act No. 1910/1951 (sections 41-46) respecting the income of municipalities and communes.

Act No. 2430/1940 to amend and supplement Act No. 5539/1932 respecting the monopoly of narcotic drugs (section 6).

Act of 1871 respecting action against brigandage (section 8).

Decree of 19 November 1926 respecting the way in which collections are to be made and labour exacted for the construction of schools, etc., as amended by Decrees of 14 March 1927, 13 September 1927, and 7 March 1928.

Act No. 5019/1931 respecting the establishment of educational funds and school boards (section 9, paragraph 1 (16)).

Act No. 1850/1939 respecting the opening of funds for the construction of schools, etc.

Decree of 17 July 1923 respecting the regulations to be applied in prisons (section 23).

Decree of 30 July 1925 respecting the regulations to be applied in farm prisons and to open-air labour (sections 2, 3, 4, 38, 39, 40, 57 and 61).

Decree of 28 September 1935 respecting the organisation of penitentiary and administrative staff in prisons (section 115).

Decree of 3 July 1937 respecting the administrative and accounting services of State prisons and reformatories (sections 62 to 70).

Act No. 869/1937 respecting the formation of protection societies for discharged prisoners, etc.

Act No. 6281 of 1935 to supplement and consolidate Act No. 512 respecting action to counter field rats and locusts.

Section 4 of the Greek Constitution reads as follows: "Personal freedom is inviolable. No person may be prosecuted, arrested, imprisoned or restricted in his freedom in any manner whatsoever, except as specified in law."

Military regulations do not provide for labour to be imposed on members of the armed forces.

All the legislative texts listed above were issued before the Act ratifying the Convention. It has not been considered necessary to take any further legislative action. Since Greece has re-emerged as a free country no forced labour has ever been

imposed. Both the Constitution in force since 1952 and the earlier Constitutions have provided for the freedom and equality of citizens. The definition given of freedom, implies the idea of freedom of labour.

After the Act ratifying the Convention was promulgated, the Ministry of Labour sent a circular to all the other ministries drawing their attention to the provisions of the Convention.

*Article 1 of the Convention.* As was mentioned earlier, no system of forced or compulsory labour, as defined in Article 2, paragraph 1 of the Convention, has ever been applied in Greece.

*Article 2.* Under a number of legislative texts citizens are liable to be called on for various minor jobs in the public interest. The legislative texts cited above state which public department or authority has the right to exact labour of this kind, indicate how the labour is to be performed, specify the persons liable to be required for it, etc.

Section 41 of Act No. 1910/1951 respecting the income of municipalities and communes, the text of which is annexed to the report, provides that all citizens may be called upon for work; the municipal councils of towns with under 10,000 inhabitants have the right to require a maximum of ten days' work a year on communal projects from citizens over 18 years of age having their permanent residence in the area. Details of the system are given in the Act, the aim of which is to associate all citizens in public works undertaken to raise the economic and social standards of the areas in question. The responsibility for applying this clause lies with the Ministry of the Interior. The report adds that such work is covered by the exceptions mentioned in Article 2, paragraph 2 (b) and (e), of the Convention.

The report quotes another case of compulsory labour covered by the exceptions mentioned in Article 2, paragraph 2 (c), of the Convention, namely, that of labour which may be exacted from persons sentenced by a court of law. Greek penal law provides for convicted persons to be set to work as part of their punishment. In Greece, most of the labour exacted from persons convicted under the Penal Code is of an agricultural nature, as the great majority of the prisoners come from rural areas. In some prisons, however, this labour takes the form of handicraft employment, the proceeds of which go either to the State or to the prisoners themselves.

Before the war, Greek prisons had a system of industrial and handicraft employment for private individuals. This system was supervised by the public authorities. Information supplied by the Ministry of Justice, however, shows that the system has now lapsed.

In conclusion, the report mentions certain types of compulsory labour covered by the exceptions mentioned in Article 2, paragraph 2 (d) of the Convention: persons living in towns with under 10,000 inhabitants may be legally called upon to help in the destruction of field rats and locusts; the local authorities may also have recourse to compulsory labour under the Act of 1871 when taking action against bandits.

*Article 3.* The power to exact labour in the cases covered by Article 2, paragraph 2, of the Convention is vested in the public or communal authorities.

*Article 4.* Compulsory labour is never exacted for the benefit of private individuals; such a system was formerly applied in prisons, but has lapsed.

*Articles 5 and 6.* The types of compulsory labour mentioned in these Articles do not exist in Greece.

*Articles 7 and 8.* The Greek administrative system makes no provision for the forms of labour mentioned in these Articles.

*Articles 9 ff.* As was mentioned earlier, the forms of compulsory labour that exist in Greece are not held to constitute forced labour within the meaning of the Convention. There is therefore no need, in the Government's view, to provide any information on the application of these Articles.

#### *Indonesia.*

Forced or compulsory labour in all its forms was abolished by the Decree of 1 January 1942. As the Government representative stated at the Conference, forced or compulsory labour is incompatible with the legislation and contrary to public opinion. This is why there is no form of forced or compulsory labour and the Convention is fully applied.

#### *Ireland.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the report states that, as regards the application of Article 2, paragraph 2 (c), of the Convention, persons sentenced to imprisonment are employed solely in the service of the prison in which they are held in custody. Their work is carried out entirely within the precincts of the prison and they are not hired to or placed at the disposal of private individuals, companies or associations. As for the application of Article 25 of the Convention, the unlawful exaction of forced or compulsory labour is punishable in so far as it involves an assault, false arrest or unlawful detention.

#### *Netherlands.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the report states that no sentence by a court of law may result in exacting any given work from any person. However, persons sentenced to imprisonment are required, if able to do so, to perform suitable work within the prison. Such work is carried out under the conditions laid down by Article 2, paragraph 2 (c), of the Convention. Persons sentenced to imprisonment may, provided they agree, be placed at the disposal of private individuals. Such voluntary work cannot be termed forced labour.

The unlawful exaction of forced labour does not appear to have occurred in the Netherlands, but were it to occur it would come under the general provisions of the Penal Code and in particular, under sections 282 and 284, which provide for a sentence of up to seven years' imprisonment. If such forced labour is unlawfully exacted by an official, section 365 of the Penal Code, providing for a maximum sentence of two years' imprisonment, would apply.

### *New Zealand*

The common law in force in New Zealand and its non-metropolitan territories assures the liberty of the subject, including his freedom from any molestation or constraint, except when applied in due process of law. Forced or compulsory labour as an institution has never existed in New Zealand or in any of its non-metropolitan territories.

As forced or compulsory labour, within the definition contained in Article 2 of the Convention, cannot lawfully exist and does not exist in the metropolitan territory of New Zealand or in any of the dependent territories for which the New Zealand Government is internationally responsible, there has been no occasion for action to be taken to suppress forced or compulsory labour in any form. In these circumstances no purpose would be served by commenting in the present report on the effect given to the individual Articles of the Convention.

Nevertheless, the Committee of Experts inquired 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. The Committee also asked for confirmation that such a person is not hired to, or placed at the disposal of, private individuals, companies or associations. The answer to these questions is in the affirmative. On rare occasions, the prisons administration has contracted with private individuals—usually farmers—to provide labour for a particular purpose. Only prisoners who volunteer are used on such work. As work of this kind provides a change from normal prison routine, prisoners like it, but no prisoner would be compelled to do such work if he were unwilling. There is an element of trust in employment on such work, and the prison authorities would not trust a prisoner who was working under compulsion. While prisoners are engaged on work of this kind they remain entirely subject to the instruction and supervision of the prison authorities. They are never left with a farmer overnight, nor has he any authority to give directions or instructions to the prisoners themselves.

The Committee of Experts also inquired whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence. As has been pointed out, the law does not permit forced or compulsory labour in any circumstances except those which the Convention expressly contemplates. Any person exacting or seeking to exact forced or compulsory labour from an individual in other circumstances would be guilty of assault or of some other offence against the person and would be liable to the substantial penalties provided by the Crimes Act.

### *Norway.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the Government states that as regards the application of Article 2, paragraph 2 (c), of the Convention, work exacted as a consequence of a conviction is performed according to the provisions of the Act of 12 December 1903 and the Instruc-

tions of 1 October 1922, as amended. Forced labour is thus carried out in institutions belonging to and supervised by the Prisons Board, which is a department of the Ministry of Justice.

Prisoners carrying out forced labour are not hired to, or placed at the disposal of private individuals, companies or associations. Work performed outside the institution, for nearby local authorities or for the Government, is carried out under the constant supervision of officials from the institution, who are responsible for the application of the Prisons Act and Instructions of the Prison Board.

As regards the application of Article 25 of the Convention, unlawful deprivation of personal freedom or exaction of forced labour is punishable under the General Penal Act of 22 May 1902 by a term of imprisonment not exceeding six years, if caused by a public employee, and not exceeding five years if caused by other persons (section 223 of the same Act). Moreover, persons guilty of or instrumental in depriving another of his personal freedom, even though, without adequate reason, they deem it legal to do so, are liable to fines or imprisonment of up to three months under section 226 of the General Penal Act.

### *Sweden.*

The Government refers to the information supplied to the Conference at its 37th Session.

### *Venezuela.*

Forced or compulsory labour is not allowed anywhere in Venezuela. Chapter III of the National Constitution relating to the rights of the individual provides: "Article 35 . . . guarantees to the inhabitants of Venezuela . . . (paragraph 11): the freedom and protection of labour in accordance with the law". Moreover, the Labour Code provides: "Article 7. No person may put obstacles in the way of another person's work, nor prevent him from exercising the profession, industry or trade of his choice, provided it be licit. No obstacle in the way of work shall be placed by a decision of the relevant authorities appointed according to law, except where the rights of a third person are infringed or the laws of society violated . . ." "Article 16. The provisions of this Code favourable to workers may in no case be abandoned."

### *Yugoslavia.*

In reply to the request for additional information made in 1954 by the Committee of Experts, the Government states that any unlawful exaction of work is considered contrary to the dignity of man and punishable by penal sanctions under an Act of 2 March 1951. Section 152, in particular, provides that a term of imprisonment not exceeding one year may be imposed on any official abusing his office, and section 149 provides that a term of imprisonment not exceeding two years may be imposed on anyone using violence or grave threats to compel any person to do or omit any act.

The work or service which the convicts are required to perform by virtue of a sentence rendered by a court of law is carried out under the control of the state authorities. This matter is

governed by sections 49 to 55 of the Act of 8 October 1951. Convicts are allowed to work only in undertakings of a public nature. Moreover, section 51, paragraph 2, of the Penal Code provides that physical punishment may not be inflicted on a convict nor may he be injured in his human dignity. Finally, section 55 of the Code provides that persons sentenced to solitary confinement or to imprisonment shall have one day's rest a week and that such persons shall receive payment for their work, free medical services and

have the right to health insurance in case of an accident at work. Convicts are also allowed to correspond with the outside world and to receive visitors and parcels.

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

*Argentina, Chile, Italy, Japan, Mexico, Nicaragua, Switzerland, United Kingdom.*

30. Hours of Work (Commerce and Offices) Convention, 1930

*This Convention came into force on 29 August 1933*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Austria <sup>1</sup> . . . . .	16. 2.1933
Bulgaria . . . . .	22. 6.1932
Chile . . . . .	18.10.1935
Cuba . . . . .	24. 2.1936
Finland . . . . .	13. 1.1936
Haiti . . . . .	31. 3.1952
Israel . . . . .	26. 6.1951
Mexico . . . . .	12. 5.1934
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	29. 6.1953
Spain . . . . .	29. 8.1932
Uruguay . . . . .	6. 6.1933

<sup>1</sup> Conditional ratification.

*Argentina.*

Resolution No. 74 of 14 May 1954.

The above-mentioned resolution stipulates that lost hours of work may be made up on not more than 30 days per year.

A total of 1,971 infringements was registered.

The number of hours of overtime worked, as provided for in Article 5 of the Convention, amounted to 6,658. Authorisations to work overtime hours were granted in 175 cases under the category of permanent exceptions (Article 7, paragraph 1) and in 2,308 cases under the category of temporary exceptions (Article 7, paragraph 2), 58 of which were for a total of 1,610 days.

*Bulgaria.*

See under Convention No. 1.

*Chile.*

In 1953, 4,407 visits of inspection were carried out to ensure the application of the provisions concerning weekly rest in commercial and industrial undertakings; 576 infringements were reported.

During the period under review the General Labour Directorate was informed of five decisions by the labour courts; copies of these decisions are appended to the report.

*Cuba.*

Resolution No. 469 of 20 June 1953 respecting hours of work during the summer in the transport of goods by road.

Resolution No. 84 of 31 May 1954 respecting the five-day working week in summer.

The texts of the above resolutions are appended to the Government's report.

*Finland.*

In 1953, 27,185 commercial undertakings and offices (712 more than for the previous year) employing 101,774 persons (746 less than for the previous year) were covered by the legislation applying the provisions of the Convention.

Two contraventions were reported during 1953.

*Haiti (First Report).*

See under Convention No. 1.

*Israel.*

In reply to the observations of the Committee of Experts, the Government refers to the statement made by its representative before the Conference Committee in 1954, which was to the effect that Article 5 of the Convention appeared to be permissive rather than mandatory in nature, and that the question of applying its provisions did not arise since work in excess of eight hours daily or 47 hours weekly was prohibited in Israel.

As regards the observation concerning Article 7, paragraph 3, of the Convention, the Government states that section 10 (a) (3) of the Act of 15 May 1951 respecting hours of work and rest, limits the additional hours of work to four per day and 100 per year for the purpose of making the annual balance sheet or an inventory or of sales on the day preceding public holidays; in all other cases the maximum number of overtime hours is specified in the permits for overtime work (section 14 of the Act).

During the period under review 29 permits for overtime work were granted, all of them for a limited period and specifying the maximum number of workers to be employed thereunder and the overtime allowed per day and per week. A list

of the exceptions in question is appended to the Government's report.

The implementation of the Act in commerce and offices is, as a rule, more complete than in industry.

#### *New Zealand.*

The estimated number of employees covered by the Shops and Offices Act at 31 March 1954 was 71,500 in shops and 38,200 in offices. Overtime worked by permits granted under this Act amounted to 47,479 hours for the year ended 31 December 1953.

During the year ended 31 March 1954, 23,303 inspections of shops and 2,718 inspections of offices were made. Investigations were made into 167 complaints reported regarding infringements; 27 of these were without foundation. Fines were imposed in respect of five prosecutions, and 114 warnings were issued.

#### *Nicaragua.*

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Under sections 47 and 51 of the Code, commercial establishments are required to fix hours of work not exceeding eight hours a day, with intervening rest periods. In special cases the daily hours of work may be increased up to not more than three hours a day and not more than three times a week; women and young persons under 16 years of age may not in any case work overtime (section 56). Overtime is paid for at double rates (section 74). Section 52 provides that, subject to agreement between the employer and the worker, the hours of work may be distributed unequally over a week of 48 hours to allow the worker a rest on Saturday afternoon or any equivalent arrangement.

Exceptions from the normal hours of work are permitted under section 49 as follows: (1) to persons holding positions of supervision, management or trust, persons who perform duties which are of an intermittent nature or require mere presence on duty, or persons who perform duties which owing to their nature cannot be kept within a fixed working day (nevertheless, such persons may not be required to remain on duty for more than 12 hours a day and shall be entitled to a rest period of not less than two hours); (2) to owners of undertakings who work alone without the assistance of salaried employees or wage-earning employees.

If an employee is unable to leave his workplace during the meal-times or breaks, on account of the requirements or arrangements of the undertaking, such periods are deemed to be hours of actual work and are included in the normal daily hours of work (section 53).

With regard to labour inspection and penalties, see under Convention No. 1.

#### *Uruguay.*

A total of 18 contraventions, with fines amounting to 430 pesos, were reported under Act No. 9347 of 13 April 1934 concerning the compulsory closing of certain commercial undertakings. Act No. 10489 of 6 June 1944 to issue regulations concerning the hours of work in certain commercial undertakings gave rise to 156 contraventions with fines amounting to 3,390 pesos and, finally, 17 contraventions with fines of 570 pesos were reported under Act No. 10322 of 25 January 1943 to issue regulations concerning the closing hours and hours of work in women's hairdressing establishments.

The report from *Mexico* reproduces the information previously supplied.



## SIXTEENTH SESSION (GENEVA, 1932)

### 32. Protection against Accidents (Dockers) Convention (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
Cuba . . . . .	7. 9.1954
Finland . . . . .	23. 8.1949
India . . . . .	10. 2.1947
Italy . . . . .	30.10.1933
Mexico . . . . .	12. 5.1934
New Zealand . . . . .	29. 3.1938
Pakistan <sup>1</sup> . . . . .	10. 2.1947
Spain . . . . .	28. 7.1934
Sweden . . . . .	3. 8.1938
United Kingdom . . . . .	10. 1.1935
Uruguay . . . . .	6. 6.1933

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

#### *Belgium (First Report).*

General Regulations for the protection of labour of 27 September 1947, amended by the Royal Decree of 15 May 1951 (Chapter I of Part II; section III of Chapter III of Part II; sections 269 to 271, 279, 280, 281; sections 525 to 548 (amended by the Royal Decree of 15 May 1951)).

*Articles 1 to 16 and 18 of the Convention.* The report states that sections 525 to 535 and section 541 of the General Regulations were amended or supplemented by the Royal Decree of 15 May 1951 in order to adapt the Regulations to present-day requirements.

*Article 17.* The Royal Decree of 15 May 1951 stipulates that copies of the legislative texts must be posted up in a prominent position.

The provisions of the General Regulations are generally observed. There were certain infringements, which were primarily due to negligence on the part of ships' crews.

No observations were received from employers' or workers' organisations during the period under review.

#### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The information provided by the Government on this Convention is contained in a common report on Conventions Nos. 13, 27, 32 and 62. The report draws attention to section 105 of the

Labour Code which prescribes that the undertaking shall take all necessary measures to eliminate danger from machinery, tools, workplaces and construction sites, and requires that machinery shall be stopped during rest periods if practicable, and the provision of fire extinguishing appliances and a sufficient number of exits in premises exposed to the danger of fire. There is also a general provision for the safeguarding of particularly dangerous machines, high-tension electric installations and explosives, requiring the elimination of all risks.

Standards and special rules are issued for the application of these provisions. Rules of a general character are issued by the Central Council of the Trade Unions and rules of a special character by the ministries or institutions concerned.

Since the Labour Code came into force 52 regulations concerning occupational safety in the various branches of industry and for the various types of work have been issued. In cases where new regulations have not yet been issued, old regulations promulgated under laws which were abrogated by the Labour Code continue to be effective.

Standards provided for in a special regulation of the Ministry of Transport are applied in loading and unloading of ships.

As regards practical application, see under Convention No. 1.

#### *Canada.*

During the period under review 2,930 inspection visits were carried out on ships. In 520 cases the inspectors requested repairs, replacements or examination of gear to be effected. Sixteen serious accidents were reported during this period, six of them fatal, but in very few cases were these accidents due to infringements of the regulations.

One observation was received from the International Longshoremen's Association, Montreal, objecting to the practice of throwing slings into the holds of ships during the working of cargo. The Government replied that rulings on details of procedure should be left to those directly concerned.

#### *Chile.*

During the period under review 3,025 accidents were reported; of these 2,982 were of a minor character, 42 were serious and 1 was fatal.



Finland.

Decision of 17 June 1954 of the Council of Ministers respecting the application to certain ports of the Act and Regulations concerning safety in loading and unloading vessels.

During the period under review continued attention has been paid to the question of lighting, and improvements have been made both in harbours and on board ship. The lighting in the port of Turku, in particular, has been much improved. A general lighting programme has also been put in hand in the ports of Helsinki and Kotka.

In connection with Article 15 of the Convention, the report states that the safety regulations governing the loading and unloading of vessels are now applicable in full to 24 ports. The decision taken by the Council of Ministers on 17 June 1954 provides for these regulations to be extended to the port of R  ytt   (Tornio) and the southern harbour of Oulu.

A number of persons have been sentenced for infringements of the safety regulations.

The Finnish Shipowners' Association has observed that a number of clauses of the Convention would be difficult to apply, particularly to the permanent equipment of existing vessels. The Association has also expressed the view that the testing, examining and annealing of lifting and accessory gear on board Finnish vessels should be permissible even in countries which have not ratified the Convention.

The stevedores' union has expressed the hope that the application of the safety regulations will be more effectively supervised.

The above comments are now being considered by the Ministry of Social Affairs.

The report points out that a modern building to accommodate between 500 and 900 dockers has been completed during the year in the port of Turku.

Italy.

During the period 1 July 1953 to 30 June 1954, 3,598 accidents resulting in temporary incapacity, 126 in permanent disablement and seven fatal cases were recorded.

New Zealand.

Harbours Amendment Act, 1952.  
General Harbour Regulations, 1935, Amendment No. 7.

Article 16 of the Convention. The only relevant new legislation is contained in section 9 of the

Harbours Amendment Act, 1952, and in the General Harbour Regulations, 1935, Amendment No. 7, which make provision for the safety of persons using barges, punts, and other vessels that are used as ferries in harbours, lakes and rivers.

On 31 December 1953 there were 6,177 members of the industrial union for waterside employees, stevedores and timekeepers.

United Kingdom.

Great Britain.

During the period under review 6,510 accidents, of which 41 were fatal, were reported at docks, wharves and quays in Great Britain. The causes of these accidents are analysed in a table appended to the report. Legal proceedings were instituted against employers in nine cases, and a conviction was secured on each occasion.

Northern Ireland.

The report refers to information previously supplied and states that during the period under review there were 153 accidents, one of which was fatal, the others involving at least three days' absence from work. The causes of these accidents are analysed in a table appended to the report.

Sweden.

The Government states that no statistics have been compiled relating specifically to accidents due to non-compliance with the provisions of the Convention.

Statistical data relating to accidents among seamen during the loading or unloading of vessels are appended to the report.

Uruguay.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

Argentina, Mexico, Pakistan.

33. Minimum Age (Non-Industrial Employment) Convention, 1932

*This Convention came into force on 6 June 1935*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Austria . . . . .	26. 2.1936
Belgium . . . . .	6. 6.1934
Cuba . . . . .	24. 2.1936
France . . . . .	29. 4.1939
Netherlands . . . . .	12. 7.1935
Spain . . . . .	22. 6.1934
Uruguay . . . . .	6. 6.1933

Argentina.

In reply to the observations made by the Committee of Experts the Government supplies the following information: (1) Section 2 of Act No. 11317 expressly prohibits all employment of children under 14 years of age in domestic service and industrial or commercial concerns and undertakings, whether private or public, for profit or for benevolent purposes, with the exception of those in which only the members of the same

family are employed. From this it can be seen that with this single exception, which moreover is in conformity with Article 1, paragraph 3, of the Convention, young persons under 14 years of age may be not admitted to employment. (2) The Government states that the observation made by the Committee shows that only part of the current legislation has been taken into account. Article 3 concerns young persons between 12 and 14 years of age who, under section 2 of Act No. 11317, are entirely prohibited from working.

As regards section 6 of Act No. 11317, the Government states that it covers two situations: (a) absolute prohibition to employ young persons under 18 years of age on night work, whatever their sex or occupation; (b) partial prohibition in respect of women over 18 years of age, who may work only in nursing or domestic service.

The absolute prohibition to work at night for young persons under 18 years of age derives also from the provisions of section 31 of Decree No. 14538/44 (Act No. 12921), which provides that the employment of young persons under 18 years of age is strictly prohibited between 8 p.m. and 6 a.m. from 1 October to 30 April and between 8 p.m. and 7 a.m. from 1 May to 30 September.

The number of contraventions registered in the period under review was 452.

#### *Austria.*

The Government states that, in a note dated 2 June 1954, it replied to the observations made by the Committee of Experts concerning its previous annual report.

The statistics supplied by the labour inspectorate for 1953 contain no mention of any infringement of the legislation concerning the employment of children in establishments connected with teaching and education or in entertainment.

#### *Belgium.*

During the period under review 28 exceptions affecting 116 children were granted under section 2, paragraph 2, of the Royal Decree of 27 April 1927, respecting their employment in theatrical undertakings. In the 29 such undertakings visited by the inspection services during that period, there were 127 children under 14 years of age and 11 between the ages of 14 and 16. Two contraventions were noted in these establishments.

#### *France.*

Act No. 54-583 of 10 June 1954 to amend section 60 of Book II of the Labour Code.

This Act amends section 60 of Book II of the Labour Code by providing that any person who employs young persons under 16 years of age in work which is dangerous to their life, health or morals will be subject to penalties.

According to the reports drawn up by the labour inspectorate the provisions of the Convention are, on the whole, satisfactorily applied.

#### *Uruguay.*

Act No. 12030 of 27 November 1953 ratifying Convention No. 60 necessarily entails denunciation of Convention No. 33. In its report for next year the Government will supply information showing that the legislation fully conforms with the Convention.

As regards legislation enacted in 1953 and 1954 to establish penalties for contraventions of international labour Conventions ratified by Uruguay, see under Convention No. 1.

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

*Cuba, Netherlands.*

## SEVENTEENTH SESSION (GENEVA, 1933)

### 34. Fee-Charging Employment Agencies Convention, 1933

*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 <sup>1</sup> . . . . .	13. 1.1936
Mexico . . . . .	21. 2.1938
Norway <sup>1</sup> . . . . .	4. 7.1949
Spain . . . . .	27. 4.1935
Sweden <sup>1</sup> . . . . .	1. 1.1936
Turkey <sup>1</sup> . . . . .	27.12.1946

<sup>1</sup> The subsequent ratification of Convention No. 96 involved the immediate denunciation of Convention No. 34.

#### *Bulgaria (First Report).*

In Bulgaria there are no fee-charging employment agencies, whether conducted with a view to profit or not.

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

*Argentina, Chile, Mexico.*

### 35. Old-Age Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
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

#### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Regulation of 19 February 1952 on the structure and functions of the Pensions Administration and its local organs (L.S. 1952—Bul. 1).

All wage earners are covered by old-age insurance. (For the extent of application of the insurance, see under Convention No. 24.) All wage and salary earners are entitled to an old-age pension after the periods of service and at the ages given for each category of employment. For category I the required period of service is 15 years, and the age 50 years; for category II, 20 years' service and the age 55 for men and 50 for women; for category III, 25 years' service and the age 60 for men and 55 for women.

The amount of the old-age pension is calculated at the rate of 55 per cent. of the average monthly wage during the last 12 months of service in respect of wage and salary earners employed below ground in a mine or in the pressing or pitch section of a briquette factory, or in the teaching profession, and at the rate of 50 per cent. in respect of other workers.

A further 2 per cent. of the remuneration is added to the basic percentage for each full year of service in excess of the minimum.

#### *Argentina (Voluntary Report).*

The report states that Act No. 13478 fulfils the objects of the Convention, taking into account Article 15 of the Convention which provides that "In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory old-age insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 16 to 22 hereinafter shall be deemed to satisfy the requirements of this Convention".

The maximum monthly amount of the personal old-age pension may not exceed 67 per cent. of the wage in respect of wage and salary earners employed below ground in a mine or in the pressing or pitch section of a briquette factory, or in the teaching profession, or 62 per cent. of wage in respect of all other workers. The minimum monthly pension is 120 leva. All persons in receipt of a pension, including those in receipt of a personal pension, who continue working, receive their full pension in addition to their wage.

The pension may be suspended or abolished.

The pension is suspended when the recipient is deprived of his entitlement as the result of a conviction under penal law; when the recipient, without just cause, has not presented himself for medical re-examination; in the case of foreign subjects having left the territory of the Bulgarian People's Republic, except where, by agreement between the countries in question, the principle of reciprocity exists.

The pension is abolished: when the recipient dies; when it has been legally proved that the person used forged documents or made false statements in order to obtain a pension; when it is established that the pension has been granted in error; when invalidity is wilfully caused by the wage or salary earner, or is the result of a crime which he has committed and this fact has been legally proved; when a recipient is deprived of Bulgarian citizenship; when the death or invalidity of the worker, employee or beneficiary is intentionally caused by his survivors, or results from a crime committed by them, and this fact has been legally proved.

Pensions are granted, suspended, etc., by commissions set up by the People's Regional Councils. Appeals against the decision of these commissions may be submitted to the Supreme Pensions Council.

Supervision of the application of the provisions relating to workers' insurance, and the payment of allowances, are entrusted to the State social insurance institutions.

See also under Convention No. 1.

#### *Chile.*

The report is accompanied by the text of three decisions rendered by labour tribunals. The detailed statistics show that at 31 December 1953, 32,259 old-age pensions were being paid, as compared with 1,033 at 6 December 1952. Expenditure for old-age pensions amounted to 286.9 million pesos in 1953.

See also under Convention No. 24.

#### *France.*

Act No. 54-301 of 20 March 1954, to increase the allowance payable to aged wage earners, old-age allowances and the special allowance, and to amend various provisions respecting social security contributions.

Decree No. 53-1213 of 2 December 1953, to amend the Decree of 29 December 1945 to issue public administrative regulations for the application of the Ordinance No. 45-2454 of 19 October 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture.

Decree No. 54-370 of 29 March 1954 to supplement section 31 of the Ordinance of 4 October 1945 respecting the organisation of social security.

*Article 7 of the Convention.* For the purposes of determining the average annual remuneration to be taken as a basis in calculating old-age pensions that become payable after 31 March 1953, the Order of 3 October 1953 fixes the coefficients applicable to the wages corresponding to the contributions paid. The report contains a detailed table of these coefficients, e.g. 49.36 for 1930, 35.50 for 1937, 29.56 for 1940, 10.23 for 1944, 5.07 for 1945, 2.28 for 1948, and 1.2 for 1950.

The same coefficients are applicable to the contributions taken as a basis for calculating pensions liquidated after five years' but before 15 years' insurance coverage, and which become payable after 31 March 1953.

The Order also provides for old-age, reversionary, widowers' and widows' pensions which have already been liquidated, and which became payable before 1 April 1953, to be revised by applying a multiplication coefficient of 1.20 to the amount of the pensions as calculated under the provisions previously governing their liquidation (or revalorisation, where appropriate).

Reversionary, widowers' and widows' pensions which become payable after 31 March 1953 are calculated: (a) in the case of death before 1 April 1953, on the basis of the pension to which the deceased would have been entitled at the time of his death, revalorised, where appropriate, in accordance with the previous legislation and the provisions of the Order of 3 October 1953; (b) in the case of deaths after 31 March 1953, on the basis of the pension to which the deceased would have been entitled under the Order.

The Order further states that the application of the coefficients may not result in pensions being fixed above the maximum amounts laid down in section 2 of the Act of 24 February 1949, due allowance being made for the maximum amount of the earnings subject to contribution, which was fixed at 456,000 francs as from 1 April 1952.

The Decree of 2 December 1953 makes a number of changes to the system of assessing the means of spouses for the purposes of entitlement to the increase payable to old-age pensioners. Their means will in future be assessed quarterly instead of monthly and, should the amount vary, the payment of arrears of increases will be suspended or resumed from the first day of the quarter instead of the first day of the month.

*Article 9.* The provisions of Act No. 54-301 of 20 March 1954 are summarised under Convention No. 24.

Under French law, the State may in certain cases be associated in the insurance of specified categories of workers; the special social security scheme for miners is a case in point.

*Article 13.* The social security agreement signed between France and the Principality of Monaco on 28 February 1952 came into force on 1 April 1954.

*Article 15.* Act No. 54-301 of 20 March 1954 makes the award of the special old-age allowance for non-wage earners subject to a maximum income of 135,000 francs a year, including the

allowance. In the case of households, this maximum has been increased to 186,000 francs. This special allowance, being awarded to non-wage earners, therefore goes beyond the scope of the Convention.

*Article 18.* Under Act No. 54-301 the award of the aged wage earners' allowance has been made subject to a maximum income (including the allowance) of 194,000 francs, instead of 188,000 francs as previously. In the case of households the maximum has been increased from 232,000 to 244,000 francs. Both increases are effective from 1 January 1954. The Order of 26 October 1953 has made a number of changes to the system of assessing the means of spouses for the purposes of entitlement to the increase payable to the beneficiaries of aged wage earners' allowances. Their means will in future be assessed quarterly instead of monthly and, should the amount vary, the payment of arrears of increases will be suspended or resumed from the first day of the quarter instead of the first day of the month.

*Article 19.* The following rates, which are effective from 1 January 1954, have been fixed for the aged wage earners' allowance by Act No. 54-301: for workers resident in towns of over 5,000 inhabitants, 65,800 francs; for workers resident in other localities, 62,400 francs.

The minimum amount of the old-age pension is equal to that of the allowance payable to aged wage earners resident in towns of over 5,000 inhabitants; in consequence, beneficiaries of old-age pensions may not receive less than 65,800 francs.

Statistical data appended to the report show that on 31 December 1953 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 types on 31 December 1953 was as follows: workers' and peasants' pensions, 9,461; social insurance and social security pensions, 300,018; social insurance pensions reviewed on the beneficiary's reaching 65 years of age (or 60 years of age in the case of disability), 778,802; reversionary, widowers' and widows' pensions, 35,513; aged wage earners' allowances, 870,318; life annuities and reversionary allowances, 105,979; allowances to widows and mothers with five children, 89,154; this gives a total of 2,189,245.

Expenditure (in millions of francs) between 1 July 1953 and 30 June 1954 was made up as follows: pensions and allowances payable under the general scheme, 159,778; old-age allowances payable to persons not eligible for membership of the general scheme, 4,157; cash benefits (reimbursement of contributions, buying back of pension rights, travel and hospitalisation expenses, etc.), 4,101; benefits in kind (also entered in the expenses of the sickness insurance scheme), 6,876; administration, 5,302.

Contributions are allotted to cover the expenses of the different bodies and not the cost of the different risks; no revenue is consequently earmarked to cover any one risk. Nevertheless, 9/16ths of the contributions paid under the general scheme, amounting to 393,477 million francs during the period under review, are in principle used to finance the old-age pension scheme.

### *Italy.*

Act No. 967 of 27 December 1953.  
Act No. 557 of 13 July 1954.

With regard to certain special categories of workers the Government's report mentions the following legal provisions: Act No. 967 of 27 December 1953, which transfers the administration of invalidity, old-age and survivors' insurance of directors of industrial undertakings from the National Social Provident Institute to a specialised institution, the National Social Provident Institute for Directors of Industrial Undertakings; and Act No. 557 of 12 July 1954, which extends, for the purposes of invalidity and old-age insurance, the term for obtaining recognition of time served between 1 May 1939 and 31 August 1950 in respect of employees not previously liable to compulsory insurance because of the wage limits then applied.

The number of insured persons (excluding agriculture) was 3,236,900 (agriculture: 1,253,300). The number of pensions in force at 1 January 1953 (compulsory pensions, including agriculture) was as follows: old age, 1,318,961; invalidity 510,452; survivors 169,207. The total expenditure amounted to 223,522 million lire, and the total income to 244,820 million.

### *Peru.*

With regard to new legislation see under Convention No. 24.

The compulsory old-age insurance scheme has been extended to include non-owner taxi drivers in those parts of the country covered by the scheme.

Former members of the compulsory old-age insurance scheme may voluntarily maintain their entitlement to general and special medical benefits, as well as to hospital care and pharmaceutical benefits, by paying a special contribution at the rate of 4 per cent. of their total pensions.

According to statistics given in the Government's report, the number of active members of the workers' social security scheme on 31 December 1953 was 362,483.

The number of old-age pensioners on 1 January 1953 was 2,052. During the year 30 pensioners died, while 574 new pensioners were registered.

Expenditure under the heading of old-age pensions during 1953 amounted to 1,220,443 soles. The amount allocated to the reserve fund was 7,078,321 soles. Contributions from the employers amounted to 12,026,077 soles, those from the workers 6,011,100 soles and from the public authorities 4,007,400 soles.

### *Poland.*

See under Convention No. 24 for amendments introduced by a decree of 25 June 1954.

### *United Kingdom.*

#### *Great Britain.*

Various Regulations and Orders, issued in 1953 and 1954, relating to contributions, classification, married women, reciprocal agreements and transfer of functions.

*Northern Ireland.*

National Insurance Act (Northern Ireland), 1953.  
Various Regulations and Orders, issued in 1953 and 1954, relating to national insurance.

Some of the rules relating to the insurance of married women have been simplified and amended, and conditions governing the crediting of contributions to persons undertaking certain training courses have been modified. The Ministry of National Insurance and the Ministry of Pensions have been amalgamated to form the Ministry of Pensions and National Insurance.

About 4.3 million persons were in receipt of

a retirement or contributory old-age pension in Great Britain on 30 June 1953, while expenditure on retirement pensions exclusive of administrative costs was about £315.5 million during the year ended 31 March 1953. The number of non-contributory old-age pensions in payment in Great Britain on 1 January 1954 was 344,000, while expenditure for such pensions for the year ended 31 March 1954 was £20.1 million. The number of persons receiving retirement or contributory pensions in Northern Ireland on 31 December 1953 was 80,400, while 23,000 non-contributory pensions were in payment on 30 June 1954.

**36. Old-Age Insurance (Agriculture) Convention, 1933**

*This Convention came into force on 18 July 1937*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
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

Interministerial Order of 3 September 1954 respecting the revalorisation of old-age and invalidity pensions payable under the social insurance scheme.

*Article 7 of the Convention.* The minimum old-age pension rate, which is equal to that of the allowance payable to aged wage earners in towns of over 5,000 inhabitants, was increased from 1 January 1954 to 65,800 francs a year; this brings it into line with the increased allowance payable to aged wage earners. Where old-age pensions payable under the agricultural social insurance scheme had been raised to the minimum rate, they were increased to the same extent as this minimum rate with effect from 1 January 1954.

*Article 19.* The Order of 24 October 1953 revises the old-age pension rates payable to insured persons employed both in agriculture and in other occupations in the départements of the Upper Rhine, the Lower Rhine and the Moselle, where such persons have opted for the scheme instituted by Ordinance No. 45-2410 of 18 October 1945. The Order of 3 September 1954 provides for an over-all 10 per cent. increase, payable from 1 January 1954, in all old-age pensions awarded under the agricultural social insurance scheme, with the exception of those already raised to the minimum rate.

*Article 20.* The Act of 15 April 1954 provides that appeals against decisions by the National Agricultural Invalidity and Incapacity Committee may be lodged with the Court of Appeal.

Statistical data appended to the report show that the number of compulsorily insured persons who contributed during the year was estimated at 1,293,000; the number of pensions and allowances being paid on 31 December 1953 was 176,672; the total amount of pensions paid by the Central Agricultural Mutual Assistance Fund was 9,669 million francs; and benefits were paid to pensioners by agricultural mutual social insurance funds to an amount of 567 million francs (making 10,236 million francs in all). Reimbursements on contributions in 1953 totalled 1,369,000 francs. The revenue of the Central Agricultural Mutual Assistance Fund was esti-

*Argentina (Voluntary Report).*

See under Convention No. 35.

*Bulgaria (First Report).*

The Bulgarian social insurance legislation applies to all workers, whatever the nature or duration of their employment, and the Labour Code makes no distinction among workers in industry, commerce or agriculture, and seafarers. All have equal rights.

See under Convention No. 35.

*Chile.*

See under Convention No. 35.

*France.*

Act No. 53-660 of 1 August 1953 to set a new time limit for the payment of contributions under Act No. 50-975 of 16 August 1950 to adapt the legislation respecting social insurance in agriculture so as to provide for persons holding positions of responsibility in agriculture and forestry.

Order of the Minister of Labour and Social Security of 24 October 1953 respecting the liquidation and revalorisation of social insurance pensions liquidated in accordance with Ordinance No. 45-2410 of 18 October 1945.

Act No. 54-301 of 20 March 1954 to increase the allowance payable to aged wage earners, old-age allowances and the special allowance, and to amend various provisions respecting social security contributions.

Decree No. 54-162 of 9 February 1954 to supplement Decree No. 53-448 of 13 May 1953 to issue public administrative regulations respecting the co-ordination of the agricultural scheme with the other social insurance schemes.

Act No. 54-440 of 15 April 1954 to amend Act No. 46-2339 of 24 October 1946 to reorganise the legal departments of the social security scheme and mutual benefit societies in agriculture.

mated at 6,300 million francs from employers' contributions and 4,325 million francs from insured persons' contributions.

#### Italy.

See under Convention No. 35.

#### Poland.

See under Convention No. 35.

#### United Kingdom.

See under Convention No. 35.

### 37. Invalidity Insurance (Industry, etc.) Convention, 1933

*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

#### Bulgaria (First Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Regulations of 19 February 1952 respecting the organisation and functions of the Pension Administration and its local bodies (L.S. 1952—Bul. 1).

All wage earners are covered by invalidity insurance. (For the extent of application of the insurance, see under Convention No. 24.)

Disability pensions are granted to wage and salary earners who have lost their capacity for work permanently or for a lengthy period, as the result of an ordinary disease, an employment accident or an occupational disease.

Disabled persons are classified in three groups, according to the loss of capacity for work:

Group I—persons who have lost all capacity for work and require the help of another person;

Group II—persons who have lost all capacity for work in their occupation or any other occupation;

Group III—persons incapacitated for regular work in their occupation under the normal conditions in that occupation but able to use their remaining capacity (a) for occasional work; (b) by working a reduced working day; (c) in another occupation requiring considerably less qualifications.

Entitlement to an invalidity pension resulting from an ordinary disease depends on a given period of service corresponding to the age of the wage or salary earner.

For the purpose of calculating the amount of the pension, wage or salary earners are divided into three categories according to the laboriousness and unhealthiness of their work.

The amount of the personal disability pension in respect of ordinary disease depends on the category of employment, the length of uninterrupted service in the same undertaking, establishment or organisation, and the disability group; it is fixed as a percentage of the average monthly remuneration during the last 12 months of service.

In the case of a person who was employed on work requiring higher qualifications for five years or more before being transferred to work requiring lower qualifications, the pension is calculated on the earlier remuneration for the last 12 months of higher remuneration, if not more than three years have elapsed between the date of leaving the employment requiring the higher qualifications and the date of claiming the pension.

The maximum monthly remuneration to be taken into consideration in calculating the pension is 600 leva, and the minimum monthly pension is 120 leva.

The personal invalidity pension on account of ordinary illness varies, according to the category of work and the invalidity group, between 33 and 69 per cent. of the average monthly remuneration. Disabled workers belonging to invalidity groups I and II receive a supplement of from 10 to 25 per cent. on the fixed pension for uninterrupted service in the same undertaking, establishment or organisation.

For information concerning the abolition or suspension of pensions and the rights of appeal of insured persons, see under Convention No. 35.

See also under Convention No. 1.

#### Chile.

At 31 December 1953, 11,381 disablement pensions were being paid as compared with 10,181 on 6 December 1952. During 1953, 2,393 new pensions were granted and 1,059 lapsed. Expenditure under disablement pensions for 1953 amounted to 292 million pesos.

See also under Convention No. 24.

#### France.

Act No. 54-301 of 20 March 1954, to increase the allowance payable to aged wage earners, old-age allowances and the special allowance, and to amend various provisions respecting social security contributions.

Act No. 54-440 of 15 April 1954, to amend Act No. 46-2339 of 24 October 1946 to reorganise the legal departments of the social security scheme and mutual benefit societies in agriculture.

Act No. 54-892 of 2 September 1954, to revise the benefits payable under the legislation on employment injuries (sections 19 and 33 being applicable from 1 January 1954).

Decree No. 53-1213 of 2 December 1953, to amend the Decree of 29 December 1945 to issue public administrative regulations for the application of the Ordinance of 19 October 1945, establishing the system of social insurance applicable to insured persons engaged in occupations other than agriculture.

Decree No. 54-370 of 29 March 1954, to supplement section 31 of the Ordinance of 4 October 1945 respecting the organisation of social security.

*Article 7 of the Convention.* See under Convention No. 35, Order of 3 October 1953, which applies also to invalidity insurance.

Act No. 54-892 fixes a new figure of 200,000 francs a year, payable from 1 January 1954, for the supplementary allowance awarded to disabled members of the social insurance scheme who, apart from being totally incapable of undertaking any occupation, are obliged to call upon other persons to assist them in carrying out the ordinary acts of life.

Disabled members of the social insurance scheme may not receive an invalidity pension of less than 65,800 francs.

*Article 10.* With respect to the provisions of Act No. 54-301, see under Convention No. 24.

Under French law, the State may in certain cases be associated in the insurance of specified categories of workers; the special social security scheme for miners is a case in point.

*Article 13.* The social security agreement signed between France and the Principality of Monaco on 28 February 1952 entered into force on 1 April 1954.

Statistical data appended to the report show that on 31 December 1953 the number of insured persons covered by the general system for occupations other than agricultural was estimated at 8,400,000; the number of pensions being paid increased from 247,853 at 30 June 1953 to 258,096 at 30 June 1954; total expenditure for the period 1 July 1953 to 30 June 1954 amounted to 17,370 million

francs for pensions and to 16,496 million francs for benefits in kind.

#### *Italy.*

See under Convention No. 35.

#### *Peru.*

For new legislation see under Convention No. 24.

Compulsory invalidity insurance has been extended to cover chauffeurs in the public service who work for automobile owners in regions of the country covered by the scheme.

The statistics given show that 1,881 persons were in receipt of pensions on 1 January 1953. During the year nine pensioners died and 63 invalidity pensions were granted.

A total of 908,201 soles was paid out for pensions, and the sum of 4,449,423 soles was set aside for the reserve fund. Contributions from employers and insured persons amounted to 13,208,174 and 6,603,232 soles respectively; the amount contributed by the public authorities was 4,402,154 soles.

#### *Poland.*

See under Convention No. 35.

#### *United Kingdom.*

See under Convention No. 24.

### 38. Invalidity Insurance (Agriculture) Convention, 1933

*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

#### *Bulgaria (First Report).*

The Labour Code makes no distinction among workers in industry, commerce or agriculture. All have equal rights.

See under Convention No. 37.

#### *Chile.*

See under Convention No. 37.

#### *France.*

For legislation, see under Convention No. 36.

For the minimum amount payable in invalidity pensions, see under Convention No. 37.

The Order of 24 October 1953 revalorises the invalidity pensions payable to insured persons employed both in agriculture and in other occupations in the départements of the Upper Rhine, the Lower Rhine and the Moselle, where such persons have opted for the scheme instituted by Ordinance No. 45-2410 of 18 October 1945.

The Order of 3 September 1954 provides for an over-all 10 per cent. increase, payable from 1 January 1954, in all invalidity pensions awarded under the agricultural social insurance scheme, with the exception of those already raised to the minimum rate.

The Act of 15 April 1954 provides that appeals against decisions by the National Agricultural Invalidity and Incapacity Committee may be lodged with the Court of Appeal.

Statistical data appended to the report show that during 1953 the number of compulsory insured persons who paid contributions was estimated at 1,293,000. The number of pensions being paid at 31 December 1953 was 18,976. In 1953, the total amount paid out in invalidity pensions by the Agricultural Mutual Assistance Fund was 1,075.9 million francs; the benefits awarded to pensioners by agricultural mutual



social insurance funds amounted to 956.4 million francs (making a total of 2,032.3 million francs). For receipts, see under Convention No. 36.

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 24.

39. Survivors' Insurance (Industry, etc.) Convention, 1933

*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

Bulgaria (First Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2). Regulations of 19 February 1952 concerning the structure and functions of the Pensions Administration and its local organs (L.S. 1952—Bul. 1).

All wage earners are covered by life insurance. (For the extent of application of the insurance, see under Convention No. 24.)

The right to a survivors' pension on account of the death of a person (wage or salary earner or recipient of a personal pension) who was maintaining a family belongs to the following members of the family: children, brothers and sisters under the age of 18 years (or 24 years of age in the case of students in an educational institution); children, brothers and sisters who are incapable of working, irrespective of age, if they lost their capacity for work before attaining the age of 18 years (or 24 years in the case of students in an educational institution); parents, widow or widower who are incapable of working or have attained the age of 60 years in the case of men or 55 in the case of women (section 184 of the Code).

On the death of a recipient of a personal pension who is the breadwinner of a family, the survivors receive a survivors' pension of the following amounts: if there is one member of the family entitled to a pension, 50 per cent. of the personal pension of the deceased; if there are two, 75 per cent., and if there are three or more, 100 per cent. of the personal pension of the deceased.

Widows who remarry continue to receive their pension. The survivors of a deceased wage or salary earner who had the required service period for an old-age or disability pension receive a survivor's pension at the above percentages of the appropriate personal pension for disability, calculated for disability group II and the relevant category of employment.

The survivors of a wage or salary earner who dies as the result of an employment accident receive, irrespective of the length of service of the

deceased, a survivor's pension calculated at the appropriate percentages of the pension payable for disability as a result of an employment accident for disability group I.

By decision of the Council of Ministers all recipients of pensions may be awarded supplements to such pensions. These supplements are at present awarded to the recipients of pensions in relation to increases in wages.

For information respecting the abolition and suspension of pensions and the rights of appeal of insured persons, see under Convention No. 35.

See also under Convention No. 1.

Italy (First Report).

Regulations approved by Royal Decree No. 1422 of 28 August 1924.  
Royal Legislative Decree No. 1827 of 4 October 1935 (L.S. 1935—It. 5).  
Royal Legislative Decree No. 636 of 14 April 1939 (L.S. 1939—It. 1).  
Act No. 1272 of 6 July 1939 (L.S. 1939—It. 2).  
Legislative Decree of the Regent No. 39 of 18 January 1945.  
Act No. 218 of 4 April 1952.

Survivors' insurance is an integral part of the general scheme of compulsory pension insurance covering invalidity, old age and death. In 1947 Italy ratified Conventions Nos. 35 to 38 concerning invalidity and old-age insurance for workers in industry, commerce and agriculture. All three branches of insurance are identical in the matters of scope, voluntary insurance and maintenance of rights, finance, administration, right of appeal, and application to foreign workers. The report sets forth in detail all these common provisions.

The right to a pension is subject to completion by the person concerned of at least five years' insurance. It is also subject to the following conditions:

- A. For workers in industry, commerce, etc.: (a) payment of a total of at least 60 monthly contributions or 260 weekly contributions by or on behalf of the insured person; and (b) payment of at least 12 monthly contributions or 52 weekly contributions during the five years preceding death.
- B. For workers in agriculture: (a) payments by or on behalf of the insured person, of one of the following minimum total numbers of contribu-

tions: 60 monthly contributions (salaried employees), 5 annual contributions (permanent farm workers), 780 daily contributions (adult male labourers), 520 daily contributions (female and juvenile labourers), 520 daily contributions (adult male occasional labourers), 350 daily contributions (female or juvenile occasional labourers); (b) payment of the following numbers of contributions in the five years preceding death: 12 monthly contributions (salaried employees), 1 annual contribution (permanent farm workers), 156 daily contributions (adult male labourers), 104 daily contributions (female and juvenile labourers).

The requirements under A above are temporarily reduced for the years 1952-61.

Periods during which benefit has been paid in respect of unemployment (for agricultural workers, this will apply as soon as the unemployment scheme extended by Act No. 264 of 29 April 1949 comes into operation for them) are considered as periods of contribution under section 4 of Act No. 218 of 1952. Section 5 of the same Act, however, takes account of the position of agricultural labourers who are not employed throughout the year and considerably reduces in their case the minimum contributions required to qualify for a pension.

Periods of sickness, provided they do not exceed 12 months in all, are also considered as periods of contribution for all purposes (section 56 of Royal Legislative Decree No. 1827 of 4 October 1935).

Pension rights are conferred not only on widows and children but also on invalid widowers and, in the absence of the foregoing dependants, on aged parents.

The widow's right to pension is not conditional on age or invalidity, though a minimum duration of marriage is required. The children of the deceased insured father or mother are entitled to a pension if they are under 18 or, irrespective of age, if they are incapable of work; legitimated and adopted children are assimilated to legitimate children.

The survivor's pension is a percentage of the invalidity or old-age pension to which the deceased was entitled, or could have claimed, at the time of his death. The percentage varies between 50 per cent. if there is one survivor and 100 per cent. if there are four or more dependants.

Detailed statistics of the application of compulsory and voluntary pension insurance are included in the report. It is shown that 3,236,900 non-agricultural employees and 1,253,300 agricultural employees are insured. The number of survivors' pensions being paid on 1 January 1953 was 169,207.

No decisions relating to the application of the Convention have been given by courts of law.

No observations have been received from employers' or workers' organisations on the application of the Convention.

### *Peru.*

For new legislation see under Convention No. 24.

Survivors' insurance has been extended to cover chauffeurs in the public service who work for automobile owners in regions of the country covered by the scheme.

The cost of survivors' insurance including administrative expenditure amounted to 817,864 soles. Contributions from the employers and insured persons amounted to 1,954,302 and 976,803 soles respectively; the amount contributed by the public authorities was 651,202 soles.

### *Poland.*

See under Convention No. 35.

### *United Kingdom.*

#### *Great Britain.*

Various Regulations and Orders, issued in 1953 and 1954, relating to contributions, classification, married women, reciprocal agreements, and transfer of functions.

#### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1953. Various Regulations and Orders, issued in 1953 and 1954, relating to national insurance.

Some of the regulations relating to the insurance of married women have been simplified and amended, and conditions governing the crediting of contributions to persons undertaking certain training courses have been modified. The Ministry of National Insurance and the Ministry of Pensions have been amalgamated to form the Ministry of Pensions and National Insurance. About 440,000 women were in receipt of widows' pensions in Great Britain on 31 December 1953, excluding the short-term widow's allowance. Nearly 100,000 of the widows in receipt of pensions also received a widowed mother's allowance, which includes an allowance for the first child. In addition, guardians' allowances and orphans' pensions were being paid for just over 17,000 children. Expenditure on widows' benefits and guardians' allowances (exclusive of administrative costs) in Great Britain during the calendar year 1953 was about £305 million.

In Northern Ireland it is estimated that at 31 December 1953 about 10,300 women were in receipt of a widow's allowance. Benefits were payable for about 6,600 children, including 6,100 cases where the payment was an intrinsic part of a widowed mother's allowance for the eldest child. The expenditure on widows' benefits and guardians' allowances during the year ended 31 March 1953 was about £785,000.

40. Survivors' Insurance (Agriculture) Convention, 1933

*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

*Italy* (First Report).

See under Convention No. 39.

*Poland.*

See under Convention No. 35.

*Bulgaria* (First Report).

The Labour Code makes no distinction among workers in industry, commerce or agriculture, and seafarers. All have equal rights.  
See under Convention No. 39.

*United Kingdom.*

See under Convention No. 39.

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## EIGHTEENTH SESSION (GENEVA, 1934)

### 41. Night Work (Women) Convention (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 <sup>1</sup> . . . . .	4. 8. 1937
Brazil <sup>2</sup> . . . . .	8. 6. 1936
Burma <sup>3</sup> . . . . .	22. 11. 1935
Ceylon . . . . .	2. 9. 1950
Egypt . . . . .	11. 7. 1947
France <sup>4, 5</sup> . . . . .	25. 1. 1938
Greece <sup>2</sup> . . . . .	30. 5. 1936
Hungary <sup>2</sup> . . . . .	18. 12. 1936
India <sup>5</sup> . . . . .	22. 11. 1935
Iraq . . . . .	28. 3. 1938
Ireland <sup>1</sup> . . . . .	15. 3. 1937
Netherlands <sup>3</sup> . . . . .	9. 12. 1935
New Zealand <sup>6</sup> . . . . .	29. 3. 1938
Pakistan <sup>7</sup> . . . . .	22. 11. 1935
Peru . . . . .	8. 11. 1945
Switzerland <sup>1</sup> . . . . .	4. 6. 1936
Union of South Africa <sup>1</sup> . . . . .	28. 5. 1935
United Kingdom <sup>8</sup> . . . . .	25. 1. 1937
Venezuela <sup>3</sup> . . . . .	20. 11. 1944

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

<sup>2</sup> See footnote 4 to Convention No. 4.

<sup>3</sup> See footnote 5 to Convention No. 4.

<sup>4</sup> See footnote 6 to Convention No. 4.

<sup>5</sup> See footnote 7 to Convention No. 4.

<sup>6</sup> Has ratified Convention No. 89; this ratification involves the immediate denunciation of Convention No. 41.

<sup>7</sup> See footnote 8 to Convention No. 4.

<sup>8</sup> See footnote 9 to Convention No. 4.

#### *Argentina.*

See under Convention No. 4.

#### *Brazil.*

According to statistics computed in the Federated States, during the period under review 43 infringements of sections 379 to 381 of the Consolidation of Labour Laws concerning the prohibition of night work for women were reported.

See also under Convention No. 6 for information relating to the force of law given to ratified Conventions.

#### *Burma.*

See under Convention No. 4.

#### *Ceylon.*

The Government supplies the following information on the practical application of the Convention

in response to the request made by the Committee of Experts in 1954.

The principles embodied in the Convention have been applied in virtue of the national legislation.

The legislation governing the night work of women—along with other legislation affecting labour—is enforced by officials of the Department of Labour who make inspection visits in the undertakings. Action is taken by these officials whenever contraventions of the legislation are disclosed. The report adds that little night work is done in industrial undertakings in Ceylon and that, during the period under review, inspection visits have not revealed any cases in which women have been employed at night.

#### *Egypt.*

The exceptions provided for in Article 4 (a) of the Convention may not be taken advantage of unless the Labour Office is duly advised to this effect on the day on which the work in question is to be performed.

#### *France.*

See under Convention No. 4.

#### *Hungary.*

Labour Code of 31 January 1951 (L.S. 1951—Hun. 1).

The Government repeats the information contained in its report for 1952-53, as follows:

Section 94 of the Labour Code provides that no woman worker shall be employed on work which may, in view of her constitution, have harmful consequences; in practice, therefore, the Code complies with the spirit of the Convention. In agreement with the competent Ministers, and with the Central Council of Trade Unions, which is the body mainly responsible for defending workers' interests, the Ministry of Public Health drew up a list of occupations in which women may not be employed and occupations in which they may be employed only after medical examination. As regards pregnant women workers and nursing mothers, section 95 of the Labour Code lays down that pregnant women workers, as from the sixth month of pregnancy, and nursing mothers until the sixth month after confinement, may not be

employed on heavy work, night work or overtime.

Netherlands.

Act of 18 June 1953, to amend the Labour Act of 1919.  
Royal Decree of 29 October 1953, to amend the Order of 1936 on hours of work.

The Government appends to its report the texts of the above-mentioned Act and Decree and adds that the amendments made to previous legislation should now remove any obstacles to the ratification of Convention No. 89.

During 1953 there was one report concerning a woman who was not granted a rest period of at least 11 consecutive hours; no action was taken.

Venezuela.

The report gives information concerning the legislative provisions giving effect to the various Articles of the Convention.

See also under Convention No. 1 for detailed information relating to the organisation and powers of the labour inspection service which is responsible for ensuring the strict observance of the relevant legislative provisions.

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

Greece, Iraq, Peru.

42. Workmen's Compensation (Occupational Diseases) Convention (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
Bolivia . . . . .	19. 7. 1954
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 <sup>1</sup> . . . . .	15. 3. 1937
Italy . . . . .	22. 10. 1952
Japan . . . . .	6. 6. 1936
Mexico . . . . .	20. 5. 1937
Netherlands <sup>1</sup> . . . . .	1. 9. 1939
New Zealand . . . . .	29. 3. 1938
Norway . . . . .	21. 5. 1935
Poland . . . . .	29. 9. 1948
Sweden <sup>1</sup> . . . . .	24. 2. 1937
Turkey . . . . .	27. 12. 1946
Union of South Africa . . . . .	26. 2. 1952
United Kingdom <sup>1</sup> . . . . .	29. 4. 1936
Uruguay . . . . .	18. 3. 1954

<sup>1</sup> Has denounced Convention No. 18 in ratifying this Convention.

Argentina.

According to a decision given by a court of law the legal definition of industrial accidents recognises not only physical injuries but also all classes of disease or infection, even those that are not particularly declared to be occupational diseases, when they are contracted or aggravated by the special nature of the work.  
During the period covered by the report 355 cases of occupational diseases were reported; the total amount of compensation paid out reached 1,151,208 pesos.

Austria.

A total of 1,226 cases of occupational diseases were reported, 17 of which were fatal. Compensation was awarded in 277 new cases.

Belgium.

Royal Order of 27 October 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 29 October 1953 and 26 June 1954 to fix the rates of contributions for the years 1952 and 1953 payable by the heads of undertakings and craftsmen, in application of the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases.

In reply to the observations made by the Committee of Experts, the Government states that new regulations will shortly be issued to delete the erroneous reference "chlorinated derivatives" from the list of diseases and toxic substances appearing in the Royal Order of 27 October 1953. These regulations will bring Belgian law entirely into line with Article 2 of the Convention.

The statistical details given in the report for 1953 of the Board of Governors of the Provident Fund for Victims of Occupational Diseases show that, of the 419 applications received, 175 were approved. The cost of benefits and overhead expenses amounted to 18,500,000 francs.

Bulgaria (First Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

Article 1 of the Convention. The report states that occupational diseases are dealt with in the same way as employment accidents; workers and employees have the same rights in the case of occupational diseases as in the case of employment accidents. Section 171 of the Labour Code provides that an "employment accident" means any injury to a wage or salary earner occurring at and in relation to his work or as a result of the performance of his work, which has resulted in incapacity or death. Section 173 of the Code provides that persons disabled by an employment accident or occupational disease shall receive a pension at specified percentages of their average monthly remuneration calculated in the manner given in sections 167 and 168. There are no

special provisions regulating the payment of compensation for occupational diseases or amending or supplementing the legislation concerning industrial accidents.

*Article 2.* The report states that occupational diseases are indicated in a special list which takes into account the diseases covered by Conventions Nos. 18 and 42. Section 171 of the Code provides that the occupational diseases to be specified in a schedule shall be treated as employment accidents.

As regards practical application, see under Convention No. 1.

#### *Cuba.*

During the period under review compensation paid in respect of three cases of manganese poisoning and four cases of dermatosis amounted to 2,210 pesos.

#### *Denmark.*

See under Convention No. 18.

#### *France.*

Decree No. 53-777 of 17 August 1953 to amend Decrees 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 concerning the prevention of and compensation for industrial accidents and occupational diseases.

Decree No. 53-1141 of 23 November 1953 to amend section 9 of 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.

Order of 23 November 1953 to determine the territorial competence, membership and operation of the boards of three medical practitioners provided for under section 9 of the Decree of 17 November 1947, as amended, 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.

Order of 18 January 1954 to fix the scale of fees payable to the medical labour inspector specialising in pneumoconioses and the members of the medical boards with a specialist knowledge of silicosis for services rendered under Decree No. 45-2201 of 17 November 1947, as amended by the Decrees of 18 October 1952 and 23 November 1953.

The above legislation does not affect the principle of compensation for occupational diseases, nor does it alter the schedules of occupational diseases giving right to compensation.

The report mentions a decision given by a court of law concerning the compensation payable for occupational silicosis, according to which a person suffering from this disease has no acquired right to claim benefits for temporary incapacity.

During 1953 the social security bodies of the general scheme registered 8,966 cases of occupational diseases; 7,037 cases of silicosis were reported.

#### *Greece (First Report).*

Act No. 2080 concerning the ratification of the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42).

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

Decree of 23 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, and subsequent Acts in amendment thereof (L.S. 1925—Gr. 6).

Ministerial Order No. 24699/I.164 of 30 May 1952 to amend the sickness regulations of the Social Insurance Institution (L.S. 1952—Gr. 2).

Ministerial Order No. 24348 of 18 April 1951 to modify the regulations of the insurance fund of the workers of the port of Piraeus.

Various regulations and legislative texts concerning social insurance bodies for certain occupations.

The Social Insurance Institute (I.K.A.) which grants complete equality of treatment for industrial accidents and occupational diseases covers about 80 per cent. of the working population, with the exception of agricultural workers; all the other insurance institutions also guarantee the same equality.

*Article 1 of the Convention.* The provisions of this Article are applied by Act No. 1846 of 1945 respecting social insurance as well as by the Decree of 23 March 1925 and the regulations of the insurance fund of the dockers of Piraeus.

No minimum qualifying period is required for the payment of insurance benefits if the entitlement to such benefit is due to an accident which happened in the course of employment or was caused by the employment, or to an occupational disease.

For the evaluation of benefits in cash, account is taken in the case where incapacity is due to an industrial accident of the wage paid on the day of the accident and, in the case of an occupational disease, of the wage paid on the last day of employment.

The sum paid, which constitutes the basic benefit in case of incapacity due to an industrial accident or an occupational disease, is about 80 per cent. of the presumed wage plus any additional payments depending on the number of days of previous employment. The benefit is increased by 50 per cent. if the insured person is married and if the spouse is not employed or in receipt of a pension.

*Article 2.* The text of the Ministerial Order No. 24699/I.164 includes a detailed schedule of occupational diseases and of the symptoms resulting from the handling of certain toxic substances or from certain types of employment. This schedule also indicates the periods during which the poisoning or disease may occur as well as the types of employment in which use is made of substances liable to provoke occupational diseases.

The application of the Convention is entrusted to the inspection services of the Ministry of Labour and to the social insurance institutions. The statistics supplied for the period under review indicate that nine cases of lead poisoning, two cases of pneumoconiosis and six cases of other occupational diseases were reported; the total number of insured persons is 530,000.

The organisations of employers and workers have not put forward any observations concerning the application of the Convention.

#### *Hungary.*

Legislative Decree No. 30 of 1951 of the Presidium of the People's Republic respecting uniform social insurance pensions for workers.

Ordinance No. 195-1951 of the Council of Ministers to issue regulations applying the legislative ordinance respecting uniform social insurance pensions for workers.

Article 10 (1) of Legislative Decree No. 30 of 1951 applies the principles of the Convention.

Article 10 (1) and (2) of the same Legislative Decree and section 5 (2) of Ordinance No. 195-1951, in so far as concerns the granting of benefit, the rate of benefit and the time during which these benefits are payable, ensure equal treatment for industrial accidents and occupational diseases. No amendments or modifications have been issued concerning compensation in respect of occupational diseases.

The list of occupational diseases is given in Annex II to Ordinance No. 195-1951.

The report adds that the Government is devoting great attention to the prevention of occupational diseases.

#### *Iraq.*

Compensation has been awarded in three cases of tuberculosis due to silicosis and one case of eczema.

#### *Ireland.*

For new legislation increasing the benefits under the basic Workmen's Compensation Acts, see under Convention No. 12.

The statistical data on the compensation for occupational diseases show that during the year 1952 an amount of £9,915 was paid in respect of 85 cases.

#### *Italy (First Report).*

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).

Act No. 455 of 12 April 1943 to extend compulsory insurance against occupational diseases to cover silicosis and asbestosis.

Act No. 1967 of 15 November 1952 to amend the schedule of occupational diseases appended to the Royal Decree No. 1765 of 17 August 1935 (L.S. 1952—It. 2).

*Article 1 of the Convention.* In accordance with Italian legislation, persons suffering from occupational diseases, or the dependants of such persons, may receive compensation based on the general principles of the legislation respecting compensation for industrial injuries. The rates of compensation for occupational diseases are not less than those for injury from industrial accident.

*Article 2.* The Government states that Italian legislation goes beyond the provisions of this Article of the Convention since it covers as many as 40 occupational diseases besides silicosis and asbestosis which are the subject of special legislation, and anthrax, which is defined as an industrial injury. Furthermore, the workers are more fully protected as regards processes since, whereas the Convention specifies and lists the processes which might give rise to occupational diseases, the national law covers all possible processes connected with the toxic substances from which an occupational disease may result.

No decisions have been given by court of law involving questions of principle relating to the application of the Convention, and no observations

have been received from the representative organisations of employers and workers. The statistical data given show that 10,171 cases of occupational diseases were reported, 602 of which were fatal; 9,438 cases were settled and 3,998 already compensated.

#### *Japan.*

See under Convention No. 18.

#### *Netherlands.*

Statistical information shows that 1,149 cases of occupational diseases—eight of which were fatal—were compensated in 1952. The total expenditure involved was 6,677,189 florins.

#### *New Zealand.*

Social Security Amendment Act, 1953.

Workers' Compensation Amendment Act, 1953.

Workers' Compensation Order, 1953.

The Acts and Order mentioned above do not affect the application of the Convention.

The report contains statistics of notified occupational diseases: out of a total of 633 cases there were 364 of skin diseases and 190 of damage to eyesight. A table concerning lead poisoning shows the approximate number of workers under supervision (1,510), the number of cases of absorption of lead in unhealthy quantity (158) and the number of cases of lead poisoning notified (9).

#### *Norway.*

Statistical information is given concerning the year 1951: 19 cases of silicosis (18 invalidity cases and one fatal), 7 cases of lead poisoning and 9 cases of benzene poisoning were compensated. The total amount paid out in compensation was 481,166 kroner.

#### *Sweden.*

Royal Ordinance of 22 May 1953 concerning compensation in respect of cases of the so-called glass grinders' disease.

The new Ordinance, which came into force in the period covered by the report, adds a new disease to the schedule of occupational diseases.

During the years 1950 and 1951—the last years for which figures are available—the reported cases of occupational diseases have amounted to 3,830 and 3,671 respectively. Of these 3,066 and 2,857 respectively have been entitled to compensation.

#### *Turkey.*

Statistical information for 1953 shows the amount paid for medical treatment, allowances for temporary incapacity and for invalidity pensions; 577 cases of occupational diseases—18 of which were fatal—were compensated.

#### *Union of South Africa (First Report).*

Workmen's Compensation Act No. 30 of 1941 (L.S. 1941—S.A. 2).

Silicosis Act No. 47 of 1946.

*Article 1 of the Convention.* Section 89 (Chapter X) of the Workmen's Compensation Act

provides that, in cases of the diseases specified in the Second Schedule to the Act, the workman shall be entitled to compensation as if such disablement or death had been caused by an accident.

The same section 89 enumerates the conditions under which compensation is payable. Thus, the scheduled diseases must be due to the nature of the occupation specified in respect of that disease in the Second Schedule to the Act, at any time within 24 months previous to the date of the disablement or death. In the case of a scheduled disease in respect of which no occupation is specified in the said Schedule, such disease must be due to the nature of any occupation in which the workman was employed at any time within 24 months previous to the date of the disablement or death.

Compensation for scheduled diseases is payable unless, at the time of entering into employment, the workman wilfully and fully represented to the employer that he had not previously suffered from that disease. Where the workman was not, at the time of the disablement or death, employed in the occupation to the nature of which the disease is due, the earnings of the workman shall be calculated on the basis of his earnings when he was last employed in such occupation.

*Article 2.* All the diseases, as well as the occupations, industries or processes which produce such diseases, as mentioned in the Convention, are included in the Second Schedule of the Act, amended by Proclamation No. 147 of 1951 and Act No. 62 of 1952.

Silicosis due to any dusty occupation (other than that defined in section I of the Silicosis Act, 1946 (Mining) is compensable under the Workmen's Compensation Act No. 30 of 1941. Cases falling under the Silicosis Act, 1946, are compensated under this Act, which is administered by the Department of Mines.

The inspection of factories is carried out by the Factory Inspectorate of the Department of Labour and by the officers of the Workmen's Compensation Commissioner.

No legal decisions have been given by courts of law and no observations received from employers' or workers' organisations.

Dermatitis is the principal occupational disease with about 1,000 cases annually.

### *United Kingdom.*

#### *Great Britain.*

Industrial Diseases (Benefit) Act, 1954.  
National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1953.  
National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1954.

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1953, adds papilloma of the bladder, which is most frequent in the chemical industry, to the list of compensable occupational diseases. The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1954, extends insurance against pneumoconiosis to foundry workers and underground miners and to certain other persons in occupations involving exposure to dust, and prescribes the payment of a disablement pension to sufferers from pneumoconiosis.

The report contains details showing the number of spells of certified incapacity arising from developments of occupational diseases and the number of disablement allowances, and the amount paid out in benefits in respect of both accidents and prescribed diseases in 1953.

#### *Northern Ireland.*

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations (Northern Ireland), 1954.

The Amendment Regulations of 1954 extend insurance against pneumoconiosis to foundry workers and to certain other persons in occupations involving exposure to dust and against papilloma of the bladder in the case of persons insurably employed in certain occupations involving the risk of contracting the disease.

One case of lead poisoning, one case of skin cancer and one case of pneumoconiosis (silicosis) were reported.

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

*Brazil, Finland, Mexico, Poland.*

### 43. Sheet-Glass Works Convention, 1934

*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 . . . . .	25. 5.1935
United Kingdom . . . . .	13. 1.1937
Uruguay . . . . .	18. 3.1954

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Ukase No. 14, published in *Izvestiya* No. 6 of 1951.  
Ukase No. 18, published in *Izvestiya* No. 8 of 1953.  
Order No. 25 of the Council of Ministers, published in *Izvestiya* No. 8 of 1953.

The above-mentioned Ukases and Order of the Council of Ministers specify the categories of workers in glass works for whom a working day of seven hours (six hours in the case of night work) has been established.

See also under Convention No. 1.



*France.*

A national collective agreement was concluded on 23 July 1954 between the employers' and workers' organisations of the automatic glass works industry. The appendix "Workers" to this agreement provides under Chapter 3, section 3, that increases in rates shall be paid for certain hours of work and in particular for hours of work carried out in exceptional circumstances and for the needs of the undertaking. These increases are added to any others which may be due for overtime and are calculated on the same basis as these.

Provision is also made for the payment of one hour's wages to compensate for any inconvenience and for two hours' wages in the case of night work or work on Sundays or public holidays.

Section 5 provides that cases in which the hours of work have been extended in order to make good the absence of another worker are regulated within the undertaking.

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

*Belgium, Ireland, Mexico, Norway, United Kingdom.*

**44. Unemployment Provision Convention, 1934**

*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

*Bulgaria (First Report).*

The report states that, by virtue of the Constitution of the People's Republic, all citizens have the right to work. There is sufficient work for everyone who wishes to be employed. The number of persons in employment is more than twice that of the number employed in 1944. As there is no unemployment whatever in the country, the Convention cannot be applied in a practical manner.

As regards practical application see under Convention No. 1.

*France.*

Orders of 20 January and 25 April 1953, to determine the industrial sectors in which partial unemployment allowances may be granted, and to fix the length of the period of relief grants for each of the industries concerned.

Decree of 18 February 1954, to fix the rate of unemployment allowances.

Decree of 29 March 1954, to amend the Decree of 12 March 1951, as amended by the Decree of 18 October 1952, to fix the conditions for the granting of unemployment allowances.

Decree of 4 June 1954, to amend the Decree of 15 July 1949 to determine the conditions in which work may be carried out by unemployed persons.

*Article 1 of the Convention.* The Decree of 29 March 1954 which amends the Decree of 12 March 1951 to fix the conditions for the granting of unemployment allowances, makes it pos-

sible—with a view to extending assistance by the State to the greatest possible number of unemployed persons—to set up departmental unemployment services. Such services are intended to help isolated unemployed persons living in communes where the situation of the labour market does not justify the setting up of a local unemployment service. Each departmental service set up at the request of the prefect concerned is under the direction of the departmental labour manpower service, and deals with unemployed persons in communes which are affiliated to the departmental service. The unemployed persons in question are granted the same allowances as those granted to workers registered as unemployed by the local services; however, the allowances to the first-named unemployed persons are paid only for a maximum period of five months for each calendar year.

With a view to developing assistance given to unemployed persons by means of the establishment of work sites in order to provide them with temporary employment, the Decree of 4 June 1954 grants to local communities which initiate work projects for this purpose a subsidy equal to the allowance which the persons concerned would have received had they been in receipt of an allowance from a service for assistance to workers who are without employment. Formerly the subsidy granted in this connection represented only 90 per cent. of the amount granted to the workers concerned.

The report contains detailed information regarding the increased rates of daily unemployment allowances payable under the Decree of 18 February 1954 for the Paris region and in various communes in accordance with the classification in force for determining the national guaranteed inter-occupational minimum wage. These rates vary between 225 and 300 francs for the head of a family and from 100 to 130 francs for the husband or wife or the person maintained by the unemployed person.

During 1953 expenses for total unemployment were as follows: State contribution, 5,318 million francs; contribution by the communes,

479 million francs. Expenses for partial unemployment amounted to 837 million francs and subsidies to communes carrying out works for assisting unemployed persons to 155 million francs. The total expenditure in allowances to unemployed persons amounted to 6,789 million francs.

#### *Ireland.*

Social Welfare (Employment of Inconsiderable Extent) (No. 2) Regulations, 1953.  
 Social Welfare (Subsidiary Employment) (No. 2) Regulations, 1953.  
 Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1953.  
 Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) Regulations, 1954.

*Article 2 of the Convention.* The Social Welfare (Subsidiary Employment) (No. 2) Regulations, 1953, extended the list of subsidiary employments.

*Article 5.* The Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1953, prescribed, in respect of the benefit year which commenced on 7 December 1953, an additional condition for the receipt of unemployment benefit in the case of female persons who are not at present contributors within the meaning of the Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1953.

*Article 6.* The Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) Regulations, 1954, extend to 5 June 1955, in the case of male existing contributors within the meaning of the Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1953, the period of waiving of the contribution condition for receipt of unemployment benefit, which requires that at least 50 unemployment contributions must be paid and credited in respect of the contribution year preceding the benefit year of the claim.

The amount paid out of the Social Insurance Fund in respect of unemployment benefit in the financial year 1953-54 was approximately £2,742,000.

Copies of the above-mentioned Regulations are appended to the report.

#### *Italy (First Report).*

Legislative Decree No. 2214 of 19 October 1919, to reorganise the employment exchange service of the Kingdom and to introduce compulsory insurance against unemployment (L.S. 1920—It. 2).

Regulations approved by Royal Decree No. 2270 of 4 December 1924.

Royal Legislative Decree No. 1827 of 4 October 1935 to amend and consolidate the legislation relating to social insurance (L.S. 1935—It. 5).

Royal Legislative Decree No. 636 of 14 April 1939, to amend the provisions respecting compulsory insurance against, *inter alia*, involuntary unemployment (L.S. 1939—It. 1).

Act No. 264 of 29 April 1949, to make provision for the placement of, and assistance to, involuntarily unemployed workers (L.S. 1939—It. 2).

*Article 1.* In the case of involuntary unemployment, insured persons are entitled to: (a) a daily benefit, where they have contributed to compul-

sory insurance for a period equal to two years, including one year during the two years immediately preceding unemployment; the amount of the benefit is 227 lire for manual workers and 232 lire for salaried employees, plus 80 lire per day in respect of each dependent person (child, parent or, in the case of an unemployed woman, her dependent husband who is unemployed or disabled and who has no other income and receives no other form of assistance); children of manual workers after reaching the age of 16 years and children of salaried employees after reaching the age of 18 years are not entitled to the supplement; there is no age limit in respect of children who are unable to work; (b) a special daily allowance may be granted to unemployed persons belonging to certain trade groups or living in certain localities specified by Ministerial Decree who are not entitled to benefit but have made five contributions during the two years from 6 June 1947 to 5 June 1949. The amount of the allowance is fixed at 220 lire a day plus 80 lire a day for each dependent person, under the conditions described above.

*Article 2, paragraph 1.* Unemployment insurance is compulsory for all employees from the age of 14 years and without limitation in respect of their earnings.

*Article 2, paragraphs 2 and 3.* The following categories are exempted from compulsory insurance: (a) agricultural workers; (b) salaried and wage-earning employees of public or private undertakings, where permanence in employment is guaranteed; (c) homeworkers; (d) domestic workers and in general persons engaged in any capacity in household duties; (e) artistes and theatre and cinema employees; (f) workers in respect of whom their employer is required to provide maintenance in accordance with the Civil Code; (g) persons whose remuneration consists exclusively of a share in the profits or produce of the undertaking; (h) persons who only perform work occasionally in the service of another person; (i) persons employed exclusively on work which is performed annually during fixed periods lasting less than six months; (j) persons detained in preventive or penal institutions; (k) members of the families of share croppers and smallholders; (l) priests in the service of a church or other public or private institutions; (m) certain categories of workers excluded by decree and for whom it is impossible to verify their periods of unemployment.

The report gives the number of unemployed for 1953 in receipt of benefit (693,285) or special unemployment allowances (235,640), and the number of days' benefit paid (approximately 50 million days of ordinary benefits and 18 million days of special allowances).

No statistics are available regarding the number of persons not covered by compulsory unemployment insurance.

*Article 3.* In case of partial unemployment due neither to the employer nor to the insured person, supplementary allowances are paid by the Supplementary Wage Fund administered by the National Social Welfare Institute. If work is reduced to less than 40 hours a week, the worker concerned receives two-thirds of his regular pay for the hours not worked (between 24 and 40 hours per week). In case of total unemployment the

worker receives two-thirds of his ordinary pay for a period not exceeding three months.

*Article 4.* In order to be eligible for unemployment benefit, the applicant must: (a) be able to work and available for work; (b) be registered at a public employment office. In order to receive the special allowance, the applicant must in addition: (i) have been registered for at least five days without having received an offer of employment; (ii) be unable to attend vocational training courses or to do work in instructional centres either by reason of proved physical unsuitability or because the courses or centres are too far from his place of residence or because there are no vacancies; (iii) not belong to a family in which two or more members are employed; (iv) not be in receipt of allowances, benefits, wage supplements or pensions (other than war pensions) paid by the State, local authorities or social welfare institutions.

*Articles 5 and 6.* There are no conditions other than those set out in respect of Articles 1 and 4 above that applicants are required to fulfil in order to receive an unemployment benefit or allowance.

*Article 7.* The waiting period is seven days for unemployment benefit. The benefit is granted as from the day following the day of application.

*Article 8.* The right to benefit is not conditional upon attendance at a course of vocational instruction. Entitlement to the allowance is conditional on inability to attend one of the courses or centres referred to above under Article 4.

During the year 1952-53, 440,300 unemployed persons were sent to 8,283 work and reafforestation centres. Approximately 45 million man-days were worked in these centres; the total expenditure in this respect amounted to more than 36,000 million lire.

The number of vocational training courses to which unemployed persons were admitted was 8,172; more than 227,000 workers took part in these courses. The total expenditure was more than 13,000 million lire.

*Article 9.* The national legislation contains no special provisions concerning employment on relief works which are included among the works considered suitable. Refusal on the part of an unemployed person to accept such employment results in the loss of the right to the benefit or allowance.

*Article 10, paragraph 1.* Under section 52 of Royal Decree No. 2270 an unemployed person loses his right to an unemployment benefit or allowance if he refuses to accept suitable employment, i.e. any employment commensurate with the physical ability of the insured person and not liable to endanger his health or morals; any employment remunerated at a rate not lower than that normally payable in the locality within his trade; an employment is considered to be unsuitable if the vacancy arises as a result of a labour dispute or which, if accepted, might hinder the future re-employment of the insured person in his own occupation; an employment is considered unsuitable if its acceptance would imply residence in an area other than that in which the insured person habitually works or lives and would not provide for the legitimate needs of the insured person and his family (section 53 of Royal Decree No. 2270).

*Article 10, paragraph 3.* The national legislation does not limit in any way the rights of a worker who on leaving his employment receives from his employer compensation of the type referred to in the Convention. The dismissal compensation provided for in the legislation and in collective agreements has no effect on the employment benefit or allowance.

*Article 11.* Unemployment benefit is payable for a period of 180 days per year and the unemployment allowance for a period of 90 days, which may be extended to 180 days (sections 31 and 39 of the Act of 1949).

*Article 12.* The payment of unemployment benefit is not subject to conditions regarding the needs of the applicant.

*Article 13.* The legislation provides that unemployment benefit and allowance must always be paid in cash.

*Article 14.* Under sections 429 ff. of the Code of Civil Procedure disputes concerning the right to unemployment benefit or allowances come within the jurisdiction of the ordinary courts.

*Article 15.* An unemployed person who goes abroad is unable to receive unemployment benefits or allowances, as before payment he is obliged to sign a register at the employment office. There is no special scheme for frontier workers.

*Article 16.* Foreign nationals are entitled to unemployment benefits and allowances under the same conditions as Italian nationals.

Supervision over the application of the legislation on unemployment insurance is the responsibility of the Ministry of Labour and Social Welfare, which controls the labour inspectorate and the offices for labour and full employment. The organisation and operation of the labour inspectorate are described in the report on the application of Convention No. 81.

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

No observations were received from the workers' and employers' organisations concerned.

#### *New Zealand.*

Act No. 774 of 27 November 1953, to amend the Social Security Act of 1938.

An increase of £26 in the basic rate of unemployment benefit, to apply as from 15 September 1953, was authorised by the Cabinet. Legislation will be introduced to validate the payment of benefits at the increased rate.

During the year ended 31 March 1954, 189 applications for unemployment benefit were granted; total payments amounted to £6,575. The payment of additional benefit for a dependent wife was included in 124 of the benefits granted during 1953-54. The average duration of unemployment benefits the payment of which ceased during the year ended 31 March 1954 was 7.5 weeks for males and 6.9 weeks for females.

The text of the 1953 Amendment Act is appended to the Government's report.

*Switzerland.*

Ordinance of the Federal Council of 16 January 1953, respecting the organisation and procedure of the Federal Insurance Court in cases relating to unemployment insurance.

Ordinance No. 2 of the Federal Department of Public Economy of 21 December 1953, respecting unemployment insurance (international organisations).

On 1 January 1954 the number of persons insured against unemployment was 613,461, as compared with 606,029 in 1953.

The text of Ordinance No. 2, referred to above, is annexed to the Government's report, together with the report of the Department of Public Economy for 1953 and the Bulletins of the Federal Office of Industry, Arts and Crafts, and Labour, which reproduce the decisions of principle given by the courts of appeal.

*United Kingdom.**Great Britain.*

National Insurance Act, 1953.

Various Regulations and Orders, issued in 1953 and 1954, relating to contributions, classification, unemployment benefit, married women, family allowances, reciprocal agreements, and national assistance.

*Northern Ireland.*

National Insurance Act (Northern Ireland), 1953.

Various Regulations and Orders, issued in 1953 and 1954, relating to national insurance and national assistance.

The legislation of 1953 laid down that unemployment benefit was not payable for any period within the four weeks beginning with the date of confinement to a woman entitled to a maternity grant. The effect of the amending Regulations is to remove the special restriction whereby a married woman who had fewer than 45 weekly contributions previously paid or credited in a year could not count for benefit any contributions subsequently paid for employment until she had satisfied a requalifying condition of 52 contributions paid or credited (of which at least 26 must have been paid).

The rule governing the payment of benefit to claimants receiving compensation for loss of salary or wages after termination of employment was amended as from 5 February 1954 to allow benefit to be paid so long as the compensation does not

exceed two-thirds of the claimant's previous earnings less the standard rate of benefit.

Statutory provisions whereby persons who had exhausted their right to unemployment insurance benefit could be paid extended unemployment benefit out of general taxation on the recommendation of a local tribunal expired as from 4 July 1953. New regulations which came into operation from 5 July 1953 provide that anyone who has been insured for five years and who has exhausted his standard period of 180 days of benefit can qualify for "additional days" up to a maximum of 312 further days (making 19 months in all), according to his record of contributions paid and benefits drawn. The actual number of additional days is calculated by allowing three days of benefit for every five weekly contributions paid by an employed person in the past ten years, less one day for every ten days of unemployment benefit drawn in the last four of the past ten contribution years.

An agreement on social security benefits between the United Kingdom and Australia, which came into force on 7 January 1954, allows persons from Australia who claim benefit in the United Kingdom to be treated, for the purpose of satisfying contribution conditions, as if they had paid employed persons' contributions for any period during which they were employed under a contract of service in Australia. The arrangement also provides for certain persons in Australia who have been employed in the United Kingdom to qualify for Australian unemployment benefits.

On 14 June 1954 the number of persons registered as unemployed in the United Kingdom was 269,057, while expenditure for unemployment benefit during the year ended 30 June 1954 was approximately £24.5 million. An appendix to the report contains statistical data showing, *inter alia*, the amounts paid out in unemployment benefit and in national assistance in Northern Ireland between 30 September and 31 December 1953, and between 31 March and 30 June 1954.

On 30 June 1954, the number of persons receiving national assistance who were required to register for employment was 74,762, of whom 27,925 were receiving assistance in addition to unemployment benefit.

Copies of the report of the National Assistance Board for the year ended 31 December 1953, as well as the texts of the National Assistance Regulations enacted in 1953 and 1954, are appended to the report.

## NINETEENTH SESSION (GENEVA, 1935)

### 45. Underground Work (Women) Convention, 1935

*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
Ecuador . . . . .	6. 7.1954
Egypt . . . . .	11. 7.1947
Finland . . . . .	3. 3.1938
France . . . . .	25. 1.1938
Federal Republic of Germany . . . . .	15.11.1954
Greece . . . . .	30. 5.1936
Hungary . . . . .	19.12.1938
India . . . . .	25. 3.1938
Indonesia <sup>1</sup> . . . . .	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 <sup>2</sup> . . . . .	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

<sup>1</sup> See footnote 3 to Convention No. 19.  
<sup>2</sup> See footnote 3 to Convention No. 1.

#### Bulgaria (First Report).

Schedule of work which is particularly unhealthy and prohibited for women, dated 6 January 1952.

The Government states that a list showing the types of work which are particularly unhealthy and in which women may not be employed was published in *Izvestiya* No. 2 of 6 January 1952, and that this list includes, *inter alia*, work in mines.

The supervision of the application of these provisions is entrusted to the services for the protection of labour.

#### Greece.

Legislative Decree No. 2627, to amend and supplement Act No. 1851 of 30 September 1953.

The above-mentioned legislative decree prescribes the measures for the reorganisation of the services responsible for the application of the legislation relating to mines, by means of the appointment of additional inspectors. The number of these inspectors is raised from two to five, it having been found that two inspectors were not adequate for the satisfactory inspection of employment in mines.

The Greek General Confederation of Labour made certain observations in this connection, which were duly transmitted to the Ministry of Industry. The Government adds that the need for additional inspection staff was felt by all, and that it was to meet the general demand that Legislative Decree No. 2627 was adopted.

#### Hungary.

Labour Code of 31 January 1951 (L.S. 1951—Hun. 1). Joint Instruction No. 121.179 of 18 June 1953 issued by the Minister of Mines and Power and by the Minister of Public Health, specifying the types of work on which the employment of women is prohibited.

The Government repeats the information given in its report for 1952-53, as follows: section 94 of the Labour Code prohibits the employment of women on work which is liable to be harmful to them in view of their physical constitution. In agreement with the Ministers concerned and with the Central Committee of Trade Unions, the Minister of Public Health has specified, in accordance with the above-mentioned provisions of the Labour Code, the work on which it is prohibited to employ women.

The above-mentioned Instruction No. 121.179 lays down the types of work on which women are specifically prohibited from being employed. This includes the following: (1) hewer, cutter, shaft cutter, mine mason, as well as any other work requiring training as a cutter; (2) trucking teams with unloading by hand; (3) non-mechanised transport on inclines having a slope of more than 1.5 per cent.; (4) shot-firer; (5) work carried on in temperatures of over 30 degrees.

It is also prohibited to employ women in quarries where work is carried on by means of pneumatic hammers.

The above list substantially guarantees that women may not be employed in mines on heavy physical work. It should be mentioned that there is also a strong trend towards the mechanisation of all underground work in mines.

#### *Italy (First Report).*

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (L.S. 1934—It. 6A).

Section 6 (a) of the above-mentioned Act, prohibits the employment of women, irrespective of age, on underground work in quarries, mines and workings, even where there is mechanised traction. None of the exceptions permitted under Article 3 of the Convention are provided for in Italian legislation.

Supervision over the application of the Act is exercised by labour inspectorates, placed under the Ministry of Labour and Social Welfare. The labour inspectors, within the framework of their tasks and powers, are considered as judicial police officials. They are required to report infringements of the law to the judicial authorities; the latter then open proceedings which may result in the sentencing of the employer who has contravened the provisions of the law.

According to the report it does not appear that any decisions by courts of law have been given on questions of principle relating to the application of the Convention.

No observations have been received from employers' or workers' organisations on the practical application of the provisions of the Convention.

#### *Pakistan.*

The Government states that women employed in health and welfare services are exempt from the provisions of section 29 (J) of the Mines Act, 1923, which permits the adoption of regulations prohibiting, restricting or regulating the employment of women underground in mines or in particular kinds of dangerous occupations.

#### *United Kingdom.*

The strength of the Inspectorate at 30 June 1954 was 152.

#### *Venezuela.*

The report contains particulars of the legislative provisions implementing the Convention. It also gives detailed information concerning the authorities whose duty it is to supervise the strict observance of the law and the organisation of labour inspection services in various parts of the country.

#### *Yugoslavia (First Report).*

Ministry of Labour Regulations of 29 May 1947 respecting safety and hygiene measures to be applied to underground work in mines.

Act No. 884 of 1 December 1948, to amend and supplement the Labour Inspection Act (L.S. 1948—Yug. 2).

Under Article 8 of the regulations respecting safety and hygiene measures mentioned above, women may not be employed on underground work.

The application of these regulations is ensured by management agencies (producers' councils) and by the directors of the mines. Supervision is carried out by labour inspectors in accordance with article 2, paragraph 1, of the Labour Inspection Act.

No decisions have been given by courts of law in respect of the application of the Convention.

No observations have been received relating to the practical application of the Convention.

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

*Argentina, Austria, Belgium, Brazil, Ceylon, Chile, Cuba, Egypt, Finland, France, Indonesia, Ireland, Mexico, Netherlands, New Zealand, Portugal, Sweden, Switzerland, Turkey, Union of South Africa.*

### 46. Hours of Work (Coal Mines) Convention (Revised), 1935

*This Convention is not yet in force*

Countries	Date of registration of ratification
Cuba . . . . .	14. 4. 1936
Mexico . . . . .	1. 9. 1939

The voluntary report from *Mexico* reproduces the information previously supplied.

47. Forty-Hour Week Convention, 1935

*This Convention is not yet in force*

Countries	Date of registration of ratification
New Zealand . . . . .	29. 3.1938

The total number of hours of overtime for which permits were granted during the year ended 31 December 1953 was 638,685 in factories and 47,479 in shops and offices.

*New Zealand (Voluntary Report).*

Information of the number of workers to whom this Convention applies is given in the reports on Conventions Nos. 1 and 30.

48. Maintenance of Migrants' Pension Rights Convention, 1935

*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

Act No. 218 of 4 April 1952 respecting the reorganisation of the invalidity, old-age and survivors' pension scheme.

Section 2 of the Act to ratify the Convention (No. 1305 of 2 August 1952) states that "full and entire effect shall be given to the Convention on its coming into force".

The report states that the application of the Convention to Italian workers employed and insured in other ratifying countries has proved impossible, as to give effect to the Convention the States concerned would have to fix implementation procedures and exchange information on their respective insurance schemes.

No application for pensions based specifically on the Convention has so far been submitted in Italy, and only in exceptional cases do applicants for benefit mention periods of service in other ratifying countries. Similarly, no ratifying country has requested any information on periods of service performed in Italy.

The report mentions the General Agreement on Social Insurance concluded with the Netherlands (another ratifying country) and states that it is in keeping with the provisions of the Conventions.

Foreign workers in Italy are covered by insurance against invalidity, old-age and death, on the same terms as Italians; as soon as they fulfil the prescribed conditions they are entitled to all benefits, even if they move to another country and irrespective of whether there is a reciprocity agreement or not.

The report suggests that in view of the difficulty involved in entering into negotiations with the majority of other ratifying countries it would be desirable for the I.L.O. to take steps to promote such agreements, since otherwise it would clearly be difficult for Italy unilaterally to apply the Convention in a concrete and general manner.

*Hungary.*

The report states that this Convention has not yet come into force in Hungary. The Act to ratify the Convention stated that the day on which it would come into force was to be fixed by a decree of the Minister of the Interior; no such decree has yet been promulgated. Hungary has not so far concluded any bilateral agreements with other States concerning the reciprocal respect of acquired old-age and pension insurance rights. The problems in this field which arose at the end of the war were dealt with by *ad hoc* agreements.

*Italy (First Report).*

- Act No. 1305 of 2 August 1952.
- Regulations approved by Royal Decree No. 1422 of 28 August 1924.
- Royal Legislative Decree No. 1827 of 4 October 1935 to amend and consolidate earlier legislation relating to social insurance, as converted (with certain amendments) into Act No. 1155 of 6 April 1936.
- Royal Legislative Decree No. 636 of 14 April 1939 to amend the provisions respecting compulsory insurance against invalidity and old age, tuberculosis and involuntary unemployment, as converted (with certain amendments) into Act No. 1272 of 6 July 1939.
- Legislative Decree No. 39 of 18 January 1945 to establish conditions for the granting of revertible pensions under the compulsory invalidity and old-age insurance scheme.

Netherlands.

Act of 3 February 1954, to amend the Invalidity Insurance Act.  
Royal Decree of 2 October 1953.

In connection with the observations previously made by the Committee of Experts concerning the incomplete application of Article 10 of the Convention, the Government reports that the Bill to amend the Invalidity Insurance Act under which section 168 of the Act which is not in conformity with the Convention would be repealed, will be submitted to the States General, presumably before the end of 1954.

The Act of 3 February 1954 raises the upper earnings limit for liability to insurance from 5,025 to 5,300 florins.

At 1 July 1953 the following pensions were being paid: to one invalid residing in Hungary;

to 11 widows, two orphans and 19 invalids residing in Poland.

During the period covered by the report 18 pensions were granted to persons living in Poland, consisting of 13 invalidity pensions, two widows' pensions, two orphans' pensions and one old-age pension.

Poland.

See under Convention No. 35.

Yugoslavia.

At 30 June 1954, 139 pensions were being paid to beneficiaries living abroad, of whom 69 were in Czechoslovakia, 19 in France, 11 in Trieste, 9 in Italy and 31 others in 14 different countries.

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

*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

Bulgaria.

See under Convention No. 43.

France.

See under Convention No. 43.

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

*Ireland, Mexico, New Zealand, Norway.*



TWENTIETH SESSION (GENEVA, 1936)

50. Recruiting of Indigenous Workers Convention, 1936

*This Convention came into force on 8 September 1939*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Belgium <sup>1</sup> . . . . .	26. 7.1948
Japan . . . . .	8. 9.1938
New Zealand <sup>1</sup> . . . . .	8. 7.1947
Norway . . . . .	7. 7.1937
United Kingdom <sup>1</sup> . . . . .	22. 5.1939

<sup>1</sup> See below under " Summary of Annual Reports on the Application of Conventions in Non-Metropolitan Territories (Article 35 of the Constitution) ".

The reports from *Argentina, Japan* and *Norway* reproduce the information previously supplied.

52. Holidays with Pay Convention, 1936

*This Convention came into force on 22 September 1939*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Brazil . . . . .	22. 9.1938
Bulgaria . . . . .	29.12.1949
Burma . . . . .	21. 5.1954
Cuba . . . . .	20. 7.1953
Czechoslovakia . . . . .	12. 6.1950
Denmark . . . . .	22. 6.1939
Egypt . . . . .	3. 7.1954
Finland . . . . .	23. 8.1949
France . . . . .	23. 8.1939
Greece . . . . .	13. 6.1952
Israel . . . . .	22. 8.1951
Italy . . . . .	22.10.1952
Mexico . . . . .	9. 3.1938
New Zealand . . . . .	10.11.1950
Uruguay . . . . .	18. 3.1954
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	26. 3.1953

included in the said term (section 155, Act No. 11729). Moreover, it cannot be claimed that the exercise of one right should result in the loss of another.

During this period 27 contraventions were reported in the federal capital and 1,091 in the provinces and territories.

*Brazil.*

Inasmuch as Brazil has adopted written laws, any international convention from the moment of its promulgation forms part of national legislation and remains in force until another Act or convention duly ratified amends or repeals it. Consequently, no matters of principle relating to the application of the Conventions have come before the courts.

During the period covered by the report, according to official statistics compiled to date, the various federal bodies recorded 384 infringements of Chapter IV, Title II, of the Consolidation of Labour Laws. These statistics show the action which has been taken by the administrative authorities to ensure that the legislative requirements covering annual paid holidays are respected. The judicial authority, through the instrumentality of the labour courts, has powers to compel employers to make payment for holidays which

*Argentina.*

During the period under review the following decision was given by the Supreme Court of the Province of Buenos Aires: although Decree No. 1740/45 concerning the right to holidays fixes the term during which the worker must be in employment, it does not provide that this period in employment should be continuous; consequently an interruption of work due to illness must be

they have not allowed the worker to take or where they have made payments not in agreement with current legislation.

### *Bulgaria (First Report).*

Constitution of the People's Republic of Bulgaria dated 4 December 1947 (L.S. 1947—Bul. 3).  
Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Special Ordinance, published in *Isvestiya* No. 24/1952.

Article 74 of the Constitution of the People's Republic of Bulgaria provides that all citizens are entitled to rest. This right is implemented by the establishment of the daily hours of work, by the right to annual holidays with pay, and by the setting up of a large network of rest houses, clubs, etc. The questions relating to holidays are dealt with in sections 8, 36, 53 to 66 and 84 to 86 of the Labour Code.

All workers and employees, including seafarers, agricultural and domestic workers, are entitled to annual holidays with pay.

The ordinary paid leave is 14 working days for all wage and salary earners. Weekly days of rest and public holidays are not included in the annual paid leave, neither are sick leave, maternity leave and periods of military service. In such cases the annual leave is suspended and the remainder of the holiday is either taken as a supplement or compensation is given.

A wage or salary earner is entitled to leave after having served continuously for 11 months or more in the same undertaking. No interruption of service is deemed to have taken place when the person has been transferred from one undertaking, establishment or organisation to another without interrupting the qualifying period, in conformity with the relevant provisions.

Leave is granted in respect of each working year. During the first year in employment the leave must be taken after 11 months and before the end of the working year. During the following working years, leave is taken in the course of the year. The time for taking leave is fixed jointly by the administration of the undertaking and the trade union committee, account being taken of the needs of the workers and of production requirements.

If the worker is unable to take his leave in the course of the year, for reasons beyond his control, he receives compensation for the leave which he has not been able to take. Cash compensation in lieu of annual leave for two consecutive years is prohibited.

The leave may be taken at one time or, in special circumstances, in two parts. Persons under age may not be paid compensation in lieu of leave.

In the specified cases mentioned in the ordinance, when the worker has been unable to take his leave during the working year, the holiday may be taken in the course of the following year.

When the worker is dismissed through no fault of his own before he has qualified for annual paid leave, he is entitled to cash compensation for his months of service. A worker who has qualified for leave during the preceding year has the same right if in the following year he works for one month or more and is discharged before taking leave for that year.

The compensation is calculated on the basis of the average wages of the previous 11 months or on the average wage of the months of service. Compensation is paid before the worker takes his

leave or, in the case of discharge, at the time when the worker leaves the undertaking.

The report indicates the categories of workers who are entitled to supplementary holidays, together with the conditions under which these are granted.

Supplementary holidays of three working days are granted to wage and salary earners who have been employed in specific branches of production for an uninterrupted period of more than two years.

Young persons under 16 years of age are entitled to a holiday of 26 working days.

The supervision of the application of these provisions is entrusted to the services dealing with the protection of labour.

See also under Convention No. 1.

### *Denmark.*

Regulation of 24 March 1954 respecting the holiday-stamp system.

Regulation No. 31 of 3 March 1954 respecting holiday provisions for municipal officials.

Two actions were brought before the courts for contraventions of the provisions.

### *Greece (First Report).*

Act No. 2081 of 25 April 1952 respecting the ratification of the international Convention concerning annual holidays with pay.

Act No. 539 of 5 September 1945 respecting the granting of annual holidays with pay to employees (L.S. 1945—Gr. 2).

The text of Act No. 539 is largely based on that of the Convention and there is full conformity between these two texts both as regards the persons covered and as regards the conditions under which leave is granted.

*Article 1 of the Convention.* Section 1 of Act No. 539 provides that the following are entitled to annual holidays with pay: persons employed for remuneration in industrial, handicraft, commercial, transport or loading or unloading undertakings or activities carried on for profit, irrespective of the nature of their organisation (public or private), or in public utility undertakings, hospital or other establishments or institutions or in any other worked performed on account of an individual or body incorporate, a public or State organisation, an industrial association, a co-operative society, a public amusement undertaking or a club.

It is clear that the scope of this Act is wider than that of the Convention since it includes all branches of industrial handicrafts or commercial activities.

Paragraph 3 (a) and (b) of this Article is applied in virtue of section 1 (3) of Act No. 539.

Thus workers of all categories are entitled to annual holidays with pay, as prescribed in the Act, unless there are any special laws or regulations providing for a more favourable system than that set out in the Convention. (This is the case with regard to officials and employees of public bodies and other institutions of major economic importance.)

Act No. 539 does not apply to persons employed for remuneration in shipping, fishing, agricultural, stockbreeding and forestry undertakings or

to domestic workers, but these persons are not included either in the table set out under Article 1 of the Convention. Act No. 539 provides that its scope may be extended by decree to the above-mentioned categories of workers.

*Article 2.* Act No. 539 lays down in section 2 more favourable provisions for the workers, by establishing a special system which provides for holidays which are increased in proportion to the length of service with a given employer, and according to the age of the worker (longer holidays are granted to young workers), and the type of work in question. The minimum length of the holiday is as follows: (a) 12 days for salaried employees in public undertakings, public utility undertakings or undertakings carried on in the form of a joint stock company or establishment; (b) eight days for technical workers and apprentices in the branches mentioned under (a); (c) eight days for salaried employees in all other types of undertakings; (d) six days for workers employed in the undertakings mentioned under (c). The duration of the annual holiday is increased by one working day for every six months of employment in excess of the qualifying period but may not exceed 26 days for the workers mentioned under (a), 16 days for those mentioned under (b), 18 days for those mentioned under (c) and 12 days for those mentioned under (d).

Paragraph 2 of Article 2 is applied in virtue of section 2 (5) of Act No. 539 which provides for a minimum holiday of 12 days in the case of young workers under 18 years of age.

Paragraph 3 of Article 2 is applied by section 2 (3) of Act No. 539 which contains provisions similar to those set out in the Convention.

Paragraph 5 of Article 2 is applied as indicated above.

*Article 3.* This provision of the Convention is fully applied by section 3 of Act No. 539 which provides that workers shall receive their full remuneration during their holiday. The term "remuneration" includes the salary or wage fixed by government decision, collective agreement or any other manner, as well as any additional payments of a regular nature (as, for example, board, allowances, etc.), with the exception of housing accommodation. Similar provisions are set out in the Act with regard to persons whose remuneration is based on a percentage system.

*Article 4.* This provision is applied by section 5 of Act No. 539.

*Article 5.* The provisions of this Article are applied by section 5 (2) of the Act.

*Article 6.* This Article is applied by section 5 (5) of Act No. 539, which also provides for a more complete protection by prohibiting the dismissal of a worker during his holiday and prescribing that, in the case of termination of the contract for reasons which do not lie with the worker, the latter is entitled to the payment of one day's wage for each month in employment after the basic period of one year's continuous work.

*Article 7.* Section 4 (3) of Act No. 539 ensures the application of this Article by prescribing

the obligation for employers to keep registers containing exact information concerning the holidays of members of the staff; these registers must be made available to the labour inspectorate.

*Article 8.* Section 5 (7) of Act No. 539 provides for a system of penalties to be imposed in the case of breaches of the provisions of the Act. Decisions on such cases are made in conformity with the provisions of the legislative decree providing for a rapid procedure in the case of flagrant violations of the Act, and penalties are imposed in conformity with the provisions of the Acts concerning health and safety in factories.

*Article 9.* Section 2 (7) of the Act lays down that the provisions of the Act shall be without prejudice to any more favourable arrangements for the granting of annual holidays to employees which may be in force under collective agreements, rules of employment or other provisions.

The application of the provisions of the Convention and of Act No. 539 has been entrusted to the Conditions of Work Division in the Ministry of Labour and to the labour inspectorate. Detailed information concerning the organisation and working of the labour inspectorate is supplied in the Government's report on Convention No. 1. Fines and imprisonment of up to six months are imposed for infringements of the law.

Several decisions have been given by the courts of law with regard to the legislation on holidays with pay. One of these, given by the court of first instance of Athens, was to the effect that Act No. 539 should be applicable with regard to contracts of employment, whether they were for a limited or unlimited period. Another decision given by a Patras court of first instance provides that, in cases where the employer refuses to grant the holiday prescribed by the law, the employee may demand through the courts that this holiday should be granted and, in such cases, the authority of the employer is replaced by that of the court.

The employee may demand compensation for any loss suffered as a result of the delay in granting the holiday, in conformity with the provisions of sections 297 and 343 of the Civil Code.

Section 5 (3) of Act No. 539 provides: "In the event of serious extraordinary requirements of the State or the national economy a decree may be issued on the recommendation of the Council of Ministers, after consultation with the Labour Council, to suspend for a period not exceeding one year the granting of annual holidays to employees in certain specified branches of production or in all branches of production throughout the country or in certain specified districts. Employees who are deprived of their annual holiday on account of the promulgation of such a decree shall be paid, in addition to their ordinary wage, the remuneration to which they would have been entitled if they had been granted their annual holiday." This provision has only been applied in one case: the Greek Federation of Bakers and Bakery Employees requested that, in their own interest, the provisions concerning the granting of holidays to bakers should be suspended. The bakery trade is fully organised and all bakers hold a special trade card; their number is there-

fore established in advance and it is frequently difficult to replace them if holidays are granted. The Government thus found it necessary to suspend the granting of holidays for the period under review. This measure was approved by the Labour Council. No such measure has been taken with regard to any other branch of production.

#### *Israel.*

An inquiry made by the Labour Relations Department of the Ministry of Labour showed that all the collective agreements covering on a national scale whole branches of industry provide for annual holidays increasing with the length of service, up to a maximum of 18 working days. In the civil service also the annual holidays are increased with the length of service with a maximum of 26 working days. A survey by the Department of Statistics of the General Federation of Labour shows that about 85 per cent. of the workers in industry enjoy annual holidays of up to 18 working days.

As regards the observation made by the Committee of Experts respecting Article 4 of the Convention, the Government states that since the withholding of annual holidays constitutes a criminal offence under the Holidays Act, contracting out is prohibited under the general rules of the Criminal Law in Israel. Furthermore, such an agreement would be null and void under section 64 of the Civil Law which declares null and void agreements against public interest. It is therefore not necessary to include in each labour Act a special provision prohibiting contracting out.

The enforcement of the Holidays Act in the second year of its application was more satisfactory than in the first year. The membership of the holidays fund of temporary workers has increased and collections were more efficient.

During 1953, 220 warning letters were sent by the labour inspectors to employers contravening the law and four cases were filed with the courts. In all cases the accused were found guilty, fines were imposed and the payment of holiday compensation to the workers concerned was ordered.

#### *Italy (First Report).*

Constitution of the Republic of Italy.  
Civil Code.

Royal Decree No. 2960 of 30 December 1923, respecting the legal status of government employees.

Royal Decree No. 1825 of 24 November 1924, respecting the contract of employment of salaried employees (converted into Act No. 562 of 18 March 1926) (L.S. 1924—It. 3).

The question of holidays is regulated by the above-mentioned texts and by the provisions of collective agreements.

The Act of 18 March 1926 provides in section 7 that employees are entitled to holidays of ten to 30 days, according to length of service; shorter rest periods may be substituted for continuous leave provided that these amount at least to the annual minimum prescribed by this Act.

The right to holidays has been extended to all the workers covered by section 2109 of the Civil Code which lays down that the worker "is also entitled, after one year's uninterrupted ser-

vice, to an annual holiday with pay, if possible continuous, at the date fixed by the employer, due account being taken of the requirements of the undertaking and the interests of the worker. The duration of this holiday is fixed by legislation or by collective agreements, according to custom and to fair standards."

Finally, the Constitution lays down in article 36 that the worker is entitled to weekly rest and to annual holidays with pay and that he may not relinquish these rights.

All the other provisions concerning the duration of holidays and the progressive increase of these holidays with the length of service have been established by collective labour agreements concluded between employers' and workers' organisations; moreover, the latter organisations are called upon to ensure the application of section 2109 of the Civil Code.

Sections 12 and 13 of the Inter-Confederal Agreement of 27 October 1946 provide for a holiday of 12 working days for workers in industry. The National Collective Agreement of 23 October 1950 provides also for a minimum holiday of 12 working days for workers and employees in commerce. The National Collective Agreement of 14 November 1949 provides for a minimum annual holiday of 15 days for employees in banking establishments with the exception of clerks, who are only entitled to ten days. The collective agreements concluded for individual branches such as the metal industry, chemical industry, etc., provide for conditions more favourable than those indicated above.

*Article 1 of the Convention.* The Civil Code, which is the basic Act, makes no distinction between industrial, agricultural and commercial undertakings as regards the fixing of holidays. Thus the provision concerning the recognition of the right to annual holidays with pay applies to all workers, provided they are not independent workers. As regards paragraph 3 (a), no use has been made of the authorisation to exclude from the relevant provisions persons employed in undertakings in which only members of the employer's family are employed. As regards subparagraph (b), Royal Decree No. 2960 of 30 December 1923 contains special provisions relating to the conditions of work of government employees and provides for a minimum annual holiday with pay of one month.

*Article 2.* The questions dealt with in this Article are not regulated by law since they are left to collective agreements.

*Article 3.* This Article is applied in practice since, as indicated above, the law provides for a holiday with pay and, according to the collective agreements, the worker must receive the remuneration normally due to a worker employed on normal hours of work.

*Article 4.* Reference is made to article 36 of the Constitution, which provides that the worker may not relinquish his right to annual holidays.

*Article 5.* Neither the legislation nor the collective agreements contain such provisions.

*Article 6.* This Article is fully applied although there is no specific legislative provision. The

obligation to pay to a worker dismissed for a reason imputable to the employer the remuneration corresponding to the holiday due to him results indirectly from the above-mentioned legislative provisions which lay down the right to holidays with pay and prohibit the relinquishment of this right. In addition, collective agreements in general confirm this principle by providing specifically for the obligation of the employer to pay to the worker who has been dismissed or who leaves his job voluntarily, remuneration for the holiday due to him.

*Article 7.* Although there is no provision that employers must keep a special register showing the data mentioned in paragraphs (a), (b) and (c), this information may be obtained from the pay book which the employer is required to keep by law, showing the daily hours of work.

*Article 8.* There is a system of supervision and of penalties ensuring the application by employers of labour laws. As a rule, these laws provide that any infringements of their provisions is an offence, and is liable to penalty. The Labour Inspectorate, which comes under the Ministry of Labour and Social Welfare, ensures the application of provisions relating to labour questions. The labour inspectors, within the framework of their tasks and powers, are considered as judiciary police officials. They are required to report any infringements of the law to the judicial authorities; the latter then open proceedings which may result in the sentencing of the employer who has contravened the provisions of the law.

However, in this particular case there are no penal provisions concerning the fixing of holidays and consequently there is no provision for corresponding penalties. Thus in the case of a breach by the employer of the provision concerning grant-

ing of holidays or the payment of remuneration during the holiday, the worker can only have recourse to a civil action with a view to obtaining the payment of the sum due and compensation for any damages.

The application of the above-mentioned provisions is entrusted to the labour inspectorate.

No decisions by courts of law were made involving questions of principle relating to the subject matter of the Convention.

No observations were received from the employers' or workers' organisations regarding the practical application of the provisions of the Convention.

There are at present 4,044,543 workers in industry, 1,525,735 in commerce and 555,374 in transport. It is not at present possible to supply any information concerning the number of young persons under 16 years of age.

#### *New Zealand.*

The estimated number, as at 15 April 1954, of wage and salary earners covered by the relevant legislation applying the Convention was 627,000.

The number of alleged contraventions by employers of the Annual Holidays Act, 1944, was 371; of these 57 were dismissed. Warnings issued totalled 235; there were two prosecutions, which resulted in fines.

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 1954, amounted to £2,050 10s. 10d.

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

*Finland, France, Mexico.*

## TWENTY-FIRST SESSION (GENEVA, 1936)

### 53. Officers' Competency Certificates Convention, 1936

*This Convention came into force on 29 March 1939*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Belgium . . . . .	11. 4.1938
Brazil . . . . .	12.10.1938
Bulgaria . . . . .	29.12.1949
Denmark . . . . .	13. 7.1938
Egypt . . . . .	20. 5.1939
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 <sup>1</sup> . . . . .	29.10.1938

<sup>1</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

#### *Argentina (Voluntary Report).*

Maritime and River Digest.

*Article 1 of the Convention.* This is applied by sections 1014, 1052 and 1061 of the above-mentioned legislation.

*Article 4.* Paragraphs 1 and 2 are applied by sections 1016 and 1171.

*Article 6.* This is applied by section 1026 bis.

#### *Belgium.*

The shortage of officers previously reported has been considerably relieved by means of propaganda for seafaring careers, and there is reason to hope that in the near future it will no longer be necessary to allow the exceptions for the cases provided for in Article 3 of the Convention.

During the period under consideration, 264 certificates and diplomas were issued.

#### *Bulgaria (First Report).*

The Government states that the Labour Code applies equally to workers and to seafarers. The question of the minimum requirement of vocational training of captains and officers is covered by the provisions of the regulations concerning the grading of masters and engineers. In conformity with these provisions and according to the type of navigation, masters are classified in three categories: masters of vessels engaged in

local navigation, masters of vessels engaged in coastwise trading, and masters of vessels engaged in distant trade. Promotion to each of these grades is subject to an examination passed before a committee appointed by the Ministry of Transport, after which a certificate of competency may be given. The same procedure is applicable to engineers.

As regards practical application see under Convention No. 1.

#### *Egypt.*

The Government refers to its previous reports and adds that the Egyptian Merchant Navy still suffers from a shortage of certificated engineers and that therefore it has been found necessary to sign on 3.5 per cent. of uncertificated engineers.

#### *Finland.*

During the period under review competency certificates were issued to 410 deck officers and 617 engineer officers. During the same period six persons were fined for infringements of the provisions in force.

#### *France.*

Decree No. 53-799 of 1 September 1953 to amend the Decree of 16 November 1948 respecting the issue of masters' or skippers' certificates for merchant ships.

Decree No. 53-800 of 1 September 1953 to amend the Decree of 16 November 1948 respecting the issue of engineers' and chief engineers' certificates for merchant ships.

Decree No. 53-924 of 25 September 1953 to amend the Decree of 23 May 1951 respecting the exercise of the function of skipper or deck officer on merchant or fishing vessels.

Decree No. 53-925 of 25 September 1953 to amend the Decree of 23 May 1951 respecting the exercise of the function of chief engineer, engineer and officer in charge of a watch on merchant and fishing vessels.

These Decrees amend the conditions for the issue of the various certificates and diplomas and the report gives particulars of the conditions under which they are issued.

During 1953, 2,339 certificates and diplomas were issued as follows: 1,161 for deck officers, 824 for engineers and 354 for radio operators.

Italy (First Report).

Royal Decree No. 327 of 30 March 1942 approving the final text of the Maritime and Air Navigation Code (L.S. 1942—It. 2) (Extracts).  
Royal Decree No. 328 dated 15 February 1952 containing regulations implementing the Navigation Code.

*Article 1 of the Convention.* The legislation concerning the issue of certificates of capacity is applicable to all types of vessel. Italian legislation does not allow any exception of the kind provided for in paragraph 2 of this Article.

*Article 3.* The report lists the various certificates required by Italian legislation in order to perform the duties of master, navigating officer in charge of a watch, chief engineer, engineering officer in charge of a watch, etc., and it gives details of the certificates recognised by this legislation as well as of the rights of those holding them. Certificates issued by other countries are not recognised in Italy and there is accordingly no equivalence between foreign and Italian certificates.

*Article 4.* The report lists the requirements that must be satisfied in order to obtain a certificate of capacity and states that only candidates above a certain age may sit for any of the certificates in question. These examinations conform to standards laid down by the Ministry of Merchant Marine and include both written and oral tests as well as theoretical and practical examinations, details of which are given in the report. Italy does not take advantage of the exceptions provided in paragraph 3 of this Article.

*Article 5.* The Italian maritime authorities detain all vessels which fail to comply with the provisions of the Convention.

*Article 6.* Penalties in the case of infringement of this legislation are laid down in both

the Navigation Code and the Criminal Code. The Ministry of Merchant Marine is responsible for enforcing the foregoing provisions.

New Zealand.

Masters' and Mates' Examination Regulations, 1952, Amendment No. 1 of 1 September 1953.

Under these regulations, a candidate for a certificate as master of a ship under 25 register tons carrying cargo only must be not less than 23 years of age and must have served at least four years at sea or two years at sea and two years in extended river limits. In each case not less than one year at sea must have been served in a ship under 60 register tons carrying cargo only.

Norway.

During the period under review 1,261 competency certificates were issued for the various categories of engineer officers in the merchant navy, as well as 1,033 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 2,086 licences to engineer officers and chief engineers. In addition 2,989 licences were issued to motor-boat operators and 136 to radio operators.

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

Brazil, Denmark, Mexico.

54. Holidays with Pay (Sea) Convention, 1936

*This Convention is 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

Bulgaria (Voluntary Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

Seamen are entitled to 14 working days of annual holidays with pay in common with all other wage and salary earners, and also to an additional holiday in virtue of the provisions concerning non-standardised work days (officers), and in respect of dangerous and unhealthy occupations (engineering staff).

As regards practical application see under Convention No. 1.

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

*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 <sup>1</sup> . . . . .	29.10.1938

<sup>1</sup> See below under " Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution) ".

*Belgium.*

Royal Order to fix minimum annual wages of merchant seamen, in application of the Act concerning accidents to seamen.

The number of seamen to whom the Convention applies is estimated at approximately 5,000. During the period under review 46 seamen were repatriated.

*Bulgaria (First Report).*

The provisions of the Bulgarian Labour Code are also applicable to seamen.

Seamen have the same rights in case of illness or death and the same pension rights as other workers.

Under the provisions of the Labour Code, repatriation of crews is effected at the expense of the company owning the vessel.

As regards practical application see under Convention No. 1.

*France.*

Difficulties have recently arisen between the National Institute for Maritime Invalids and certain shipowners with regard to the application, as regards the General Welfare Fund, of section 79 of the Maritime Labour Code.

An accident which occurred during leave authorised by the master resulted in the death of one person and injuries to several others among the members of the crew of a passenger boat in a port of the United States. The shipowner, on the basis of the principle that such accidents could not be considered as having occurred in connection with service on board ship, refused any responsibility with regard to the injured persons. The case was brought before the Court of Appeals. At the same time the question of medical care was submitted to the Council of State for its opinion.

The definition of the term "service" will be established when these procedures have been completed and will be final; it may result in an amendment to the Maritime Labour Code.

The total amount payable by shipowners is estimated at 1,250,000 francs.

*Italy (First Report).*

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).

Legislative Decree No. 1918 of 23 September 1937 respecting sickness insurance for seamen (L.S. 1937—It. 4), as amended by Act No. 831 of 24 April 1938.

Royal Decree No. 327 of 30 March 1942 to approve the definitive text of the Maritime and Air Navigation Code (L.S. 1942—It. 2).

Act No. 33 of 11 January 1952.

Decree No. 328 of 15 February 1952 to approve the regulations issued under the Maritime Navigation Code.

It has not been found necessary to promulgate special legislation in order to give effect to the provisions of the Convention.

*Article 1 of the Convention.* The Navigation Code makes no distinction between Italian and foreign seafarers as regards the rights and duties of members of crew. However, section 368 of the Code provides that seamen from countries other than Italy are only entitled to repatriation if the States of which they are citizens guarantee equality of treatment for Italian seafarers. The same condition applies with regard to supplementary sickness insurance (section 7 of Decree No. 1918 of 23 September 1937 respecting sickness insurance for seamen).

The provisions concerning assistance in the case of accidents apply to all persons employed on board ship. As regards accident insurance for persons employed on fishing boats, the obligation applies only in the case of vessels of more than a gross tonnage of ten tons and those of any tonnage with engines exceeding 12 h.p.

*Article 2.* The Italian legislation (section 336 of the Navigation Code and section 14 of the Legislative Decree No. 1918 of 1937) provides that shipowners and insurance companies are entitled to recover the costs of assistance to a member of the crew in the cases specified in Article 2, paragraph 2 (a) and (b).

There are no provisions in the Italian legislation corresponding with paragraph 3 of this Article since preliminary medical examination is always compulsory (section 323 of the Code).

*Article 3.* The legislation makes no restriction as regards medical treatment, medical supplies, etc. The obligation to lodge and board a sick or injured seaman is provided for in section 364 of the Code and section 26 of the Legislative Decree of 23 September 1937.



*Article 4.* In the case of an accident or of illness the doctors of the insurance company are required to indicate whether the person is cured or is permanently incapacitated. In the case of a dispute the decision will be taken by the courts of law. The obligation to ensure that medical care is given in the case of illness extends to the year following discharge (section 627 of Decree No. 1918 of 1937). In the case of an accident this obligation may be maintained until the doctors state officially that the seaman is fit for work. In the case of permanent incapacity assistance is continued in the form of a pension.

*Article 5.* The responsibility of the ship-owner with regard to assistance to an injured or sick person comes to an end when the seaman is discharged and, from then on, the responsibility is incumbent upon the seamen's insurance institute. The benefits of sickness insurance only extend to the nationals of countries with whom reciprocity agreements have been concluded. The injured or sick person is entitled to his full wages until he is discharged and to 75 per cent. of his wages from then on.

*Article 6.* When an injured or sick person has been put ashore in the course of a voyage the

insurance companies are required to see that he is repatriated, either to the port where he signed on or to any other port specified by him provided the expenses are not increased thereby (section 366 of the Code).

*Article 7.* In the case of death on board ship the insurance companies must pay compensation equivalent to one month's wages, but this may not in any case be less than 40,000 lire.

The maritime funds are responsible for the application of the above-mentioned legislation; they operate in the three areas into which Italy is divided for this purpose. The maritime authorities in Italy or the consular offices abroad are also required to ensure the application of the legislative provisions in force.

During the period under review the number of seamen insured was 168,919 and the number of persons enjoying benefits was 39,724.

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

*Mexico, United States.*

56. Sickness Insurance (Sea) Convention, 1936

*This Convention came into force on 9 December 1949*

Countries	Date of registration of ratification
Belgium . . . . .	3. 8.1949
Bulgaria . . . . .	29.12.1949
France . . . . .	9.12.1948
United Kingdom . . . . .	30. 9.1944

*Belgium.*

In accordance with the wish expressed by the Committee of Experts the Government has included in its report a table which contains a direct comparison of the benefits paid under the general social insurance scheme and those paid under the seafarers' scheme.

*Bulgaria (First Report).*

The Labour Code also applies to seafarers. Seamen have the same rights in case of sickness and death and are entitled to pensions in the same way as other workers and employees.

*France.*

Act No. 53-1314 of 31 December 1953 respecting increased credits granted to the Ministry of Finance and Economic Affairs.

Section 4 of this Act provides for an increase of the daily and monthly allowances as well as of the pensions paid by the General Provident Fund to insured persons in categories 13 to 20.

It also provides for an increase in the contributions paid in the same categories by both the insured persons and the shipowners.

*Article 2 of the Convention.* The maximum remuneration on which the daily allowance is based has increased to 1,348,000 francs.

The number of beneficiaries is estimated at about 54,000, and the total amount paid out in cash benefits at 500 million francs, or an average of 4,500 francs per insured person. Of this total, death benefits amounted to 14,316,000 francs and benefits in kind to 2,240 million francs.

*United Kingdom.*

*Great Britain.*

National Insurance Act, 1953.  
Various Regulations and Orders, issued in 1953 and 1954, relating to maternity benefit, contributions, married women, reciprocal agreements, and unemployment and sickness benefit.

*Northern Ireland*

National Insurance Act (Northern Ireland), 1953.  
Various Regulations and Orders, issued in 1953 and 1954, relating to national insurance and health services.

*Article 5 of the Convention.* The National Insurance Act of 1953 has made changes in the types and rates of maternity benefits available and conditions to be satisfied for their

award. An insured woman meeting specified contribution conditions (26 or 45 weekly contributions according to cases) now receives a £9 lump-sum maternity grant, a maternity allowance of 32s. 6d. weekly for 18 weeks beginning 11 weeks before confinement, and weekly supplements of 10s. 6d. for the first or only child, 2s. 6d. for each additional child, and

21s. 6d. for one adult dependant. In addition, a lump-sum home confinement grant of £3 is now payable if a woman has been confined in her own home or otherwise at her own expense, provided the confinement has not taken place outside the country. The wife of an insured man can also claim maternity grant and home confinement grant on her husband's insurance.

57. Hours of Work and Manning (Sea) Convention, 1936

*This Convention is not yet in force*

Countries	Date of registration of ratification
Australia . . . . .	24. 9.1938
Belgium . . . . .	11. 4.1938
Bulgaria . . . . .	29.12.1949
Sweden <sup>1</sup> . . . . .	6. 1.1939
United States . . . . .	29.10.1938

<sup>1</sup> Conditional ratification.

*Bulgaria* (Voluntary Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The work day on board ship is established by the Labour Code at eight hours during the day and six hours during the night. The work day for seamen is arrived at by means of a monthly calculation, in which the number of working days in the month is multiplied by eight. Seamen are entitled to a weekly rest and to a rest period between each working day; payment for extra work is made as for overtime hours, in pursuance of the conditions laid down in the Ordinance concerning overtime work.  
As regards practical application see under Convention No. 1.

## TWENTY-SECOND SESSION (GENEVA, 1936)

### 58. Minimum Age (Sea) Convention (Revised), 1936

*This Convention came into force on 11 April 1939*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
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 <sup>1</sup> . . . . .	18. 7.1952
Netherlands <sup>1</sup> . . . . .	8. 7.1947
New Zealand . . . . .	10.10.1946
Norway . . . . .	7. 7.1937
Sweden . . . . .	6. 1.1939
United States <sup>2</sup> . . . . .	29.10.1938
Uruguay . . . . .	18. 3.1954

<sup>1</sup> See footnote 2 to Convention No. 7.

<sup>2</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

#### Argentina (Voluntary Report).

Maritime and River Digest.  
Commercial Code.

*Article 2 of the Convention.* This is applied by sections 1223 and 1243 of the Maritime and River Digest.

*Article 4.* This is applied by sections 925 and 926 of the Commercial Code.

#### Belgium.

A Bill to amend the Act of 5 June 1928 concerning seamen's articles of agreement is now being prepared. The new Act will fix at 15 years the minimum age for the admission of children to employment at sea.

#### Bulgaria (First Report).

Young persons under 16 years of age may not be employed at sea.

As regards practical application see under Convention No. 1.

#### Italy (First Report).

Royal Decree No. 327 of 13 March 1942 to give approval to the final text of the Maritime and Air Navigation Code (L.S. 1942—It. 2).

Regulations of the Navigation Code of 15 February 1952.

Act No. 233 of 15 May 1954.

*Article 1 of the Convention.* The term "vessel" as employed in the Navigation Code corresponds to the term as used in the Convention.

*Article 2.* Act No. 233 of 15 May 1954 prohibits the enrolment in seamen's registers of children under 15 years of age. The Act does not provide for the exceptions mentioned in Article 2 of the Convention.

*Article 3.* It should be stated that under section 242 of the regulations issued under the Code children in maritime educational establishments, even if they are below 15 years of age but not below 10 years of age, may be registered as "pupils", with an indication of the name of the establishment at which they are studying, but may only embark on school-ships, or on vessels in which are employed only members of their families.

*Article 4.* The Navigation Code provides that all vessels must keep a register of the crew if they are "big" ships and a "licence" if they are "small" ships (sections 170 to 172). These documents must include a list of all members of the crew, indicating among other things their date of birth.

The authority responsible for supervising the application of the above regulations is the Maritime Authority (Ministry of the Merchant Marine—Port Authorities).

The technical media assuring the application of the above-mentioned regulations are as follows: (a) no one may be enrolled for service on board a vessel unless he holds a special document, issued by the Maritime Authority, authorising him to exercise the profession of seaman; (b) this Authority, which is responsible for the enrolments in the seamen's registers, will not therefore issue such a document to persons who do not fulfil the requirements of the law, including that of having reached the age of 15 years; (c) by verifying that the details required by the regulations relating to the enrolment of seamen appear in the crew's register or in the licence, the Maritime Authority ensures that all the legal provisions are observed.

In conclusion, it will be seen that the Convention is more strictly applied in Italy than is required by the Convention itself.

*New Zealand.*

Only three prosecutions under the Shipping and Seamen Act are recorded in the annual report of the Marine Department. These, however, related to overloading a barge and the carrying of passengers on unlicensed vessels.

*Norway.*

See under Convention No. 8 for the relevant legislation.

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

*Brazil, Canada, France, Iraq, Mexico, Netherlands, Sweden, United States.*

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## TWENTY-THIRD SESSION (GENEVA, 1937)

### 59. Minimum Age (Industry) Convention (Revised), 1937

*This Convention came into force on 21 February 1941*

Countries	Date of registration of ratification
China . . . . .	21. 2.1940
Cuba . . . . .	7. 9.1954
Italy . . . . .	22.10.1952
New Zealand . . . . .	8. 7.1947
Norway . . . . .	26. 8.1938
Uruguay . . . . .	18. 3.1954

#### *Italy (First Report).*

Act No. 653 of 26 April 1934 respecting the safeguarding of the employment of women and children (L.S. 1934—It. 6A).

*Article 1 of the Convention.* It has not been necessary for the competent authority to define the line of division which separates industry from commerce and agriculture since this division is implicit in the terms of the Civil Code. As a result the concept of an industrial occupation appears to be wider in Italy than under the terms of the Convention.

*Article 2.* Under the above-mentioned Act the employment of children under 14 years of age on industrial work is prohibited. The new draft legislation now being prepared will raise the minimum age of admission to employment to 15 years in accordance with the Convention.

The legislation does not apply to relatives or assimilated persons, up to the third degree, who live with the employer and are dependent on him.

*Article 3.* There are no provisions concerning work done by children in technical schools.

*Article 4.* Act No. 112 of 10 January 1935, for the establishment of a work book, provides that this document must contain all the information required for the identification of the holder, his place of residence, the members of his family who are dependent on him and any circumstances entitling him to preferential treatment in matters of employment. In the case of children of between 14 and 15 years of age the work book must also include a medical certificate of fitness for employment. In addition, all undertakings are under an obligation to keep,

and to submit to the inspection services, a register indicating the date of birth of the persons employed including therefore all young persons under the age of 18 years.

*Article 5.* The legislation prohibits the employment: (a) of children under 16 years of age on underground work in quarries, mines and tunnels where mechanical traction is not used; (b) of children under 16 years of age on the lifting and transportation of loads on wheelbarrows and handcarts whenever such work involves special danger and discomfort, as well as on work for the stoking and emptying of furnaces in the Sicilian sulphur mines; (c) of young persons under 18 years of age on the handling and pulling of wagons.

The application of the legislation is entrusted to the Labour Inspectorate which is placed under the Ministry of Labour and Social Welfare. As regards the organisation and the functioning of this service, the Government refers to its report on the Labour Inspection Convention (No. 81).

No decision by courts of law have come to the notice of the Government during the period under review, involving questions of principle relating to the subject matter of the Convention.

No observations were received from the employers' or workers' organisations regarding the practical application of the provisions of the Convention.

#### *New Zealand.*

The report states that according to the latest annual report to Parliament of the Department of Labour and Employment, section 4, "Juveniles in Factories", no certificates of fitness have been issued during the period under consideration. The Government adds that administrative compliance with the Convention is complete.

#### *Norway.*

The report shows that during 1953 seven contraventions were reported of section 27 of the Workers' Protection Act, concerning employment of children.

## 60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

*This Convention came into force on 29 December 1950*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Cuba . . . . .	7. 9.1954
Italy . . . . .	22.10.1952
New Zealand . . . . .	8. 7.1947
Uruguay . . . . .	18. 3.1954

### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The Labour Code applies to all wage and salary earners in undertakings, establishments and organisations, whether public or private, industrial, commercial, maritime, or of any other kind. Under section 113 of the Code, no person below the age of 14 years may be employed. Persons aged 14 to 16 years inclusive may be employed in exceptional cases with the permission of the labour inspector and after undergoing a compulsory medical examination. No wage or salary earner aged 14 to 16 years may be required to do particularly laborious or unhealthy work or be employed on night work. The standard working day of wage and salary earners under 16 years of age is fixed at six hours. Such persons may not be required to work overtime. A schedule of the laborious and unhealthy jobs on which wage and salary earners aged 14 to 16 years are not allowed to be employed was approved by Order No. 595 of the Council of Ministers of 26 July 1952 (published in *Izvestiya* No. 65 of 5 August 1952).

A similar schedule has been drawn up for the laborious and unhealthy jobs closed to persons between the ages of 16 and 18; this schedule was published in *Izvestiya* No. 12 of 10 January 1953.

Night work is defined as that done between 10 p.m. and 5 a.m. or 6 a.m., according to the time of year.

This legislation is administered by the labour protection authorities.

### *Italy (First Report).*

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (L.S. 1934—It. 6A).

*Article 1 of the Convention.* The provisions of the above-mentioned Act do not apply, in so far as the minimum age for admission of children to employment is concerned, to agricultural work or to work on board ship. On the other hand, national laws and regulations apply not only to industry but to trade, banking, insurance and to all other non-industrial sectors. The Act does not contain any special provisions relating to employment in sea-fishing or to work done in technical and professional schools.

The Act does not apply to parents and relatives (up to the third degree) of the employer, when they live in his household and are maintained by him, nor to children employed in domestic work inherent in the normal development of family life.

*Article 2.* Under the Act the minimum age for admission to employment is fixed at 14 years, but a Bill is now in preparation to raise it to 15 years.

*Article 3.* The Ministry of Labour and Social Insurance may, after consulting the trade union organisations, authorise the employment in specified work of children who are at least 12 years of age provided that such work is compatible with the conditions requisite for safeguarding their health and morality and is necessary in view of special conditions in the undertaking or locality, or special technical requirements of the employment, or for the purpose of acquiring a complete knowledge of the trade. In such cases children, in addition to being physically fit as required by the law, must have passed the fifth elementary class or the highest elementary class existing in the commune or district in which they live, except in cases of mental unfitness certified by the inspector of schools or the Director of Education and cases where an authorisation is granted by the Minister of Labour, after consultation with the Minister of Education, in respect of employment restricted to the period of the school holidays.

The Government states that these provisions will be embodied in the new Bill in order to ensure a more exact application of the Convention.

*Article 4.* The local government authorities may, with the consent in writing of the parent or guardian, authorise the employment of a child or children in acting for specified cinematographic films when this is not done late at night or in an unhealthy or dangerous place, and make such authorisation conditional on the observance of the conditions requisite for safeguarding the health and morality of the child.

*Article 5.* Upper age limits for admission to employment are provided in respect of some work which by reason of its nature or the conditions under which it is carried out is recognised as dangerous for the life, health or morality of the persons who engage in it. Thus it is forbidden to employ: (a) persons under 16 years of age in lifting and transporting weights; (b) persons under 16 years of age in cinemas, in acting for cinematographic films or in performances given in any public place; (c) persons under 16 years of age, even if employed by their parents, relatives in the ascending line or guardians, in itinerant trades of any kind; (d) persons under 18 years of age in the retail sale of alcoholic beverages.

*Article 6.* The law prohibits the employment of persons under 16 years of age in itinerant trades.

The application of the Act is entrusted to the labour inspectorate, the organisation and operation of which have been described in the report on Convention No. 81.

All undertakings are required to keep at the disposal of the inspection authorities a register giving the date of birth of all persons employed, which includes young persons under 18 years of age.

Section 24 of the Act provides that penalties may be applied for contraventions of the legal provisions.

According to the report it does not appear that any judicial decisions have been given on questions

of principle relating to the application of the Convention.

No observations have been received from employers' or workers' organisations on the practical fulfilment of the conditions prescribed by the Convention.

#### *New Zealand.*

The Government states that in view of more pressing problems requiring legislative action and of the practical situation concerning the application of the Convention, no additional measures will be introduced in the near future for the purpose of ensuring legislative conformity. The question of amending the legislation will, however, be kept in view.

### 61. Reduction of Hours of Work (Textiles) Convention, 1937

*This Convention is not yet in force*

Country	Date of registration of ratification
New Zealand . . . . .	29. 3.1938

#### *New Zealand (Voluntary Report).*

Overtime worked by employees in various textile industries during the year ended 31 March 1953 amounted to 509,501 hours for men and 112,271 hours for women.

### 62. Safety Provisions (Building) Convention, 1937

*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.*

The number of accidents in the building industry reported in 1953 was 13,086 of which 28 were fatal.

*Article 7.* The report shows that it is difficult to impose regulations concerning scaffolding for certain small repair and maintenance jobs (plumbing, painting, electrical installations). The provisions concerning the construction and dismantling of scaffolds are generally well observed, especially by large undertakings. However, infringements have sometimes been observed in finishing work and in repairs.

Planks, ladders and supports are used for as long as their condition permits. The use of tubular scaffolding eliminates the risk of displacement of the parts during use. There has recently been a falling-off of the observance of the provisions concerning the overloading of scaffolding. Platforms are overloaded without due regard to sound distribution of loads. This negligence is due partly to insufficiently skilled labour recruited into the building industry during periods of great activity.

*Article 8.* The use of modern hoisting apparatus has meant that hoisting appliances are only installed on scaffolds as an exceptional measure. There were several infringements of the provisions relating to working platforms; however, a considerable improvement was noted in the observance of the width of working platforms, though painters still frequently use movable ladder scaffolds which make impossible the use of platforms 40 centimetres wide. The most frequent infringement is still the absence of a guard rail, or its bad quality. Ceiling plasterers continue to prefer guard rails made of ropes rather than laths. It is difficult to make them accept the need for a skirting. Several accidents were due to the breaking of a plank or a beam in the scaffolding. This

was caused in each case by the excessive distance between two adjacent supports. Moreover, it was seen that when tubular scaffolding was used the working platform was much nearer than the distance between the metal uprights, so that the efficacy of the guard rail was nil.

There was an improvement in the observance of the provisions of Article 9 of the Convention. The provisions of Articles 10 to 18 are in general observed although there has been some negligence in connection with electric conductors and ladders.

#### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

Section 105 of the Labour Code includes general safety provisions in connection with machinery, tools, workplaces and construction sites, and requires that machinery must be stopped during rest periods if practicable. It also contains provisions concerning fire-extinguishing appliances and the safeguarding of particularly dangerous machinery, high-tension electric installations and explosives, requiring special safety precautions to eliminate all risks.

Standards and special rules are issued for the application of these provisions. Rules of a general character are issued by the Central Council of the General Trade Union of Workers, and rules of a special character by the ministries or institutions concerned.

Since the Labour Code came into force 52 regulations concerning occupational safety in the various branches of industry and for the various types of work have been issued. In cases where new regulations have not yet been issued, all regulations promulgated under laws which were repealed by the Labour Code continue to be effective.

With respect to safety in the building industry "Rules and Standards for Occupational Safety in Construction and Erection Work" have been approved by the Ministry for Construction and Roads and by the Central Committee of the Trade Union of the Construction Workers, which apply to all construction and erection work in Bulgaria. These rules deal with safety in places of employment, construction machinery, appliances and tools, earthworks, scaffolds, joinery work, masonry, reinforced concrete, erection of structures, roof work and insulation, loading and unloading, sanitary engineering, etc.

Enforcement of these provisions is entrusted to labour protection bodies. Further supervision is constantly carried out by other bodies of an official or public character.

Penalties are imposed for breaches of the safety legislation, as laid down in section 105 of the Labour Code.

#### *Finland.*

Decision of the Council of Ministers of 29 November 1951, respecting regulations for carrying out work on roofs.

With regard to the observations made by the Committee of Experts in 1953, the report states that, on the one hand, the above-mentioned decision gives effect to Article 9, paragraph 2, of the Convention and that, on the other hand, draft regulations now being prepared by the institute for the Supervision of Electric Installations will

take due account of Articles 7, 12, 14 and 15. One of the objects of the safety Bill will be to eliminate the discrepancies now existing between the legislation and the Convention.

During 1953, 65,539 workers were employed in the building industry. In 1951, 15,038 accidents occurred in this industry of which 48 were fatal and 223 resulted in permanent incapacity.

#### *France.*

The report states that the observations made by the Committee of Experts with regard to the application in France of the provisions of the Convention will be taken into consideration during the preparation of the new safety regulations to replace those of 9 August 1925, which prescribe the safety measures to be taken in the building industry and in public works.

The report contains detailed statistics relating to the accidents which occurred in the building industry in 1950, 1951 and 1952. This information shows the number of workers insured, the number of persons injured in accidents, their sex, the causes of the accidents, and their results.

In 1952 a total of 1,072,767 workers were insured in the building industry. There were 244,402 accidents, of which 742 were fatal, 606 gave rise to a permanent incapacity of more than 50 per cent. and 11,891 gave rise to a permanent incapacity of less than 50 per cent. The number of days lost as a result of temporary incapacity for work was 4,350,284. The most frequent cause of accidents was the handling of objects (68,499 accidents) and the fall of objects or persons (55,230 accidents).

#### *Netherlands.*

The report contains statistics for the year 1953 relating to the types of work covered by the Convention. Non-fatal accidents numbered 39,680 and there were 27 fatal accidents. The report gives the causes of these accidents.

Many large undertakings have started safety campaigns; the number of technicians who are specialists in safety measures has increased during the period under review and technical schools are helping to spread safety principles. Safety regulations for work sites have been prepared and brought to the notice of the workers.

Reports of infringements were drawn up in 102 cases.

#### *Poland.*

Order of 8 December 1953 of the Minister of Urban Construction, Minister of Industrial Building and Minister of Labour and Social Welfare, modifying the Order of 23 May 1935 respecting measures for safety and hygiene in constructional work.

This Order is only concerned with section 41 of the Order of 23 May 1935, respecting the application of regulations concerning measures for safety and hygiene in constructional work. A new paragraph provides for the replacement of the legal provisions in force by technical standards to be adopted by the National Standards Committee or by the Ministries concerned. These standards will include stricter and more detailed provisions respecting scaffolds than the provisions at present in force.



In reply to the observation made by the Committee of Experts, the report states that section 1 of the Order of 6 November 1946 concerning personal protection equipment gives full effect to Article 16, paragraph 2, of the Convention.

*Switzerland.*

The report contains statistics for the year 1952

which indicate that 26,177 accidents occurred in the building industry, including 9,490 which were very slight.

The triennial report on Recommendation No. 53 and the annual report of the Swiss National Accident Insurance Fund are appended.

The report from *Mexico* reproduces the information previously supplied.

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## TWENTY-FOURTH SESSION (GENEVA, 1938)

### 63. Convention concerning Statistics of Wages and Hours of Work, 1938

*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 <sup>1</sup>	5. 9.1939
Burma	4. 3.1955
Canada	6. 4.1946
Ceylon <sup>2</sup>	25. 8.1952
Cuba	7. 9.1954
Czechoslovakia	12. 6.1950
Denmark <sup>3</sup>	22. 6.1939
Egypt <sup>4</sup>	5.10.1940
Finland <sup>3</sup>	8. 4.1947
France	28. 6.1951
Federal Republic of Germany	22. 6.1954
Ireland	9.10.1946
Mexico	16. 7.1942
Netherlands	9. 3.1940
New Zealand <sup>1</sup>	18. 1.1940
Norway <sup>3</sup>	29. 3.1940
Sweden <sup>3</sup>	21. 6.1939
Switzerland <sup>4</sup>	23. 5.1940
Union of South Africa <sup>5</sup>	8. 8.1939
United Kingdom	26. 5.1947
Uruguay	18. 3.1954

<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part IV.

<sup>3</sup> Excluding Part III.

<sup>4</sup> Excluding Parts III and IV.

<sup>5</sup> Excluding Parts II and IV.

#### Australia.

*Article 2 of the Convention.* While information concerning earnings is available from payroll tax records, it is felt—in the absence of appropriate occupational information for weighting purposes and information relating to hours actually worked—that Part II of the Convention cannot yet be accepted. Steps have been taken,

however, to improve the information available for weighting purposes, and the possibility of securing from establishments information on hours actually worked is being explored.

*Article 5.* Owing to a change in the payroll tax exemption, the number of observations on which statistics of earnings are based has been reduced.

#### Canada.

*Article 4 of the Convention.* Annual sample surveys of wage rates now cover the periods April to October and October to April.

*Article 11.* Statistics of average earnings and hours actually worked in manufacturing are now published monthly for 12 major manufacturing cities, rather than for cities whose population exceeds 35,000; they are published annually for 11 additional metropolitan areas.

*Article 12.* Monthly indices of average hourly earnings in manufacturing, together with a subdivision into durable and non-durable goods, are now published annually.

*Article 13.* Statistics of time rates of wages and standard hours of work are compiled for the principal manufacturing industries and mining.

#### Ceylon (First Report).

Section 49 of the Wages Boards Ordinance No. 27 of 1941 as amended by section 4 of Ordinance No. 19 of 1945, section 2 of Ordinance No. 22 of 1945, and section 25 of the Wages Boards (Amendment) Act, No. 5 of 1953.

*Article 2 of the Convention.* Part IV of the Convention has been excluded from the ratification but statistics of hours of work and average earnings are being compiled from a selected number of estates in the tea, rubber and coconut growing trades. It is not possible to apply the Convention to the rest of agriculture which is carried on mainly by villagers on a small scale.

*Article 4.* Under the above-mentioned legislation the Commissioner of Labour has been collecting and publishing since 1948 statistics of hours actually worked and average earnings from a selected number of estates and establishments.

*Article 5.* The relevant statistics are published in the annual administration report of the Commissioner of Labour and the annual statistical abstract of Ceylon issued by the Director of Census and Statistics. In the case of estates these were first grouped according to district and then according to acreage groups, from which a 5 per cent. sample was selected at random. The same method was followed in the case of establishments but the grouping was done according to the number employed, e.g. under ten workers, ten to 25, etc. The percentage selected as a sample differed from industry to industry and varied approximately between ten and 50.

*Article 7.* Allowances in kind do not form a substantial part of the total remuneration of wage earners in the principal mining and manufacturing industries.

*Article 8.* Family allowances are not paid.

*Article 9.* The statistics of average earnings and hours actually worked relate to the figures per day and per month.

*Article 10.* The relevant statistics are collected at present during March and September of each year, separately for the different occupational groups in each industry.

*Article 11.* The statistics relate to the whole country.

*Article 12.* Index numbers of the general movement of earnings have not been compiled as yet.

*Article 13.* Statistics of time rates of wages for the principal industries are published only in the above-mentioned report of the Commissioner of Labour. These rates are statutory minimum wage rates. The normal hours of work per day are nine, including one hour for meals, except Saturdays, when they are six-and-a-half in engineering, match making and building trades, seven in tea and rubber export, and six in the printing trade.

*Article 15.* Separate figures of time rates of wages and normal hours are given for the different occupations in each industry and the categories of workers to which they relate are given separately for the various occupations.

*Article 19.* Holidays are paid for in full, and overtime at one-and-a-quarter to one-and-a-half times the normal rate and, in a few cases, at doubles rates. There is no restriction as regards the amount of overtime permitted.

*Article 21.* General index numbers of time rates of wages and of normal hours of work have not been computed as yet.

*Article 23.* No area has been excluded from the application of the Convention.

The Commissioner of Labour is the authority entrusted with the task of compiling statistics.

No observations have been received from employers or workers.

#### Denmark.

*Article 5 of the Convention.* Statistics of hours actually worked were compiled and transmitted

to the International Labour Office. The data are to be published in the *Year Book of Labour Statistics 1954*.

*Article 6.* Statistics of average earnings have been modified so that from the first quarter of 1953 statistics relating to overtime pay, other wage supplements and the number of overtime hours will be published for the principal occupations. A detailed explanation of these changes is given in the report.

*Article 10.* Statistics of average earnings, giving separate figures for each sex and for adults and juveniles, were compiled for the third quarter of 1952 and published in the *Year Book of Labour Statistics 1953*.

#### Finland.

No changes occurred during the period under review and the relevant statistical information continues to be published in the *Revue Sociale*.

#### France.

*Article 2 of the Convention.* The annual sample survey of wages in agriculture was carried out during the second quarter of 1954, and covered 2,000 agricultural undertakings.

*Article 5.* Statistics of average earnings in the principal manufacturing industries from 1950, are appended to the report and will be published in the *Revue française du Travail*.

*Article 15.* Beginning in October 1954, bi-annual statistics of hourly wages in certain occupations in the metal industries are being compiled for the whole of the country.

#### Ireland.

Owing to the limited number of changes in average earnings and hours actually worked since the publication of the 1953 report by the Central Statistics Office, it has been decided not to issue a further report for the present. Data concerning the principal changes in rates of wages affecting wage earners and certain salaried earners are published quarterly in the *Irish Trade Journal and Statistical Bulletin*.

#### Netherlands.

In response to a request by the Committee of Experts statistics of hours of work in lignite mines are provided for the first time in addition to statistics of average earnings and hours of work in other mines.

#### Norway.

*Article 5 of the Convention.* It is planned to make a wage census in some groups of industry in the latter half of 1954 and a complete wage census of manufacturing and mining in 1955. These surveys are expected to provide the necessary data for the computation of average hours actually worked per week.

#### Sweden.

In June 1954 the Social Welfare Board submitted to the Government a proposal concerning the future scope and design of wage statistics.

*Switzerland.*

The report cites the publication of current statistics of wages and hours of work, particularly in *La Vie économique*. No changes have occurred in the nature of these statistics during the period under review.

*Union of South Africa.*

The interim index of wages rates is to be revised on the basis of weights obtained from the 1951 census.

*United Kingdom.*

Reference is made to the publication of current statistics of wages and hours of work. The report also contains information on hours of work in coal mining and on family allowances.

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

*Egypt, Mexico, New Zealand.*

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TWENTY-FIFTH SESSION (GENEVA, 1939)

64. Contracts of Employment (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

Countries	Date of registration of ratification
Belgium <sup>1</sup> . . . . .	26. 7.1948
New Zealand <sup>1</sup> . . . . .	8. 7.1947
United Kingdom <sup>1</sup> . . . . .	24. 8.1943

<sup>1</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

65. Penal Sanctions (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

Countries	Date of registration of ratification
New Zealand <sup>1</sup> . . . . .	8. 7.1947
United Kingdom <sup>1</sup> . . . . .	24. 8.1943

<sup>1</sup> 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)

69. Certification of Ships' Cooks Convention, 1946

*This Convention came into force on 22 April 1953*

Countries	Date of registration of ratification
Belgium . . . . .	5.12.1951
Bulgaria . . . . .	29.12.1949
Canada . . . . .	19. 3.1951
France . . . . .	9.12.1948
Ireland . . . . .	16. 6.1951
Italy . . . . .	22.10.1952
Netherlands . . . . .	23. 2.1951
Norway . . . . .	6. 3.1952
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
United Kingdom . . . . .	29. 7.1949

*Belgium (First Report).*

The Government states that the certificate of qualification for ships' cooks does not as yet exist in Belgium. The Maritime Administration has recently prepared a draft Royal Order on diplomas and certificates for the merchant marine and for sea fishing, in which are to be found provisions concerning the issue of ships' cooks' certificates; it is expected that the new regulations will come into force during 1955. The next annual report will supply detailed information on this question.

*Bulgaria (First Report).*

The Government states that a ship's cook must have the required competence to exercise his trade, after having passed the practical and theoretical examinations. In practice, cooks are chosen among persons having served on board ship.

*Canada (First Report).*

Canada Shipping Act of 30 June 1948.  
Order in Council P.C. 1953-775 dated 13 May 1953, to issue regulations to implement the Convention.

Under the legislation in force since 1 January 1954 no person may be signed on as a ship's cook in a seagoing ship of Canadian registry or in a home trade ship of Canadian registry which trades to ports south of the 36th parallel of north latitude, unless he is in possession of a certificate of qualification as ship's cook. The Convention is implemented by the regulations of 13 May 1953. Under these regulations a person

who can prove that he has served two years as ship's cook prior to 1 January 1954 may, without examination, obtain a certificate as ship's cook. Persons who cannot fulfil this condition are required to have reached the age of 18 years and to have passed the prescribed examination, or to have served at sea as assistant cook for a minimum period of 12 months and in addition to have completed training during a minimum period of three months in an approved trade school. The Minister of Transport may in lieu of these requirements accept training in such schools during a minimum period of 12 months. The courses occupy four months and have a syllabus agreed on by the Department of National Health and Welfare, the Department of Transport and the approved schools mentioned above.

Up to the present few candidates have found it necessary to undergo a course of training since there is a sufficient number of qualified ships' cooks available to meet existing requirements.

Certificates granted by certain other countries are accepted in lieu of certificates issued in Canada, provided that they agree with the provisions of the Convention.

Application and observance of the relevant legislation are supervised by Ship Masters under the direction of the Department of Transport. Persons responsible for engaging persons to serve as ships' cooks who do not hold the required certificates are liable to fines and imprisonment for a term not exceeding six months.

The Government has not been informed of any decisions by courts of law and no contraventions were recorded.

No observations were received from organisations of employers or workers.

*France (First Report).*

Order No. 25 of 29 July 1953 respecting certificates of qualification for ships' cooks, promulgated in pursuance of an Act of 27 September 1948 and a Decree of 13 December 1950 respecting the ratification of the Convention concerning the certification of ships' cooks.

*Article 1 of the Convention.* Section 2 of Order No. 25 states that certificates of qualification must be held by ships' cooks serving in commercial vessels of 500 tons gross and over.

*Article 2.* Section 1 of the Order defines a ship's cook as the person directly responsible for the preparation of meals.

*Article 3.* Order No. 25 entered into force on 29 January 1954; until 29 July 1956, however, certificates of qualification as ships' cooks may be issued to seamen who have reached the age of 21 and who, without holding a certificate of qualification, have worked for two years as cooks on board commercial vessels of 500 tons gross and over. The purpose of these transitional provisions is to enable cooks to remain in their employment who had not obtained certificates of qualification at a time when such certificates were not required.

Should there be a shortage of certificated cooks, or should a ship's cook be unavailable in the course of a voyage, the Maritime Enrolment Officer may grant permission for an uncertificated seaman to act as cook.

*Article 4.* Certificates are issued to persons aged 21 and over who have undergone at least 12 months' specialised practical training at sea and have been awarded a certificate of proficiency by the technical educational authorities, or an apprentice leaving certificate by a Chamber of Trades.

*Article 5.* Seamen fulfilling the above conditions are awarded a certificate of qualification without examination.

*Article 6.* No provision is at present made for the recognition of certificates of qualification issued in foreign countries.

No decisions have been taken by courts of law.

No statistics have been prepared and no comments have been submitted by shipowners' or seafarers' organisations on the practical application of the Convention, or on the application of the Order of 29 July 1953.

#### *Ireland (First Report).*

Merchant Shipping (Certification of Ships' Cooks) Regulations, 1949, dated 31 October 1949 (L.S. 1949—Ire. 1).

*Article 1 of the Convention.* The regulations apply to every ship which is registered in the State, is engaged in the transport of cargo and passengers for the purpose of trade, and is a foreign-going ship.

*Article 2.* The expression "ship's cook", as laid down in the regulations, means the person directly responsible for the preparation of meals for the crew of the ship.

*Article 3.* According to section 4 of the regulations, a person shall not be engaged as a ship's cook on board a ship unless he is the holder of a certificate of qualification as ship's cook. This section shall not apply in relation to a voyage or series of voyages which the Minister exempts from that section on being satisfied that a holder of a certificate of qualification as ship's cook is not obtainable for engagement on the ship.

It has been found necessary, due to a shortage of certificated ships' cooks, to grant exemption in four cases since the Convention came into force.

*Article 4.* Courses of instruction are arranged and examinations held at two schools of cookery approved for the purpose. A person shall not

be granted a certificate unless he is 20 years of age or over, passes an examination, and shows that he has a minimum period of service at sea, which is of six months if the candidate has attended an approved course of training in cookery, or two years in any other case.

*Article 5.* According to section 6 (2) of the Regulations, the certificate referred to in subsection 2 of section 27 of the Merchant Shipping Act, 1906, and held on 1 January 1950, shall be accepted as equivalent to a certificate under section 5 of the Regulations.

*Article 6.* Certificates issued by other governments are accepted as equivalent to the certificates issued by the Irish Government, provided that the Minister for Industry and Commerce is satisfied that the holder has adequate qualifications for service as ship's cook.

The Merchant Shipping (Certification of Ships' Cooks) Regulations, 1949, are administered by the Department of Industry and Commerce through superintendents of the Mercantile Marine Office.

No decisions relating to the application of the Convention have been given by courts of law or other courts. No difficulty has been experienced in the application of the Convention.

No observations have been received from the organisations of employers or workers.

Twelve certificates have been issued in accordance with the provisions of the Convention.

#### *Italy (First Report).*

The Government states that in accordance with Article 5 of the Convention, ships' cooks will be required to have a certificate of qualification only after the expiration of a period not exceeding three years from the date of entry into force of the Convention for the territory, that is, 22 April 1956. In these circumstances, the Government has prepared a Bill, the text of which is attached to the report, which will come into force on this date. Detailed information on various points of the report form will be supplied when the necessary supplementary measures have been taken.

#### *Netherlands (First Report).*

Royal Decree No. 242 of 15 May 1937 respecting seafarers.

Royal Decree No. K. 551 of 6 December 1950 to add a new section (37 (a)) to Decree No. 242.

Netherlands legislation applies to cargo and passenger vessels of 1,000 tons and over.

Ships' cooks are trained and examined by the Netherlands Shipowners' Association in Rotterdam. The examination, at which a representative of the merchant marine inspectorate is present, covers both theory and practice; examinees are required to prepare meals, have a knowledge of food values, draw up varied menus, handle and store food, have a knowledge of kitchen hygiene and be acquainted with foreign measures, weights and currencies.

Certificates are awarded to persons only over 23 years of age; all candidates must have served as cooks or assistant cooks for at least one year on board a cargo or passenger vessel. "Certificates of service" may also be awarded to

persons having served as ships' cooks in Netherlands vessels for at least two years before the date of entry into force of the Convention (22 April 1953).

A large number of British certificates are recognised as equivalent to Netherlands certificates.

By 15 August 1954, 214 certificates of qualification had been issued after examinations and 339 "certificates of service" had been awarded.

In 1954 it was considered necessary to grant exemptions from the rule that only certificated cooks should be employed in Netherlands vessels. By 1955, however, it is expected that the number of certificated cooks will be sufficient so that it will not be necessary to grant exemptions.

#### *Norway (First Report).*

Act of 6 May 1949 respecting cooks and stewards in vessels in the Merchant Navy (L.S. 1949—Nor. 3).

Royal Decree of 22 September 1950, as amended by Royal Decree of 12 January 1951, respecting manning regulations on Norwegian ships.

Under section 1 of the Act of 1949, no person shall serve as a cook on board a vessel which, according to the regulations concerning manning, is to have a cook, unless he is in possession of a certificate. The regulations state that the vessel must have a certificated cook when the crew comprises more than ten persons.

In order to qualify for the cook's certificate, a person must fulfil the following conditions: have at least three years' practice in the catering trade after the age of 15 years, and have passed an examination at an approved school for cooks; at least 12 months of the above-mentioned period of three years shall have been served in a ship having a cook.

Provisions have been drawn up respecting examination requirements and the conditions for admission to the course for cooks, the length of which was fixed at ten months. In addition to the preparation of meals, the courses include Norwegian, English, commercial arithmetic, hygiene, composition of menus and rules of nutrition.

The Act also provides that persons who, at 1 August 1950, were serving in employment for which the Act requires a certificated cook, may continue to serve in the same employment and on the same vessel without a certificate. Persons who have been so engaged for 12 months, and those who have served at sea for 12 months in employment for which the Act requires a certificated cook, may, on application, be granted a certificate which will entitle them to continue their employment. Requests for such certificates, called "special certificates", had to be made before 1 August 1953.

Cooks' certificates are issued by the Seamen's Offices. The Ministry is responsible for ensuring that cooks are in possession of certificates, and supervision is carried out by the authorities for the supervision of ships and for the signing on of seamen.

No decisions have been given by courts of law.

No observations have been made by the organisations of employers and workers regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law.

#### *Portugal (First Report).*

Legislative Decree No. 23764 of 13 April 1934 to amend and supersede Decree No. 21952 of 8 December 1932 to bring up to date legislation respecting persons employed in the mercantile marine (L.S. 1934—Por. 1).  
Legislative Decree No. 38344 of 21 July 1951 to ratify and publish the provisions of the international labour Convention concerning the certification of ships' cooks, 1946 (No. 69).

The report states that, in the opinion of the maritime authorities, the provisions of the national legislation are generally adequate to give effect to the Convention and that ratification has not entailed substantial alterations to existing law and practice.

Only registered seamen holding the appropriate certificates are allowed to act as cooks on seagoing vessels carrying passengers or passengers and freight. Chapter II of the Legislative Decree No. 23764 contains specific provisions concerning the organisation of examinations and the minimum age for admission, which is fixed at 21 years. Section 62 of the same legislative decree prescribes the examination requirements which consist of tests on the knowledge of the quality of foodstuffs, the drawing up of menus, cooking methods, utensils, use and cleaning of stoves, etc.

Examinations are organised by the port authorities, who also issue certificates. Foreign cooks may be registered on Portuguese ships by permission from the Ministry concerned, after producing certificates corresponding to those required under Portuguese law.

The authorities responsible for the enforcement of the legislation are the port authorities, under the authority of the Directorate-General for Maritime Affairs, who also carry out the inspection services.

The number of registered seamen with certificates is at present about 300, of which 240 are at present employed. No legal decisions have been given and no observations received from the representative organisations of employers and workers.

#### *United Kingdom (First Report).*

Merchant Shipping Acts of 1894, 1906 and 1948.  
Notices Nos. M. 335 and M. 351 issued by the Ministry of Transport and Civil Aviation.

The Government states that force of national law is given to this Convention by legislative provisions and not by ratification.

Section 27 of the Merchant Shipping Act, 1906, requires that every British foreign-going ship of 1,000 tons and upwards gross tonnage going to sea from any place in the British Isles or on the Continent of Europe between the River Elbe and Brest inclusive, shall after 13 June 1948, be provided with and carry a duly certificated cook.

A cook shall not be deemed to be duly certificated unless he is the holder of a certificate of proficiency granted by a competent or a statutory authority or by some school of cookery or other institution approved for the purpose, or he is the holder of a certificate of discharge (service).

A cook shall be rated in the ship's articles as ship's cook or, in the case of ships of not more than 2,000 tons or ships in which the crew provide



their own provisions, either as ship's cook or as a cook and steward.

A number of establishments, approved by the authorities and run by the shipping industry, provide courses of training the duration of which is not less than six weeks and whose curricula comprise a test of ability to prepare meals, knowledge of food values, composition of menus, and the handling and storage of food on board ship.

Candidates for certificates of competency as ships' cooks are required to have reached the age of 20 years and to prove one month's service at sea; however, in practice, the shipping industry will not employ any person as ship's cook unless he has had 12 months' experience at sea in the galley. The examinations consist of practical tests in the preparation of food as well as oral and written tests relating to food values and handling and storage of food. They are conducted by examiners independent of the establishments which run the training courses and the certificates are issued by these establishments and registered in the Register General of Shipping and Seamen.

The report states that certificates issued before 13 July 1949 became invalid on 13 July 1952 but holders of such certificates who have served satisfactorily at sea in a cook's rating of, equivalent to, or higher than, second cook for a period

of not less than two years before 13 July 1952, are entitled to a certificate of service having the same force as certificates of competency as ships' cooks issued on or after 13 July 1949. Between this date and 13 June 1954, 2,015 certificates of service and 3,073 certificates of competency were issued.

The Merchant Shipping Act, 1948, provides for the recognition, under certain conditions, of certificates of competency as ships' cooks issued by the Dominions but this provision has not so far been exercised; there are no provisions for the recognition of certificates issued by foreign countries.

The Ministry of Transport and Civil Aviation is the competent authority. Provisions of the Merchant Shipping Act are supervised by officers with the right to carry out statutory functions in connection with merchant shipping. Application of the statutory requirement is enforced by legal proceedings where necessary.

No observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions prescribed by this Convention, on the application of the national law and administrative arrangements.

No legal decisions have been given by court of law which may involve questions of principle relating to the application of the Convention

71. Seafarers' Pensions Convention, 1946

*This Convention is not yet in force*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Bulgaria . . . . .	29.12.1949
France . . . . .	9.12.1948
Norway . . . . .	4. 7.1949

*Argentina (Voluntary Report).*

Decree No. 6395 of 1946.

The report indicates the various provisions of the above decree which give effect to Articles 2, 3 and 4 of the Convention.

*Bulgaria (Voluntary Report).*

Seamen have the same right to pensions as other workers and employees.

72. Paid Vacations (Seafarers) Convention, 1946

*This Convention is not yet in force*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Cuba . . . . .	13. 1.1954
Finland . . . . .	23. 8.1949
France . . . . .	9.12.1948

*Bulgaria (Voluntary Report).*

Seamen are entitled to 14 working days of annual paid vacation in common with all workers and salaried employees and to additional vacation under the provisions relating to the non-standardised working day (supervisory staff) and to laborious and unhealthy occupations (quayside supervisory staff and engine-room staff). All the conditions applicable to industrial workers, etc., are also valid for seamen.

73. Medical Examination (Seafarers) Convention, 1946

*This Convention came into force on 17 August 1955*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Belgium . . . . .	5.12.1951
Bulgaria . . . . .	29.12.1949
Canada . . . . .	19. 3.1951
France . . . . .	9.12.1948
Italy . . . . .	22.10.1952
Norway . . . . .	17. 2.1955
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
Uruguay . . . . .	18. 3.1954

*Argentina (Voluntary Report).*

Maritime and River Digest.

The report indicates the provisions of the above-mentioned digest which give effect to Articles 3 and 4 of the Convention.

*Bulgaria (Voluntary Report).*

The admission of seamen to employment is subject to an appropriate medical examination.

74. Certification of Able Seamen Convention, 1946

*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

those proper to the class in which they are registered.

Article 2. Section 23 (g) of the Decree of 1934 provides that only persons over 21 years of age may take the examination for certificate of able seaman. Section 41 provides that a candidate must have service at sea as a deckhand for at least 180 days before being allowed to take the examination. Legislation will be promulgated shortly fixing the qualifying period at three years' service at sea.

In accordance with a ministerial decision, the minimum age of 21 years does not apply to candidates from vocational schools. However, they must serve as deckhands for the same period as other candidates and fulfil the other conditions laid down in Chapter II of Legislative Decree No. 23764.

The syllabus of the examination for registered seamen, as provided for in section 42 of the Decree of 1934, includes the following subjects: knowledge of seamanship; steering of small sailing and steam vessels; reading of maps and compasses; steering by the compass; knowledge of the names of the most important parts of a sailing ship and the equipment which may be entrusted to able seamen on board sailing and steam ships; steering and manœuvring of sailing ships; marking off a lead-line, casting a lead-line, and reporting the soundings obtained; streaming and measuring off an ordinary log; streaming and reading a distance log; knowledge of hand signalling; knowledge of how to stow cargo in sacks, loose cargo and casks; the maintenance of holds, bilges, grills and frames; knowledge of the alphabet of the International Code of Signals; the use of hose-pipes, fire hydrants and gas masks.

*Belgium.*

The new regulations will come into force during the present year.

*Netherlands.*

During the period under review 360 able seamen's certificates were issued.

*Portugal (First Report).*

Legislative Decree No. 23764 of 13 April 1934, to amend and supersede Decree No. 21952 of 8 December 1932, to bring up to date the legislation respecting persons employed in the mercantile marine (L.S. 1934—Por. 1).

Legislative Decree No. 38365 of 6 August 1951 to ratify the Convention.

The report states that the provisions of the Convention are reproduced in Legislative Decree No. 38365.

Article 1 of the Convention. Section 156 of Legislative Decree No. 23764 of 1934 provides that registered seamen shall not accept engagement for duties on board a vessel other than

Practical tests are required on: (i) the operation of windlasses, winches and their accessories; (ii) the direction of loading and unloading operations from the top of the hatch; (iii) the placing of cargo in slings.

A seaman who passes a special examination on the operations connected with the launching of lifeboats, the handling of oars, and the steering of lifeboats, and which shows that he is able to understand and carry out orders concerning the handling of lifeboats, may have a note added to his certificate as an able seaman, stating that he is qualified to serve as a member of a lifeboat crew.

The harbourmasters organise and conduct the examinations.

Article 3. Section 21 of Legislative Decree No. 23764 contains a provision which corresponds to this Article of the Convention.

Article 4. Section 150 (2) of the above-mentioned Legislative Decree provides that the crew and master of a merchant vessel owned by an undertaking subsidised by the State must consist exclusively of Portuguese nationals. However, in exceptional cases, the Minister of Marine may authorise the engagement of not more than five aliens on board one and the same vessel.

The authorities responsible for the enforcement of the legislation are the harbourmaster under the control of the General Directorate of Marine in the Ministry of Marine. The harbourmasters are also responsible for carrying out inspection duties.

There are at present approximately 900 persons registered as seamen on seagoing vessels, some 700 of whom are at present in employment.

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

United Kingdom (First Report).

- Merchant Shipping Act, 1894.
- Merchant Shipping Act, 1948.
- Merchant Shipping Act, 1948 (Commencement No. 1) Order, 1952.
- Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1952 as amended by Regulations of 13 March 1953 and (No. 2) of 28 September 1953.
- Merchant Shipping (Certificates of Competency as A.B.) (Canada) Order, 1954.

Since 30 April 1953 a seaman engaged in any British ship registered in the United Kingdom may not be rated as A.B. unless he is the holder of a certificate of competency. Under the Merchant Shipping (Certificate of Competency as A.B.) Regulations, 1952, a certificate of competency may not be granted unless the applicant: (a) has attained the age of 18 years; (b) has performed 36 months' sea-service as a deck rating of which not less than nine months has been performed in certain specified types of ships; (c) has passed a prescribed examination; (d) holds a certificate of efficiency as lifeboatman; (e) has taken turns at the wheel in steering a ship of specified gross tonnage for periods amounting in the aggregate to not less than ten hours.

The period of 36 months' sea-service mentioned under (b) may be reduced if the applicant has attended an approved pre-sea training course. Examinations are conducted either ashore or on board ship and cover a prescribed syllabus. No provision has been made for the examination specified in Article 2, paragraph 5, of the Convention, as all candidates are required to hold a lifeboatman's certificate. Under regulation 4 of the Regulations of 1952, seamen who can prove that they were serving on or before 1 May 1952 as A.B. or in an equivalent or superior deck rating are entitled to the grant of a certificate of competency. Only certificates issued in Canada are recognised as equivalent to British certificates. There is no statutory provision for the recognition of certificates issued by foreign countries.

The Minister of Transport and Civil Aviation is the competent authority. No decisions have been given by courts of law and the Government is satisfied that the measures taken to apply the Convention are effective.

No observations have been received from the organisations of employers or workers concerned.

Between 1 May 1952 and 30 June 1954, 27,462 certificates were issued.

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

Canada, France.

75. Accommodation of Crews Convention, 1946

*This Convention is not yet in force*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Finland . . . . .	23. 8.1949
France . . . . .	9.12.1948
Norway . . . . .	4. 7.1949
Sweden . . . . .	21.10.1947

Bulgaria (Voluntary Report).

Article 103 of the Labour Code obliges the undertaking to provide for wage and salary earners on board ship an adequate supply of water for drinking and washing, soap or soap preparations, suitable accommodation for meals, rest and recreation and for keeping their clothes and also washrooms and sanitary conveniences. A special regulation drawn up by the Ministry of Transport also contains provisions to this effect.

## TWENTY-NINTH SESSION (MONTREAL, 1946)

### 77. Medical Examination of Young Persons (Industry) Convention, 1946

*This Convention came into force on 29 December 1950*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
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

#### *Argentina (Voluntary Report).*

The Government states that the definition "industrial undertaking" as given in the Convention also exists in Argentina, and adds that the Convention is applied in virtue of Decrees Nos. 14538 of 1944 and 7251 of 1949, and Act No. 11317 of 1924.

The national legislation provides that no young person under 18 years of age may be employed in dangerous or unhealthy work but that young persons over 18 years of age may be employed in such work; there is, however, no provision for periodical medical examinations.

The Government states that no exceptions may be made to the provisions of the national legislation and that contracts between employers and workers may provide for more favourable standards than those established in the legislation.

#### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

A special ordinance respecting medical examinations for wage and salary earners was published in *Izvestiya* No. 16 of 24 February 1953, in application of section 122 of the Labour Code.

In conformity with this ordinance all wage and salary earners entering employment for the first time, as well as all those having interrupted their work for six months or more, must undergo a compulsory medical examination. Wage and salary earners under 18 years of age and those employed in arduous or unhealthy work can only be admitted to employment after a medical examination.

Young persons under 18 years of age can only be admitted to employment if the medical examin-

ation shows that their physical development is such that they are fit for the work in question and able to resist the possible danger or unhealthiness of their work. The medical examination is free and is carried out in the health service of the undertaking, establishment or organisation or, failing these, in the regional prophylactic establishment. All persons having undergone the examination receive a card showing whether they are fit or unfit for employment. The categories of wage and salary earners who must undergo periodical compulsory medical examinations are indicated in a special list which also shows how often these examinations must be carried out; they may be required every month or every three, six or 12 months. In the case of workers and employees over 18 years of age, the periodical examinations must take place very 12 months. The period in question may be shorter in certain specified undertakings, depending on the conditions of work. When an examination shows that a worker or employee is unfit for work he is either assigned to lighter work or directed to courses for retraining, by order of the health services.

The supervision of the application of these provisions is entrusted to the organs of the labour protection and to the local epidemiological centres.

#### *France.*

The Government states that it has not hitherto been possible to publish statistical data relating to the number of young workers covered by the legislation, but that it is hoped to include this information in the next report.

#### *Italy (First Report).*

Act No. 653 of 26 April 1934 to safeguard the employment of women and children (L.S. 1934—It. 6A).  
Ministerial Decree of 8 June 1938.

*Article 1 of the Convention.* It has not been necessary for the competent authority to define the line of division which separates industry on the one hand from commerce, agriculture and other non-industrial occupations on the other hand, since these concepts are implicitly defined in the Civil Code.

*Article 2.* Under Act No. 653 the medical certificate for fitness for employment is required for girls up to 21 years of age and for boys up to 15 years.

The medical certificate is registered in the work-book. If the physician considers that the young persons are not physically fit for certain occupations enumerated in the above-mentioned Act (dangerous, arduous or unhealthy work and the transport and lifting of heavy loads) he must specify in the medical certificate the types of work on which they may not be employed.

*Article 3.* The periodical medical supervision of young men under 18 years of age and women under 21 years is provided for in the Italian legislation only for persons employed on work which is considered as unhealthy, arduous or dangerous. In the case of occupations which involve a considerable health risk medical examinations are made at yearly intervals at least and the supervisory body may make special medical examinations when doubts arise concerning the state of health of the person in question and concerning his physical ability to carry out the work entrusted to him.

*Article 4.* Italian legislation provides for compulsory medical examinations for fitness for employment for all workers, regardless of age or sex, who are employed on work involving a danger of poisoning or infection as enumerated in the relevant legislative text.

*Article 5.* The medical examinations are free of charge.

*Article 6.* The report indicates that the Italian legislation contains no provision concerning measures for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations, but that account will be taken of this provision of the Convention in the preparation of the new legislative texts now under consideration.

*Article 7.* The work book containing the medical certificates must be kept up to date by the employer during the period of employment of the young person.

The application of the legislation is entrusted to the labour inspectorate which is placed under the Ministry of Labour and Social Welfare.

As regards the organisation and functioning of this Inspectorate the Government refers to the information given in the report on the Labour Inspection Convention (No. 81).

The judicial authorities do not seem to have rendered any decisions involving questions of principle on the application of the Convention.

No observations have been received from employers' or workers' organisations on the practical application of the provisions of the Convention.

The competent services of the Ministry of Labour are at present studying carefully the provisions of the Convention and are preparing draft legislation with a view to eliminating the discrepancies existing between the provisions of the Convention and those of the national legislation.

The obligation to enact regulations which would take account, in a single text, of the provisions of various international Conventions, and the necessity to ensure full co-ordination with the national provisions now in force which go, in certain cases, beyond those provided for in the Conventions, have made necessary a long and careful study which has not as yet had the expected results. This situation is aggravated by the fact that the matters to be regulated fall within the competence of various organs.

The Government states that it will communicate in its next report the results of the studies in question and the texts which may have emerged from them.

#### *Poland.*

Various Orders adopted between 1949 and 1954 with regard to health and safety measures in certain undertakings where there are considerable health risks.

The Government has appended to its report the text of various Orders with regard to health and safety measures in types of work where the risks to the workers' health are considerable.

The report from *Iraq* reproduces the information previously supplied.

## 78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

*This Convention came into force on 29 December 1950*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Bulgaria . . . . .	29.12.1949
Cuba . . . . .	7. 9.1954
France . . . . .	28. 6.1951
Guatemala . . . . .	13. 2.1952
Israel . . . . .	23.12.1953
Italy . . . . .	22.10.1952
Poland . . . . .	11.12.1947
Uruguay . . . . .	18. 3.1954

*Argentina* (Voluntary Report).

See under Convention No. 77.

*Bulgaria* (First Report).

See under Convention No. 77.

*France.*

See under Convention No. 77.

Italy (First Report).

Act No. 653 of 26 April 1934 to safeguard the employment of women and children (L.S. 1934—It. 6A).  
Ministerial Decree of 8 June 1938.

*Article 1 of the Convention.* The Government states that the provisions of Act No. 653 do not apply to agricultural work or work on board ships. The legislation applies to commercial, credit and insurance undertakings as well as to all other non-industrial occupations.

The legislation does not apply to relatives of the employer or to assimilated persons up to the third degree when they live with him and are dependent on him, nor do they apply to children employed on domestic work or persons working in their own home or in state offices and undertakings, if they are covered by a system which is as favourable as that laid down in the Act.

*Article 2.* See under Convention No. 77.

*Article 3.* As regards the dangerous, arduous or unhealthy occupations enumerated in a special list, young men under 18 years of age and women of any age must undergo periodical medical examinations at intervals of not more than six months. The supervisory body may lay down similar measures for young boys up to 15 years

and for women up to 21 years employed in the transport of heavy loads or on work which involves an uncomfortable position or which requires a great muscular effort or which may be prejudicial to the physical development of the persons concerned. The supervisory body may order the renewal of the medical examinations at intervals other than six months.

*Articles 4, 5 and 6.* See under Convention No. 77.

*Article 7.* The work book containing the medical certificates must be kept up to date by the employer during the period of employment of the young person.

Italian legislation prohibits itinerant trading for children under 16 years of age and lays down a similar age limit or even a higher one (18 years) for occupations carried out in certain premises open to the public.

See also under Convention No. 77 concerning the measures taken by the Government with a view to eliminating the discrepancies which exist between the Convention and national legislation.

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

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

*This Convention came into force on 29 December 1950*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2. 1955
Bulgaria . . . . .	29. 12. 1949
Cuba . . . . .	7. 9. 1954
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

Argentina (Voluntary Report).

Act No. 11317 of 30 September 1924, to regulate the employment of women and young persons (L.S. 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons (L.S. 1944—Arg. 1).

The report gives detailed information on the various legislative provisions under which each Article of the Convention is applied. The information given below refers mainly to exceptions and the authorities responsible for inspection and supervision.

*Article 1 of the Convention.* Act No. 11317 of 1924 (section 6) relates to exceptions for domestic service; section 2 of this Act relates to family undertakings.

*Article 3, paragraph 2.* The legislation does not provide for the exceptions allowed by the Convention.

*Article 6, paragraph 1 (a).* The Ministry of Labour is responsible for organising a system of inspection and supervision to ensure compliance with the provisions of the Convention.

Bulgaria (First Report).

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

The Labour Code applies to all wage and salary earners in undertakings, establishments or organisations, whether public or private, industrial, commercial, maritime or of any other kind.

Under section 113 of the Code, no person below the age of 14 years may be employed. Persons aged 14 to 16 years inclusive may not be employed on night work.

Night work is defined as work done between 10 p.m. and 5 a.m. or 6 a.m., depending on the time of year. The standard working day for persons aged 14 to 16 years is fixed at six hours, and overtime is not permitted. The Government adds that such persons are guaranteed a 16-hour break between two consecutive working days.

There are no laws or regulations prohibiting the night work of young persons between the ages of 16 and 18 years; during the compulsory medical examination of such young persons, however, individual assessments are made to see whether

they are fit to be employed on night work. If the findings of the examination are unfavourable, the young person is not admitted to employment.

As regards practical application, see under Convention No. 1.

#### *Italy (First Report).*

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (L.S. 1934—It. 6A).

The report states that Italian legislation prohibits night work for young persons under 18 years of age only in industrial undertakings. The Act of 1934 provides for the possible extension of this prohibition by Royal Decree to other classes of undertakings or employments (section 12).

Regulations concerning the employment of children in public performances and in acting for cinematographic films (except in the case of stage presentations of an educational character) are substantially identical with the provisions of the Convention. Young persons under 16 years of age may not be so employed unless special authorisation is granted by the prefect, subject to conditions which are similar to those laid down in paragraphs 3 and 4 of Article 5 of the Convention.

If Italian legislation has not yet dealt with night work in non-industrial sectors, this is because such night work very seldom occurs in practice. It has been decided, however, to entrust the labour inspection authorities with an investigation of the existing situation; the standards laid down in the Convention are being examined carefully by the Ministry of Labour and Social Welfare, which is preparing a number of Bills aimed at bringing existing enactments into line with its provisions. The task of drawing up a single complete set of regulations which will have to take into account the provisions of various international Conventions and will also be co-ordinated with existing national laws and regulations which sometimes go beyond the provisions of the Conventions, has entailed lengthy and detailed studies which have not yet been completed. The situation is further complicated by the fact that the subjects to be covered

by these regulations fall within the competence of several departments.

The Government states that in its report for next year it will give the results of the studies in question, together with the texts prepared.

#### *Poland.*

In reply to the observations made by the Committee of Experts in 1954, the report states that under the provisions of the Decree of 2 August 1951 respecting the employment and vocational training of young persons in undertakings, of the Order of the Council of Ministers of 12 April 1952 respecting the conditions of employment for the apprenticeship and subsequent employment of young persons over 14 but under 16 years of age, and of a similar Order of the Council of Ministers of 14 March 1953 respecting young persons employed in handicrafts, children under 14 years of age may not be employed in any undertaking for purposes of vocational training or subsequent employment. The question of prohibiting night work for such persons does not, therefore, arise.

Section 3 of the order of 12 April 1952 strictly prohibits the employment at night of young persons aged between 14 and 16 years whose working day is fixed at six hours per day and 36 hours per week.

Under the provisions in force children are obliged to attend school until the age of 14 years. After reaching this age, but where they have not yet completed their elementary education, young persons may attend workers' evening schools. In such cases, undertakings, in the interests of young persons concerned, employ them exclusively on the first morning shift.

As regards the keeping of registers and official documents, the report states that no purpose is served by entering in such registers the hours worked, as the permissible number of working hours for the two groups of young persons (14 to 16 and 16 to 18 years) is laid down in the labour regulations posted up in all undertakings. In virtue of an Instruction of the Ministry of Labour and Social Welfare, dated 31 July 1954, undertakings are obliged to keep registers of young persons up to the age of 18 years.

## THIRTIETH SESSION (GENEVA, 1947)

### 81. Labour Inspection Convention, 1947

*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
Argentina . . . . .	17. 2.1955
Austria . . . . .	30. 4.1949
Bulgaria . . . . .	29.12.1949
Cuba . . . . .	7. 9.1954
Dominican Republic . . . . .	22. 9.1953
Finland . . . . .	20. 1.1950
France . . . . .	16.12.1950
Guatemala . . . . .	13. 2.1952
Haiti . . . . .	31. 3.1952
India <sup>1</sup> . . . . .	7. 4.1949
Iraq <sup>1</sup> . . . . .	13. 1.1951
Ireland <sup>1</sup> . . . . .	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 <sup>1</sup> . . . . .	13. 7.1949
Turkey . . . . .	5. 3.1951
United Kingdom <sup>1</sup> . . . . .	28. 6.1949

<sup>1</sup> Excluding Part II.

#### Argentina (Voluntary Report).

Act No. 8999.

Act No. 9688.

Act No. 13529.

Decree No. 15074 of 1943.

Decree No. 21877 of 1944.

The report indicates the provisions of the above-mentioned legislation which give effect to various Articles of the Convention and adds that no legislation has as yet been adopted to implement Articles 6, 15, 19, 20 and 21 of the Convention.

#### Austria.

Federal Act of 16 December 1953 to amend and supplement the Federal Act of 3 July 1947 respecting labour inspection (Labour Inspection Act, Fifth Amending Act).

*Article 8 of the Convention.* At the end of the period under review the staff of the general labour inspectorate included 132 men and ten women inspectors. No distinction is made between the duties of men and women inspectors under the Labour Inspection Act but women inspectors are used more especially to supervise the protection of homeworkers.

*Article 9.* In the same period the general labour inspectorate included 84 qualified specialists and technicians, made up as follows: 4 doctors, 14 civil engineers, 1 agronomist, 20 chemical engineers, 18 electrical engineers, 20 mechanical engineers, 6 mining engineers and 1 physicist.

*Article 10.* A total inspection staff of 251 persons were employed by the general, mining and transport inspection services.

*Article 12, paragraph 2.* Under section 5 (2) of the Act of 3 July 1947, as amended by the Act of 16 December 1953, a labour inspector, when visiting an undertaking, must inform the proprietor or his representative of his presence and, if so requested, prove his identity by producing credentials certified by the Federal Ministry for Social Affairs. The proprietor or his representative is at liberty to accompany the labour inspector on his visit, and must do so if the labour inspector so requests. The proprietor or his representative need not be notified if, in the labour inspector's opinion, such notification might impair the effectiveness of the inspection.

*Article 14.* In accordance with section 13 (3) of the Act, as amended, the authorities responsible for the maintenance of public safety are required to notify the competent labour inspectorate at once of every serious or fatal industrial accident coming to their notice.

*Article 15 (c).* Under section 17 (2) of the Act, as amended, labour inspectors are required to treat as absolutely confidential the source of any complaint concerning any defects or any breach of legal provisions and to give no intimation to the proprietor of the undertaking or his representative that a visit of inspection was made in consequence of such a complaint.

*Articles 20 and 21.* The Government appended to its report the annual report on the work of the general labour inspectorate for 1953 and the 1954 Mining Manual (covering the year 1953), both of which contain information on various questions



mentioned in Article 21 of the Convention. The annual report on the work of the labour inspectorate for transport will not be published until the end of 1954.

#### *Bulgaria (First Report).*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).

*Article 1 of the Convention.* Application of the labour legislation is ensured by means of an inspection system which covers all industrial and commercial undertakings, as well as undertakings, establishments and organisations of any other type. Since 1951 the functions concerning labour inspection are carried out by the trade unions and their branches.

The inspection system is made up of state, public and administrative supervision.

State supervision is carried out by the labour inspectorate set up through the trade unions. Public supervision is carried out by bodies set up through the trade union committees of undertakings, establishments and organisations and through the labour protection committees, as well as by worker-inspectors attached to every trade union branch. Administrative supervision is carried out by the competent authority at a higher level.

*Article 2.* The system of inspection in force applies to all undertakings, establishments and organisations of whatever type.

*Article 3.* The labour inspectorates set up by the trade unions are entrusted with the supervision of the provisions concerning labour protection.

The bodies exercising public supervision have the duty of supervising the application of the labour legislation and of providing continuous assistance on the spot to the undertakings concerned. They are also required to make recommendations to the undertakings with a view to the observance of the legal provisions and the improvement of the system of labour protection.

*Article 4.* The labour inspectorates and the bodies exercising public supervision are placed under the general control and supervision of the Central Council of Trade Unions and the Labour Protection Administration.

*Article 5.* The labour inspection system in force is the result of co-ordinated action by the various bodies set up through the trade unions, the trade union works committees and the labour protection committees which function principally within the framework of the undertaking.

*Article 7.* The workers themselves elect the workers' protection bodies by choosing them from among the best workers and employees of the working communities concerned.

*Article 10.* The labour inspectorates are set up for each trade union. The bodies of public supervision carry on their work through the trade union committees of the undertakings, establishments, organisations and through the labour protection committees. Worker-inspectors exist in every trade union branch.

*Article 13.* The labour inspectors (state supervision) are empowered to take decisions within the field of labour questions which are binding on

the undertakings, establishments and organisations.

*Article 16.* Constant supervision is assured, since the labour protection organs exist principally in the undertakings themselves. This supervision is as thorough as is required, since it is carried out by the bodies elected by the workers themselves.

*Article 17.* In the case of non-compliance with their proposals or of infraction of the legal provisions, the bodies of public supervision have the right to refer the matter to the competent labour inspector who is empowered to impose sanctions.

*Article 18.* Contraventions of the provisions of labour legislation are subject to the fines provided for in section 205 of the Labour Code, unless more severe penalties are imposed.

#### *France.*

*Article 2 of the Convention.* Mines engineers, who are responsible within the Ministry of Industry and Commerce for the supervision of conditions in mines, quarries and connected workplaces, as well as in undertakings engaged in the manufacture, transport and the distribution of gas for lighting, are placed for the purposes of inspection under the authority of the Minister of Labour.

*Article 4.* The labour inspection service is subject to the technical direction of the Ministry of Labour and Social Security.

*Articles 20 and 21.* The report on the operation of the labour inspection service, which is still in course of preparation, will cover the years 1952 and 1953.

#### *Haiti (First Report).*

Act of 10 August 1934 providing for the setting up of a labour inspection service.

Act of 9 October 1946 creating a general inspectorate of labour.

Act of 13 September 1947 respecting the protection of workers (L.S. 1947—Hai. 4).

*Article 1 of the Convention.* The Act of 1947, a copy of which is appended to the Government's report, sets forth the responsibilities and functions of the general labour inspectorate. The report states that a general labour inspection service, set up and organised in accordance with the Act of 1947, operates within the Labour Office.

*Article 2.* The general labour inspectorate is responsible for ensuring that the laws in force concerning conditions of employment and the protection of workers in their occupations are duly applied, and also for visiting centres of employment and places where there is reason to believe that persons are employed for remuneration.

*Article 3.* In addition to the functions of the inspectorate mentioned under Article 2 above, inspectors may arrange conferences with employers' and workers' representatives to discuss, *inter alia*, questions concerning the safety and health of the workers. The supervision of the conditions of employment of women and children will be carried out by women inspectors especially appointed for this purpose. The inspectorate gives information and technical advice whenever necessary to employers and workers as to the most effective means of observing the laws.

*Article 4.* The identity documents of inspectors require the seal of the department and the signatures of the Minister of Labour and the head of their service. The report states that the general labour inspectorate operates within the Labour Office.

*Article 5 (a).* The Act requires that the general labour inspectorate shall work in close collaboration with the other services of the Department of Labour. The Labour Inspection Service may, if necessary, call upon the public hygiene officers or other technicians of the public service for their assistance and collaboration in planning measures relating to hygiene in workplaces and the health and safety of the workers.

*Article 5 (b).* As well as the collaboration referred to above under Article 3 of the Convention, the inspectors may set up representative joint or other similar boards to discuss questions concerning the application of labour laws. They may also intervene in labour disputes and in all cases where difficulties arise between employers and workers, or between employers and employers, or between workers and workers, in order to persuade them to settle them by conciliation out of court.

*Article 6.* Inspectors shall be guaranteed as much stability as will remove them from all external influences and ensure their impartiality and independence. They may be required to take an oath before a civil court to carry out their duties with courage, impartiality and independence.

*Article 7.* Labour inspectors shall be recruited by means of competitive examinations bearing on the principles and legislation relating to employment. Inspectors receive the necessary technical training either through fellowships, which have already been granted to a large number of inspectors, especially by the International Labour Office, or by practical training and courses specially organised for them. This training is completed by the technical assistance which is given by specialised services in other government departments.

*Article 8.* The inspectorate will include four women inspectors charged with the supervision of conditions of employment of women and children.

*Article 9.* The labour inspection service may, if necessary, call upon the public hygiene officers or other technicians of the public services for their assistance and collaboration in planning measures relating to hygiene in workplaces and the health and safety of the workers. An industrial medical officer is attached to the inspection service and assists, in association with the Haitian Institute of Social Insurance, in controlling occupational diseases.

*Article 10.* It is provided by law that the number of inspectors shall be fixed having due regard to the points mentioned in (a) (i), (ii), and (iii) of the Article. The report states that the service consists of 33 inspectors; officers are assigned to 11 different areas.

*Article 12.* Certified inspectors shall have powers such as are specified in paragraph 1,

subparagraphs (a) and (c) (i), (ii) and (iii) of this Article; subparagraph (c) (iv) of this paragraph is provided for in general terms. When entering the premises of an establishment for the purposes of inspection, the inspectors shall immediately introduce themselves in a courteous manner to the employer or his representative, produce the documents attesting their powers and duties and intimate the purpose of their visit.

*Article 14.* Industrial accidents must be reported to the inspection service by means of a form specially drawn up for the purpose. During the period October 1953 to September 1954, 442 accidents were reported, 352 of which were injuries to the arm.

*Article 15.* The Act meets the requirements of this Article.

*Article 16.* During the period October 1953 to September 1954, a total of 3,763 inspections were carried out in the 11 areas assigned to different officers, representing an average of 13 inspections each working day. Of this total, 998 visits, including 16 complete inspection visits, were made at Port-au-Prince. During the summer months 48 surprise inspections were made in the commercial and industrial area to control the closing of establishments at 4 p.m.

*Article 17.* Any contravention of the legislation respecting employment shall, on receipt of a report from the labour inspector, be tried without delay, all other business being suspended; the judgment shall be executory as soon as it is entered, regardless of any appeal to or order forbidding execution made by a court of appeal, or any appeal to the Court of Cassation.

*Article 18.* Execution in sentences imposing fines may be enforced by imprisonment for debt in accordance with section 36 of the Penal Code. Any person who refuses to comply with a written order of an inspector concerning matters within his competence, or threatens or makes false statements to the inspector, is liable to a fine of from 100 to 600 gourdes, or to a term of imprisonment of from 15 days to three months, imposed by the justice of the peace or, in the case of maltreatment, to a fine of from 600 to 2,000 gourdes, or to a term of imprisonment of from six months to one year. In the event of a repetition of the same offence, both penalties shall be imposed upon the offender. The provisions of paragraphs I and II of section IV of Act No. 4 of the Penal Code, relating to resistance with violence and gross insults to persons lawfully entrusted with authority or members of the police force shall also apply in respect to labour inspectors in the exercise of their functions. Thirty injunctions were made in respect of closing regulations, two of which, for obstructing the inspector, were referred to the tribunal; 119 injunctions were made in respect of payments due to workers and 68 cases were addressed to the tribunal.

*Article 19.* The responsibilities of the inspectorate include the submitting of reports after making inspections.

*Articles 20 and 21.* A copy of the annual report of the Labour Office for the period October 1952 to September 1953 is appended to the Government's report for the period under review.

*Article 22.* The Act of 1947 makes no distinction between industry and commerce, and no separate information is given in the report of the Government in respect of Part II of the Convention.

#### *Iraq.*

*Article 10 of the Convention.* There are at present 13 inspectors employed in the inspection service, i.e. two more than in the previous year.

#### *Ireland.*

*Article 9 of the Convention.* The following additional information is supplied in response to the request made by the Committee of Experts: during the period under review the inspection staff included four qualified chemists experienced in food production, petroleum oils and rubber technology, four qualified engineers with varying experience, and an officer qualified in milling.

#### *Italy (First Report).*

Act No. 1361 of 22 December 1912.

Regulations approved by Decree No. 431 of 27 April 1913.

Legislative Decree No. 3245 of 30 December 1923 respecting the reorganisation of the inspectorate of labour and industry (L.S. 1923—It. 13).

Legislative Decree No. 1684 of 28 December 1931 respecting the organisation of the corporative inspectorate (L.S. 1931—It. 3).

Legislative Decree No. 381 of 15 April 1948 respecting the reorganisation of the central and local establishments of the Ministry of Labour and Social Welfare (L.S. 1948—It. 3).

*Article 1 of the Convention.* A system of labour inspection was set up under the Act of 22 December 1912 and functions in accordance with the provisions of this Act, as amended by the subsequent legislation and in particular by the Legislative Decree of 30 December 1923.

*Article 2.* The labour inspectorate supervises all industrial undertakings, with the exception of those administered by the State, which are controlled by special supervisory bodies.

*Article 3, paragraph 1.* The labour inspectorate is entrusted with: (a) the supervision of the application of the legal provisions concerning labour and social welfare in the undertakings subject to its control; (b) the supply of information and advice to the employers and workers concerned in connection with the application of the labour legislation; (c) bringing to the notice of the Minister of Labour and Social Welfare all information concerning labour conditions.

Paragraph 2. The labour inspectorate is also called upon to supervise and analyse industrial activities for the Ministry of Industry and Commerce, and to supervise the functioning of welfare, assistance and hygiene activities carried on for the benefit of the workers by certain public and private institutions. These tasks do not interfere with the discharge of the primary duties of the labour inspectors nor do they prejudice in any way the authority or impartiality of the inspectors

in their relations with employers and workers. An Act which is due to come into force shortly provides that the functions concerning industrial activities now entrusted to the labour inspectors will be carried out by the Ministry of Industry and Commerce, use being made of staff other than labour inspectors.

*Article 4.* The labour inspectorate is placed under the central administration of the State; it is an external establishment of the Ministry of Labour and Social Welfare.

*Article 5.* Collaboration between the labour inspectorate, the other State administrations and the public institutions concerned with labour and social welfare problems is ensured through the general provisions concerning the administrative organisation of the State. Collaboration between inspectors, employers, workers and their organisations takes the form either of the free advice mentioned under Article 3, paragraph 1 (b), or of information which any person concerned may communicate to the labour inspectorate in regard to contraventions of the provisions in force.

*Article 6.* The inspectors are public officials and covered as such by all the guarantees laid down in the regulations of State employees, including stability of employment, independence of any changes of government and of any external influences, and appropriate working conditions.

*Article 7.* Inspectors are recruited with sole regard to their qualifications for the performance of the post for which they apply. They are chosen by public competitive examinations including written and oral examinations, after verification of their moral character, and are confirmed only after completion of a probationary period of at least six months. Their vocational training is ensured through courses which are organised for new inspectors and through refresher courses and specialisation courses organised for those already in service. Studies, monographs, guides, etc., are also prepared, with a view to the continuous improvement of their professional knowledge.

*Article 8.* Women are eligible for the public competitive examinations to recruit staff of the inspection service in the same way and under the same conditions as men.

*Article 9.* The inspection staff includes engineers, physicians, chemists, jurists, economists and agronomists as well as graduates of the secondary industrial, agricultural or commercial schools. The inspection services may also make use of scientific institutes and laboratories, which are available for specialised studies and research. The medical labour inspectorate co-ordinates and directs the activities of hygiene supervision carried out by medical inspectors, who are attached to the local establishments of the labour inspectorate, prepares the necessary studies, etc.

*Article 10.* The posts of labour inspector provided for by law include 350 inspectors who are university graduates, 385 inspectors who are graduates of secondary schools, 680 persons, comprising the technical and administrative staff, with lower educational experience, 80 subordinate employees and 20 technical agents. Approxi-

mately 40 per cent. of the staff holds technical diplomas. The labour inspection network includes, in addition to the medical inspectorate, 19 regional offices, 31 departmental and inter-departmental offices and 25 sections. Measures now in course will bring this network up to 92 departmental offices (one per province), not including the medical inspectorate. The regional offices are also entrusted with the co-ordinating and supervisory functions of the regional inspection services and are entrusted with special functions by the Ministry, such as co-ordinating and development functions concerning industrial accident prevention activities.

*Article 11.* Every labour inspection office is suitably equipped, accessible to all persons concerned and has a motor car at its disposal. Inspectors also receive the travel allowance for official travel fixed for public officials.

*Article 12.* The inspectors, in carrying out their functions, have the status and powers of judicial police officers; they also have the powers provided for by the labour inspection provisions (Act of 1912, Decree of 1913 and Legislative Decree of 1931). These powers include those enumerated in paragraph 1 (a), (b) and (c) of this Article. The employer is informed of the presence of an inspector in the undertaking unless such notification is liable to be prejudicial to the effectiveness of the supervision.

*Article 13.* Inspectors are authorised to make or have made orders requiring the taking of the various measures provided for in paragraph 2 (a) and (b) of this Article.

*Article 14.* The labour inspection offices are informed of industrial accidents and occupational diseases by the National Industrial Accident Insurance Institute and by the Public Safety Authority, on the basis of notifications which the employers are required by law to send to these institutions.

*Article 15.* Inspectors may not have any direct or indirect interest in the undertakings under their supervision, in accordance with the provisions in force for public officials as well as with the labour inspection legislation. The Legislative Decree of 1931 lays down the rule that inspectors may not reveal any manufacturing secrets which may have come to their knowledge in the course of duty. They must also treat as absolutely confidential, at the risk of severe disciplinary measures, the source of any complaint, nor may they reveal it to the employers.

*Article 16.* The application of this Article is ensured through the organisation described under Article 10 above.

*Article 17.* Inspectors are empowered to report immediately to the judicial authorities any persons who fail to comply with the legal provisions but may at their discretion give preliminary warning to carry out remedial measures.

*Article 18.* Special penalties are laid down in the labour legislation in case of violations of the provisions in force, and in the inspection legislation in case of non-compliance with the inspector's orders. The provisions of the Penal Code concerning obstruction of or resistance to a public authority are specifically applicable.

*Article 19.* All the inspection offices are required to report annually to the Ministry of Labour on their activities.

*Article 20.* An annual report on the work of the inspection services is drawn up by the Ministry of Labour.

*Article 21.* All the particulars enumerated in this Article are given in the above-mentioned annual report with the exception of statistics of industrial accidents and occupational diseases, which are prepared by the National Industrial Accident Insurance Institute.

*Article 22.* The same inspection system applies to commercial undertakings.

*Article 23.* All commercial undertakings which are subject to the labour and social welfare legislation in force are also subject to the supervision of the inspection services.

*Article 24.* The application of Articles 3 to 21 is also ensured in the case of commerce in the same way as in the case of industry.

*Article 29.* No areas are excluded from the application of the Convention.

No legal decisions were given by courts of law involving questions of principle. No practical difficulties have arisen in the application of the Convention.

The organisations of employers and workers have not made any observations in this connection.

*Netherlands.*

*Article 10.* In December 1953 the labour inspection service had a staff of 423, or 26 more than in the previous year. Of this number 102 officials were attached to the central service, 295 to district offices and 26 to the port inspection service.

*Article 12.* The provisions of this Article, which relate to the free access of inspectors to establishments and workplaces liable to inspection, the provision of information by the head or manager of the undertaking and members of the staff on matters connected with the observance of laws and regulations, the production of prescribed books, documents and registers, the taking of samples of materials and articles produced, transformed, manufactured or prepared in undertakings, and the posting of prescribed notices, are applied by sections 85, 79 (1), 69 and 79 (2) and (3) of the Labour Act of 1919.

*Article 15.* Clause (a) of this Article is applied by section 81 of the Act of 1919, which prohibits labour inspectors from having any direct or indirect interest, without the competent Minister's consent, in undertakings subject to their supervision, except as the Minister himself may specify.

Clauses (b) and (c) of this Article are applied by section 86 of the Act, which lays down that labour inspectors are bound to secrecy regarding anything which becomes known to them concerning the industry carried on in places that they visit; they are also bound to secrecy regarding the names of persons giving information on contraventions of laws and regulations, except with respect to the persons whose orders they

must obey in virtue of their official position. The section also institutes penalties for any breach of secrecy, which is punishable either as a contravention or as a misdemeanour.

*Article 16.* In 1953 officials carried out a total of 174,031 visits to undertakings, of which 41,056 were complete inspection visits.

*Article 17.* The general system is in accordance with that provided for by the Convention. An exception quoted by the Government appears in section 74 (5) of the Act of 1919, which states that persons exercising parental authority or guardianship shall be bound, on receipt of a warning in writing from the district chief labour inspector, to ensure that the children or wards do not perform specified types of work or operations.

*Article 21.* Before the war, the annual reports of the labour inspectorate contained all the necessary information. Since the war, however, conditions have changed and the working methods of the Central Statistical Office have been modified. As a result, the reports no longer give figures for the number of establishments subject to supervision or for the number of workers employed. In view of the requirements of the Convention, however, the Government intends to arrange for the compilation and publication of all the necessary data as soon as possible.

Detailed statistics for the number of visits made, the number of complaints and contraventions recorded, and a plan showing the organisation and operation of the labour inspection service are appended to the report.

#### *Sweden.*

*Article 9 of the Convention.* Since 1 July 1953 an additional medical practitioner has been associated in the work of the labour inspectorate.

#### *Switzerland.*

*Article 7 of the Convention.* A refresher course was held in September 1953 for the staff of the Federal Factories Inspectorate.

*Article 9.* A duly qualified official of the Federal Factories Inspectorate was nominated as special expert for the inspection of factories making explosives and fireworks.

*Article 21.* The report indicates the various issues of *La Vie économique* and the passages in the report of the Swiss National Accident Insurance Fund for 1953 which contain the particulars to be included in the annual report by the central inspection authority.

Copies of the above-mentioned publications, as well as the verbatim record of the course referred to under Article 7, are appended to the report.

#### *Turkey.*

The following additional information is supplied in response to the request made by the Committee of Experts in 1954.

*Article 9 of the Convention.* The staff of the inspection service includes ten technical experts and specialists in engineering, electricity, chemistry and medicine, who inspect the undertakings falling within the scope of their speciality. In addition, the Ministry of Labour has begun to recruit inspectors with a specialised knowledge of the problems of seamen, with a view to ensuring the supervision of the application of the Seamen's Act which came into operation in March 1954. For budgetary reasons the labour inspection service is unable to use outside experts and specialists for inspections.

*Article 10.* The inspection service now has a staff of 130 labour inspectors, including the directors of the 21 regional labour offices, who have also inspection duties to perform.

*Article 13, paragraph 2.* Under the present legislation, labour inspectors are not empowered to take steps with immediate executory force. However, the draft labour inspection regulations now under consideration include provisions which are in full conformity with this Article of the Convention. These draft regulations have been returned by the Council of State to the Ministry of Labour, with a suggestion that their scope be further extended, and work to this effect is now going on so as to bring the regulations into operation as soon as possible.

*Article 14.* Employers are required to report to the Workers' Insurance Institution cases of industrial accidents and occupational diseases. As from 1954, the Ministry of Labour will take the necessary measures to ensure that the above Institution informs the inspection service of all the cases so reported.

*Articles 20 and 21.* No annual general inspection reports have been published so far, since the labour inspection regulations referred to above have not yet been brought into force. However, information concerning the work of the inspection service is being published periodically in *Calışma Dergisi*, the quarterly review issued by the Ministry of Labour.

#### *United Kingdom.*

##### *Great Britain.*

The annual report of the Chief Inspector of Factories for the year 1953 (published in December 1954) shows that 235,052 factories were registered at the end of the year; the number of non-power factories fell to 21,032 and the number of factories with power rose to 214,020. Other premises (docks, warehouses, building sites, etc., premises registered under the Lead Paint Act, 1926, and textile works) which were subject to inspection during 1953 numbered 99,543. The number of visits to factories was 265,031 and to other workplaces 10,993.

##### *Northern Ireland.*

The annual report of the Chief Inspector of Factories for 1953 shows that 8,522 establishments

were registered under the Factories Act at the end of the year, including 5,719 with power, 1,179 without power and 1,624 other workplaces within the scope of the relevant Acts. The estimated number of persons employed in factories in June 1953 was 178,682, and 28,743 in building and engineering construction operations. During the year 7,319 visits to factories were made, 6,020 being for the purpose of inspection and others being of an advisory nature. There were

five prosecutions during the year—two for breaches of hours of employment requirements and three in respect of safety matters.

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

*Finland, Norway.*

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 1 July 1953*

Countries	Date of registration of ratification
Belgium <sup>1</sup> . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
New Zealand <sup>1</sup> . . . . .	1. 7.1952
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

86. Contracts of Employment (Indigenous Workers) Convention, 1947

*This Convention came into force on 13 February 1953*

Countries	Date of registration of ratification
Guatemala . . . . .	13. 2.1952
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

THIRTY-FIRST SESSION (SAN FRANCISCO, 1948)

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

*This Convention came into force on 4 July 1950*

Countries	Date of registration of ratification
Austria . . . . .	18.10.1950
Belgium . . . . .	23.10.1951
Burma . . . . .	4. 3.1955
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

Cuba (First Report).

Constitution of the Republic of Cuba of 5 July 1940 (L.S. 1940—Cuba 1), as amended on 4 April 1952.  
Act of 13 June 1888 respecting associations.  
Decree No. 2605 of 7 November 1933 to issue regulations for the formation of industrial associations (L.S. 1933—Cuba 2).  
Legislative Decree No. 65 of 9 March 1934 to prohibit the formation by employees of the State, provinces or municipalities of organisations of a trade union or class-warfare character (L.S. 1934—Cuba 3).  
Decree No. 1123 of 9 April 1943 to issue regulations under sections XXII, XXIII and XXIV of Decree No. 2605 of 7 November 1933.  
Circulars Nos. 1 and 3 of 17 and 19 September 1934 respecting the registration of trade unions.

Section 69 of the Constitution reads as follows:  
“Employers and wage-earning and salaried employees shall be entitled to form associations exclusively for purposes connected with their economic and social activities.  
“The competent authority shall decide respecting the admission or refusal of the registration of an employers’ or employees’ association within a time limit of 30 days. Registration shall give an employers’ or employees’ association the status of a body corporate. The law shall lay down regulations concerning the recognition of associations by employers and by employees respectively.  
“Associations shall not be entitled to wind themselves up except in pursuance of an enforceable decision of a law court.  
“Persons other than Cubans by right of birth shall not be members of the committees of management of such associations.”

Articles 1 and 2. Section I of Decree No. 2605 provides that all workers “shall be entitled to form associations freely for the protection of their common interests without its being necessary to obtain previous authorisation to do so”.  
Section III of the Decree provides that no person may be compelled to become or abstain from becoming a member of an industrial association and that every stipulation tending to render this prohibition nugatory by the imposition of a penalty or in any manner shall be null and void.  
The Government’s report also refers to two circulars of 1934, the texts of which are appended to the report.

Article 3. Section VII of Decree No. 2605 enumerates the particulars which must be indicated in the rules of industrial associations. The report points out that, in virtue of subparagraphs (C), (E) and (I) of this provision, the free election of the committee of management is ensured as well as the autonomy of the association’s management and the free determination of the activities of the association.  
The expression “protection of their common interest” and “their economic and social activities” apply to activities which are in conformity with the law.

The general character of these expressions may be indicated otherwise, that is, industrial associations are free to pursue any activities provided they are not formally prohibited. As an example the report refers to section XIV of Decree No. 2605, which prohibits political activities or commerce and any act to instigate or commit an offence against persons or property, or to compel non-union employees to join the association.

Article 4. Section 69 of the Constitution prohibits the final winding up of industrial associations except in pursuance of an enforceable decision of a law court.  
The Government is only able to suspend an industrial association if it “fails to prove that it is constituted in accordance with the provisions in force” (section XII of Decree No. 2605 of 1933). This rule is the logical consequence of section I which authorises the free formation of associations without any previous authorisation.

Article 5. The report refers to Decree No. 1123 of 1943 and to section XXII of Decree No. 2605.

Article 6. Federations and confederations are governed, in so far as this is compatible with



their organisations, by the legislation applying to industrial associations, particularly as regards the guarantees provided under this legislation.

*Article 7.* Section XI of Decree No. 2605 provides that every duly constituted industrial association shall be a body corporate. Section VI of this Decree provides that "an industrial association shall be deemed to be lawfully constituted if the organisation thereby complies with the provisions of this Decree or of the Act in force respecting associations", the relevant passages of which are also indicated.

Before registering an industrial association, its rules and the procedure of the election of the management committee and of the delegates are examined. (Workers' industrial associations have a permanent representative with the official institutions and the employers' organisations, in conformity with section XIII of Decree No. 2605.)

Legal status is granted subject to the sole proviso that the provisions of Decrees Nos. 2605 and 1123 are applied.

*Article 8.* The legislation in force does not provide for any special rights in the case of trade unions, which are required to respect the Constitution and the law.

*Article 9.* Section II of Decree No. 2605 provides that the right to form industrial associations does not apply to the land and sea forces of the Republic and to the constabulary, nor to officials and employees of the State, provinces and municipalities except when they are acting as private persons and not in an official capacity.

Legislative Decree No. 65 of 1934 prohibits, in section I, the right of employees of the State, provinces or municipalities to set up organisations of a trade union or class-warfare character, i.e. organisations which include among their objects the intention to "impose their will on the State by means of joint coercion".

*Article 10.* The definition of the term "organisation" is identical to that of the Convention, it being understood that the trade union may not pursue any other object than that of promoting and defending the interests of the workers or the employers as the case may be.

No decisions were given by courts of law respecting the application of the Convention.

No observations were received from employers' or workers' organisations respecting the application of the Convention or the legislative measures giving effect to its provisions.

#### *Denmark.*

The report makes a general reference to the report submitted last year.

In reply to the Committee of Experts request for information, the report states that the agreement of 5 September 1899 between the Danish Employers' Confederation and the Confederation of Danish Trade Unions presupposes the recognition of the rights of association on the part of both employers and workers, as was decided, *inter alia*, in an award by the Permanent Court of Arbitration on 8 June 1912. Collective agreements concluded at a later date, and which are not covered by the agreement of 5 September

1899, also imply full recognition of the rights of association of employers and workers, and these rights are generally laid down by a formal provision on the subject in the agreements.

In an annex to the report details are given of the 1912 award of the Permanent Court of Arbitration (Case No. 71). An employer belonging to the Danish Employers' Confederation had discharged a number of his workmen after they had refused to comply with his request to withdraw from their trade union. The case was brought before the Permanent Court of Arbitration, to which the following two questions were submitted: (1) are the discharges made by the employer contrary to the agreement of 5 September 1899? (2) is the employer justified in prohibiting his workmen from being members of a union? The Court replied to the first question in the affirmative, stating that the employer, as a member of the Danish Employers' Confederation, was bound by the agreement of 5 September 1899, which explicitly provides for the recognition of the rights of association on both parts. On the other hand, the Court answered the second question in the negative and decided that the employer's attitude was an abuse of the right of association. It accordingly ordered the Danish Employers' Confederation to pay a fine of 400 kroner to the Confederation of Danish Trade Unions.

The Government has also stated that military personnel are not allowed, without special permission, to join associations affecting their service, or to appear at meetings attended by military persons in order to deliberate on such affairs. In some cases, however, the Ministry of Defence has, on application, approved professional organisations within the different groups of personnel and granted them the right of negotiation.

#### *France.*

The Act of 11 February 1950 amends the provisions of the Labour Code concerning collective agreements, by stipulating that these agreements must embody provisions relating, on the one hand, to freedom of association and, on the other hand, to the conditions of recruitment and dismissal, whereby these must not affect the worker's freedom to select the trade union of his choice.

On 11 February 1954 a Private Member's Bill was submitted to the National Assembly with a view to strengthening guarantees of unrestricted exercise of freedom of association, which might otherwise be prejudiced by the *de facto* recruitment monopolies exercised by certain trade union organisations. This Bill met with general approval among governmental authorities and was also approved by the Labour and Social Security Commission and the Press Commission of the National Assembly. In the first place the Bill lays down that any refusal to engage a person at the time of his application or any dismissal found to have been motivated by his opinions, trade union activities, or membership or non-membership of any given trade union, is an abuse and gives entitlement to claim damages; in the second place it provides that any clause contained in contracts or collective agreements whereby the use by the employer of the trade union label is made conditional on the obligation on the part of the employer not to retain, or not to employ, any persons except those holding membership of the



trade union whose label he uses, shall be null and void.

The report also states that the practice of the Appeal Court is to respect the principle of freedom of association by regarding any contravention thereof as an illegal act.

In conclusion the report states that the National Federation of Christian Trade Unions for the book, paper, cardboard and affiliated industries considers that violations of freedom of association had been carried out in the newspaper printing industry where a *de facto* recruitment monopoly had been enjoyed by a certain trade union organisation. Appended to the report is a copy of a complaint addressed to the International Labour Organisation by this Federation, containing detailed information and numerous annexes concerning the situation existing in the French press.

#### *Iceland.*

The report mentions a decision rendered by a Labour Disputes Court on 31 May 1954 in a suit brought by a lorry driver against the Union of Proprietary Lorry Drivers of Reykjavik, which had rejected his application for membership on the grounds that the maximum number of 280 lorries in service provided by Act No. 23 of 1953 had been reached. The plaintiff, on the other hand, claimed that he fulfilled all the conditions of the union's statutes for the admission of new members and that consequently, under the provisions of Act No. 80 of 1938 on trade organisations and labour disputes, the union was bound to admit him to membership and to grant him the same facilities and services as to its other members during the exercise of their calling. While recognising that, in view of the regulations limiting the number of lorries, the union was not bound to grant the plaintiff the facilities and services offered to its other members, the court nevertheless decided that these regulations could not be applied in such a manner as to deprive the plaintiff of his right to belong to a trade organisation, that right being safeguarded by section 2 of Act No. 80 of 1938 and that consequently on that point the decision of the union was not substantiated.

#### *Netherlands.*

The complaint of the occupational association *De Eenheidsvakcentrale* mentioned in previous reports was examined by the Governing Body at its 125th Session in the 13th Report of the Committee on Freedom of Association, which was approved by the Governing Body.<sup>1</sup>

#### *Pakistan.*

With reference to the observations of the Committee of Experts, the report states that the restrictions contained in the Cabinet Secretariat's Notification of 30 August 1948 apply only to those associations which apply for official recognition by the Government and that government employees are at complete liberty to establish and join organisations of their own choosing without being compelled to belong to associations representing their category.

The report also mentions the fact that while certain workers' organisations have complained against victimisation of their members on account of trade union activities, it was found on inquiry that the action taken against them was not for trade union activities but for activities against law and order.

#### *Sweden.*

The negotiations mentioned in the Government's report of last year, the object of which was to draw up new standard service regulations for local government officials in towns and boroughs and to attempt to reach agreement on procedure, were continued during the period under review. However, they ended in a deadlock and the Committee asked to be relieved of its duties.

On the other hand, the employers (Federation of Swedish Towns) concluded an agreement with the Swedish Federation of Local Government Agents affiliated to the Confederation of Swedish Trade Unions, concerning new standard service regulations and negotiations procedure. The agreement is based on a draft prepared by the Conciliation Committee during the negotiations referred to above. Thus, there are at present in existence agreements relating to local government employees belonging to the Confederation of Swedish Trade Unions, whilst none exist for local government officials affiliated to the Swedish Confederation of Employees' Trade Unions or to the Swedish Confederation of University Graduates.

The conditions for the recruitment and remuneration of members of the police force were studied by a special Committee, after which negotiations took place between representatives of the Ministry of the Interior and the Swedish Police Federation. These negotiations resulted in a Convention which was approved by Parliament. The Stockholm section of this Federation, which has a membership of over 1,000, was not satisfied with the measures adopted and withdrew from the Confederation, setting up a co-ordinating committee together with two Göteborg sections which had withdrawn from the Federation in 1952. The right to negotiate was requested on behalf of that Committee and this was granted by the relevant authorities in October 1954. The Government has also sent the text of certain decisions rendered by a labour tribunal on the right to organise. In the case of the "Swedish Transport Workers' Federation v. Swedish Employers' Federation", an employer had threatened a worker with dismissal should he approach his trade union. The question arose whether a simple threat of dismissal could be regarded as a violation of the right of association and whether the dismissal that followed would constitute a violation of that right. The question similarly arose whether an employer could be ordered to pay damages for having prevented the trade union from verifying whether the charges he had brought against the worker were substantiated and also for having dismissed the worker without due notice. By a majority decision the tribunal ordered the company to pay 150 crowns damages to the Federation for breach of contract. The minority was in favour of reinstating the worker.

In the case of the "Swedish Federation of Hotel and Restaurant Employees v. Sture Ollhage", an employer kept both a bakery and a pastry shop,

<sup>1</sup> See *Official Bulletin* (Geneva, I.L.O.), Vol. XXXVII, No. 4, 30 Nov. 1954, pp. 106-107.

the former supplying bread to the latter. Owing to a lockout the bakery stopped work and the staff of the pastry shop were given notice; however, only two employees lost their jobs in the end. Both had taken an active part in organising the staff and in preparing a collective agreement for the pastry trade. The question before the tribunal was whether dismissal was a violation of the right of association. The tribunal awarded damages against the employer for violation of the right of association and ordered him to pay the two dismissed workers 750 crowns and 500 crowns respectively, as well as 500 crowns to the Federation of Employees.

In the case of the “Swedish Federation of Commercial Employees v. Stig Johansson and the Jabo Hat Factory”, the tribunal had to decide

whether there was a violation of the right of association as well as breach of contract and whether certain declarations made to an employee constituted a violation of the right of association. The tribunal ordered the employer to reinstate the worker concerned in his job and to pay him 535 crowns salary for each month between the date of dismissal and the date of reinstatement. Moreover, the tribunal ordered the employer to pay the Federation of Commercial Employees the sum of 1,000 crowns damages.

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

*Austria, Belgium, Finland, Mexico, Norway, United Kingdom.*

88. Employment Service Convention, 1948

*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
Egypt . . . . .	3. 7.1954
France . . . . .	15.10.1952
Federal Republic of Germany . . . . .	22. 6.1954
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.*

In reply to a request for further information by the Committee of Experts, the Government submits the following explanations concerning Articles 4, 5, 6 and 11:

*Articles 4 and 5 of the Convention.* By section 49 of the Re-establishment and Employment Act, the Minister for Labour and National Service may appoint such committees as he sees fit to advise him on matters related to the administration of the Commonwealth Employment Service. This provision continued the arrangements that had previously been provided for in the National Security (Manpower) Regulations which had constituted the wartime Manpower Directorate from which the Commonwealth Employment Service sprang. Under these Regulations a Commonwealth and six State Committees had,

in fact, operated to advise the Manpower Authorities on matters connected with the administration of the Manpower Regulations. When the Commonwealth Employment Service was established in 1945, a representative meeting of employers' and workers' delegates was summoned by the Minister to discuss policies to be followed by the Employment Service. It was contemplated at that meeting that advisory committees should be constituted along the lines of those which had operated during wartime and a provision to this effect was therefore included in the Act. Although since then various proposals have been discussed for the establishment of advisory committees, not necessarily limited to matters relating to the operation of the Employment Service, for various reasons it has not been possible to obtain agreement on the form of or representation on such committees.

The Employment Service is an integral part of the Department of Labour and National Service which carries out numerous functions in fields outside the field of employment. In connection with these functions, as well as in regard to the policy to be followed in the administration of the Employment Service, it has been the practice of the Department to maintain close and continuous contact with national, regional and individual employers' and workers' organisations.

Towards the end of the year under review, renewed informal consultations took place with employers' and workers' organisations with a view to the establishment of an Advisory Committee at the national level, under the chairmanship of the Minister, to deal with labour and industrial matters.

*Article 6.* The department provides assistance, through the Employment Service and the Industrial Training Section, to the Department of Social Services in schemes administered by it for the training or retraining of physically handicapped persons and to the Repatriation Department for its vocational training schemes for ex-members

of the armed forces or their widows. The Employment Service maintains close contact with normal apprenticeship and trade training schemes which are widespread in Australia. In view of the high levels of employment which have prevailed since the establishment of the Employment Service, the need has not been felt for the institution of training or retraining schemes beyond those mentioned above. However, plans are in existence for special training and retraining schemes in the event of a less favourable employment situation.

*Article 11.* Private employment agencies not conducted with a view to profit, other than those conducted by universities and professional institutions, include those associated with trade unions and community social organisations such as the Y.M.C.A., the Returned Soldiers', Sailors' and Airmen's Imperial League of Australia, the Legacy (an organisation concerned with the welfare of deceased ex-servicemen's dependants), church youth groups, etc. There is a close liaison between these organisations and the Employment Service as regards employment placement. Some of these organisations have ceased their placement activities altogether since the inception of the Commonwealth Employment Service, while in many other cases the practical work is done by the Employment Service.

The following statistical data are submitted for the year under review: (1) Applicants for employment: (a) new registrations, 506,189; (b) referred to employers, 407,860; (c) placed in employment, 263,676; (2) Vacancies: new notifications, 436,719; (3) Migrants placed by Employment Service in first employment after entry (not included in (1) above), 5,765; (4) Number of local employment offices, 118; (5) Number of agents in small country areas, 355.

#### *Bulgaria (First Report).*

See under Convention No. 2.

#### *Canada.*

*Article 3 of the Convention.* In the course of the year under review, the number of local offices, branch offices and sub-offices has increased from 232 to 237.

*Article 4.* In accordance with the policy adopted, at the end of the two-year period ending on 31 March 1954 all workers', employers' and other organisations represented on employment advisory committees were requested to nominate new representatives or renominate existing ones. The National Employment Committee, with assistance from regional and local committees, conducted a survey of seasonal industries and published a report as a first step toward a detailed study of seasonal unemployment. Special attention has also been given to the problems connected with the employment of older workers. There are at present five regional and 61 local committees, in addition to the National Committee.

*Article 7.* Specialised services for disabled persons have been intensified in the Employment Service.

A new inspection system has been established under which a staff of inspectors from head office, reporting directly to the Executive Director,

carry out very complete inspections with the assistance, as required, of regional travelling supervisors. The latter officers and employment officers from regional and head office employment branches continue their periodical visits to local offices to follow up on inspection reports or to provide assistance and advice on specific matters.

#### *Cuba (First Report).*

Legislative Decree No. 203 of 1935 to establish employment agencies.

Act No. 148 of 1935 respecting employment offices (L.S. 1935—Cuba 7).

Act No. 191 of 1935 respecting private placement agencies.

Legislative Decree No. 1156 of 1953 respecting employment of workers in the construction industry.

Legislative Decree No. 283 of 1954 respecting employment of workers in the construction industry.

Resolution No. 78 of 1954.

*Article 1 of the Convention.* The free employment offices set up under Act No. 148 keep a register of unemployed persons and send registration cards to Cuban citizens. They have not had full co-operation from workers and employers, as the latter prefer to recruit workers directly or through the trade unions.

*Article 2.* Employment offices operate under their respective municipal administrations and are financed by them. It has not been possible to give the force of law to the existing legislative provisions for the co-ordination of the system on a national scale under the authority of the Employment Office Division of the Ministry of Labour. The report lists the functions of this Division in virtue of the Act respecting the duties and organisation of the Ministry of Labour.

*Article 3.* The Ministry of Labour is empowered under Legislative Decree No. 203 of 1935 to establish employment offices. There are at present about 70 such offices directed by the municipalities, and distributed throughout the six provinces of the Republic.

*Articles 4 and 5.* There are no advisory committees for the organisation and operation of the employment service or the development of its policy. Co-operation by employers and workers is found only in the construction industry where, under Resolution No. 78 of 1954, an Employment Offices Committee was set up which included representatives appointed by the occupational associations concerned.

*Article 6.* The employment offices and the Register of Occupational Selection, which is kept by the Ministry of Labour, record full particulars about workers and their qualifications. However, this system is not in operation.

*Article 7.* Only the construction industry and the Register of Occupational Selection can be mentioned in this connection.

*Article 8.* No special provisions have been made for young workers, who get their vocational training at the trade schools and technological institutes.

*Article 9.* The staff of the employment offices enjoy the same conditions of service as other public officials. They are assured of stability of employment, with the exception of those who

hold political posts or positions of trust. Municipalities are allowed under the Constitution to appoint their own employees.

*Article 10.* Although section 9 of Act No. 148 provides that employers shall not engage workers who have not registered with employment offices, in fact very few select their employees from among those registered with the said offices. The practice is to select a worker and then have him registered at the exchange.

*Article 11.* Fee-charging employment agencies operated with a view to profit exist only for domestic workers.

*Article 12.* This Article is not applicable to the Republic of Cuba.

The employment offices, the competent Ministry and its provincial branches are responsible for ensuring the application of legislation in this field.

No observations have been received from employers' or workers' organisations.

#### *France (First Report).*

Decree of 20 March 1939 respecting public departmental employment offices.

Decree of 26 September 1939.

Ordinance of 24 May 1945 respecting the placing of workers and supervision of employment (L.S. 1945—Fr. 7).

Decree of 27 April 1946 to issue public administration regulations for the reorganisation of external labour and manpower services (L.S. 1946—Fr. 9).

Decrees of 29 October 1947, 12 January and 3 March 1948 to establish the Manpower Directorate.

Decree of 20 April 1948 concerning the organisation of the departmental manpower services and of their advisory bodies (L.S. 1948—Fr. 5).

Order of 17 August 1948 to set up the National Manpower Committee.

Circular of 16 May 1949 concerning the reorganisation of the manpower services.

Decree No. 54-951 of 14 September 1954.

Labour Code (Book I).

*Articles 1 and 2 of the Convention.* The manpower services responsible for placing operations fall under the Manpower Directorate of the Ministry of Labour and Social Security. The Manpower Directorate, which was set up in virtue of the Orders of 29 October 1947, 12 January and 3 March 1948, is responsible for forming, on the basis of the state of the labour market, a coherent policy relating to the setting up of services, the working of these services, the constant evolution of the legislation respecting the employment of national manpower, the vocational training of adults and the supervision and adaptation of foreign manpower. Through the general labour and manpower inspectorate, the manpower directorate supervises its external services from the technical, disciplinary and administrative point of view.

*Article 3.* There is set up in each département or group of départements attached to a given departmental directorate of labour and manpower a specialised service known as the "Département Manpower Service"; this is placed under the direct authority of the departmental director of labour and manpower, in conformity with the Decree of 27 April 1946 as supplemented by the Decree of 20 April 1948. Each département manpower service is entrusted with the co-ordination of the activities of the local manpower offices

which it controls and with the supervision of their working. In the localities where the work of the placing service is of an intermittent or seasonal character, permanent services are provided by the local agents. In addition, in localities which are too small to justify the establishment of an office, correspondents may be appointed. Finally, in the communes where there is no manpower service, the mayors are required to keep a register showing the vacancies and applications for employment; these must be transmitted every three days to the nearest manpower office.

*Articles 4 and 5.* In the practical implementation of the manpower policy the Ministry of Labour and Social Security confers the most important role on the representatives of occupational employers' and workers' organisations. A National Manpower Committee, set up in virtue of the Order of 17 August 1948, the members of which are appointed by Ministerial Order, is responsible for studying the manpower problems submitted to it by the Minister of Labour and Social Security. It has set up a number of sub-committees which deal specifically with the questions of vocational training, the rehabilitation of disabled persons, invalids and persons with reduced physical capacities, North African matters, and the placing of young persons.

At the département level, a Département Manpower Committee consisting on the one hand of representatives of certain public administration bodies and, on the other hand, of an equal number of representatives of employers and workers, is attached to each département manpower service. The employers' and workers' representatives are appointed by order of the prefect, upon nomination by the employers' and workers' representative organisations.

These committees are consulted on questions concerning the utilisation and distribution of manpower in the départements; they examine the proposals put forward by the various joint committees which will be dealt with below, make suggestions with regard to the improvement of the placing services, and exercise direct control over the operations of the placing offices to which no joint committee has been attached.

In addition, joint committees have been established under certain important occupational placing services; they consist of a maximum of three employers and three wage earners, or former employers and wage earners appointed by order of the prefect and chosen on the basis of a list put forward by the representative organisations of the département. These committees are kept informed of the working of the placing services, give their opinion on the operations carried out and assist in finding vacancies.

*Article 6.* The report describes in detail the procedure followed by the manpower offices with regard to the registration of requests for employment, the interviewing of applicants for employment, the determination of their occupational qualifications, ensuring that the physiological, psychological and social conditions of the job are suited to the applicant, sending them for a medical examination if this seems necessary, and preparing their future guidance. Similar information is supplied with regard to the methods used by the employment service staff to find employment for

an applicant, to identify and define the undertaking, job, capacities required and relevant conditions of work and thus proposing the most suitable available worker for the vacant post.

The reference of applicants and vacancies from one service to another is ensured on the local and département level in the following manner: every day the local sections communicate to the département manpower service a list of the applications for employment and vacancies notified. If it has not been possible to deal with these at the département level, they are communicated to the Inter-département Clearing Centre which transmits them, in the form of a regional bulletin, to all the département services for which it is responsible; they in their turn communicate the bulletin to all the local sections. At the national level vacancies transmitted by the inter-département centres are used by the central administration service, which draws up a list of the vacancies involving a large number of jobs or relating to unusual types of work and publishes it in the *Bulletin national de compensation* and the *Bulletin de compensation à procédure accélérée*.

The report also supplies information concerning the procedure adopted when it is necessary to direct an applicant for employment to a job in a département some distance away from his own. In certain cases free transport is guaranteed.

The sources of information available to the Ministry of Labour and Social Security with regard to the situation and evolution of the labour market include the following: statistics, reports on the situation of the employment market in the départements, inquiries on the state of the economy, and inquiries on the situation of the employment market in various trades. The committees working at the national, département or local level are kept regularly informed of the evolution of the situation of the labour market. On the other hand, full information is supplied to the manpower services, the principal administrations, the occupational organisations and the public through the *Bulletin d'information et de documentation professionnelles*, which appears each fortnight and which publishes statistics relating to unemployment and placing, reports on the general employment situation, and its particular aspects in the different départements, detailed tables showing the possibilities and difficulties of placing in the various départements, and the results of inquiries concerning the demand and supply of qualified manpower.

During the first quarter of 1953, a Permanent Inter-ministerial Committee to Study the Economic Aspect of the Labour Market was set up; it meets every fortnight and its chief tasks are to compile the necessary information concerning the evolution of the employment and unemployment situation, to study and propose suitable measures to ensure normal conditions of employment or re-employment of manpower, to recommend the transformation and suggest the transfer of undertakings in view of the situation of the labour market, and to propose to the Ministers concerned general measures to bring about the most favourable utilisation of manpower, due account being taken of the economic evolution. This committee, presided over by the director of manpower, includes representatives of the following Ministerial departments: National Defence, Finance, Economic Affairs and Planning, Industry

and Commerce, Labour and Social Security, Public Works, Housing and Reconstruction. It collaborates, together with the manpower services, with the bodies set up in virtue of the Decree of 14 September 1954 with a view to facilitating the adaptation of industry, the reclassification of manpower and industrial decentralisation.

*Article 7.* Occupational services or sections have been established both in Paris and in the provinces in collaboration with the trades concerned which, as a rule, ask for the constitution of a joint committee to supervise the regularity of placing and to formulate any suggestions which they might deem necessary. In Paris there are such occupational offices dealing with agriculture, food, building, bakeries, pastrymaking, sweet-making, hairdressing and similar occupations, the leather and skin industry, hotels, cafés, restaurants and bars, the metal industry, clothing industry, taxi drivers, students, domestic workers, insurance employees, office employees, commercial employees, intellectual workers, managerial staff, engineers and technicians (the last seven groups have been regrouped in a central bureau for employees and intellectual workers) and artists. The Ministry of Labour and Social Security has also set up specialised sections to deal with the employment of physically handicapped persons, which work in close co-operation with the public and private bodies interested in the rehabilitation of this category of workers.

*Article 8.* Most of the département manpower services include employment sections dealing with young persons aged from 14 to 18 years, which work in collaboration with the vocational guidance centres attached to the Ministry of National Education. Young persons are placed in accordance with the results of the vocational guidance test and the medical examination which they must undergo.

*Article 9.* The staff of the manpower services consists of public officials (permanent, temporary, supernumerary) who benefit from the special status reserved for the staff of the external services of labour and manpower. The status of the officials is at present being modified. In each département the directors of manpower and labour may recruit temporary agents on their own responsibility and within the limit of the staff assigned to them.

The general principle of the recruitment of staff is based on a system of entrance examinations in the various grades of officials of the external services. The report states the conditions which the candidates must fulfil before they may enter such examinations and the tests which they are given.

The manpower directorate has established a plan for the training of staff, which takes into account the provisions of the Convention. This plan comprises the initial and subsequent training of the staff of the manpower services from the administrative, technical and psychological point of view. It is supplemented by a review of the teaching method for the practical training of heads of services, based on the American method "Training within Industry". Detailed information is supplied in the report concerning the training periods organised under this plan, for the

chiefs of département manpower services, in test services set up in a certain number of départements; information is also supplied on the methods of training employed.

*Article 10.* See under Article 4.

*Article 11.* Free employment offices set up by occupational organisations, employment offices exchanges, societies for mutual assistance, and associations of old pupils have been authorised to continue their activities under the control of the manpower services, provided they requested authorisation to do so within two months following the promulgation of the ordinance of 24 May 1945. These offices are required to supply regular statistics on their activities to the manpower services. They must keep an index of applications for employment and vacancies they have received, to be made available to the chief of the employment service. A system of clearing exists among the various associations through the Département Directorate of Labour and Manpower. Some private employment offices may in addition be authorised to act as local agents of the manpower services.

The application of the laws and administrative regulations is entrusted to the manpower services and is subject to the supervision of the labour and manpower inspectorate.

There are 75 département services and 392 local manpower sections throughout the territory of metropolitan France.

No decisions have been given by the courts of law involving questions of principle relating to the application of the Convention.

#### *Iraq.*

The number of workers registered at the five public employment agencies during the period under review was 736. About three-quarters of this number were unskilled workers, of whom 489 were placed, and the other quarter were semi-skilled of whom a larger proportion were placed.

#### *Italy (First Report).*

Royal Decree No. 2205 of 13 November 1919 respecting emigration (as amended).

Act No. 358 of 9 April 1931 to issue regulations concerning the organisation and development of migration and internal colonisation (L.S. 1931—It. 2).

Act No. 1092 of 6 July 1939 to prevent urban overpopulation in the cities.

Legislative Decree No. 381 of 15 April 1948 concerning the reorganisation of the central and local establishment of the Ministry of Labour and Social Welfare (L.S. 1948—It. 3).

Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (L.S. 1949—It. 2A).

Order of 15 February 1949 and Decree of 29 April 1950 respecting the placing of workers for weeding, transplanting, cutting and gathering rice.

Ministerial Order No. 157 of 12 July 1950 concerning the placing of theatrical artists.

*Articles 1, 2 and 3 of the Convention.* The free public employment service is regulated by Act No. 264 of 29 April 1949 and Legislative Decree No. 381 of 15 April 1948. It includes a headquarters (Ministry of Labour and Social Welfare) and regional and local offices. It is for the Ministry of Labour and Social Welfare, to adapt the organisation of the network of employment offices to local requirements objectively ascertained.

*Article 4.* The collaboration of employers and workers is ensured by means of the participation of their representatives in the central committee for the placing and assistance of the unemployed and on the provincial and local committees. These representatives are appointed, in equal numbers, on nomination by the occupational organisations, due account being taken of the size of these organisations.

*Article 5.* The central committee, whose terms of reference are defined by the Act of 29 April 1949, is required to give advice on the most important questions relating to the general policy of the employment service.

*Article 6.* Sections 8, 9, 10 and 13 of the Act of 29 April 1949 ensure the application of paragraph (a) of this Article.

As regards paragraph (b), the rules regarding occupational and geographical mobility of labour are now in course of revision by the legislature; more detailed information will therefore be given in the next report. The Government indicates the legislation now in force relating to internal migration, temporary migration and emigration. The recruitment and selection of future migrants are entrusted to the labour and maximum-employment offices and to the emigration centres established in virtue of the Legislative Decree of 15 April 1948.

The Ministry of Labour and Social Welfare carries out the collection and analysis of information on the employment market situation, on the basis of details supplied by the labour inspectorate and the labour and maximum-employment offices. It is published in the report on the employment-market situation which is issued every two months by the Ministry.

The administration of the unemployment insurance scheme is in the hands of the National Welfare Institute, under the supervision of the Ministry of Labour and Social Welfare. However, unemployment benefit and special unemployment allowances are paid by the employment offices, except at the provincial capitals, where this work is done by the Institute through its own branches.

Collaboration with public and private bodies concerned with the employment situation is ensured at headquarters by the Ministry of Labour and elsewhere by the regional and local labour and maximum-employment offices.

*Article 7.* Employment office specialisation by occupations and industries is provided where necessary, particularly in the case of agriculture (special arrangements) and the entertainment industry (special offices and registers). In addition, special provisions are being taken or are being considered with regard to the placing of hotel, restaurant and café employees, persons employed in bakeries, printing and paper workers, glass workers, domestic workers and porters, and persons receiving vocational training. The placing of dockers and seamen is ensured through special offices under the Ministry for the Merchant Marine.

In the case of specialists and skilled workers, the present provisions allow freedom of choice by the prospective employer from among the workers registered as unemployed. In the case



of managerial personnel, engagement without reference to the employment service is permitted.

The placing of disabled persons is done by the offices and in the manner already indicated with regard to Convention No. 2.

*Article 8.* A special juvenile employment section is now being established at each regional and provincial labour office. Special courses for the personnel to be allotted to these sections will be held during the current year.

*Article 9.* The Legislative Decree of 15 April 1948 which determines the status of the personnel of the labour and maximum-employment offices ensures the application of this Article. Initial and advanced training courses are organised by the Ministry of Labour for the personnel of the employment service. Meetings of the heads of the offices and the officials in charge of the various special services are frequently held with a view to providing the latter with the latest information regarding the organisation and operation of the said services and to hear their opinion on certain questions.

*Article 10.* Placing is defined as a public service by section 7 of the Act of 29 April 1949, which also lays down the obligation of employers and workers to have recourse to the employment offices, and specifies the exceptions to this rule.

*Article 11.* Section 11 of the Act of 29 April 1929 prohibits private placing and specifies the penalties for breaches of this rule.

*Article 12.* No part of the national territory is exempt from the application of the provisions regarding placing.

The authorities responsible for the application of the provisions in question are the Ministry of Labour and Social Welfare and the regional and provincial labour and maximum-employment offices. At each regional office there is a group of officials responsible for inspection and technical assistance. The Ministry is informed every two months of the work done by these officials and their opinions are taken into consideration when appointing and training new staff.

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

#### *Netherlands.*

*Article 3 of the Convention.* Plans have been made for a further reorganisation, the idea being to define the responsibilities of the employment authorities more closely and to ensure that there is more effective co-operation and co-ordination in their work.

During 1953 the employment offices recorded 798,900 applications and 654,200 offers of employment. The number of persons placed was 489,900.

#### *New Zealand.*

The number of placings made by the National Employment Service during the 12 months ending 31 March 1954 was 20,917. The number of registered applications not placed in employment at the same date was 61.

#### *Norway.*

Regulations of 18 December 1953, issued by the Ministry of Local Government and Labour, concerning the placing, etc., of disabled persons.

*Article 2 of the Convention.* There are now 687 local placing offices, 59 of which are employment offices. Thirty of these cover more than one local district. In 578 local districts, the employment service is attached to the social insurance office and in 20 districts special employment exchange officials have been appointed; 16 towns have their own seamen's employment offices.

*Article 6.* When the income limit for the health insurance scheme was abolished in October 1953, all wage and salary earners were included in the employment statistics with the exception of seamen in foreign trade (about 32,000 persons), the permanent personnel of the Norwegian State Railways (about 19,000) and persons with fishing as their main occupation (about 65,000). Industrial grouping in accordance with the United Nations International Standard Industrial Classification has now been introduced.

*Article 7.* Government labour consultants have now been appointed in all countries. In the regulations for the placing of disabled persons, issued by the Ministry of Local Government and Labour, the main principles for the work of labour consultants have been set out.

During the period under review the public employment service registered 285,027 applications for employment and 241,987 vacancies; a total of 196,324 persons were placed in employment.

#### *Sweden.*

Circulars Nos. 0:2 and 0:4 of the General Directorate of Labour dated 18 December 1953 (regulations governing the General Directorate and the provincial labour boards).

Any changes made to the Instruction of 1948 governing the General Directorate of Labour and the provincial labour boards are purely administrative in character.

A fairly large-scale inquiry is at present being made into the organisation of the General Directorate of Labour, the provincial labour boards and the employment offices. This inquiry is being held jointly by the General Directorate of Labour and the National Organisation Committee.

On 22 May 1954, Sweden, Denmark, Finland and Norway concluded an agreement on the establishment of a common employment market. This agreement, which entered into force on 2 July 1954, provides that labour permits will not be required in any of the contracting States of nationals belonging to any other contracting State.

For details of the scope and activities of the public employment services in 1953, the Government refers to its report on Convention No. 2.

The texts of the above circulars and agreement are appended to the Government's report.

#### *Switzerland (First Report).*

Federal Act of 8 October 1920 to set up the Federal Labour Office (sections 3 and 6 are still in force).

Federal Order of 21 June 1929 to unite the Division of Industry, Arts and Crafts and the Federal Labour Office.

Order of the Federal Council of 15 January 1946 concerning the organisation of the Federal Office of Industry, Arts and Crafts, and Labour.

Federal Act of 22 June 1951 respecting the employment service (L.S. 1951—Swi. 2).

Regulation No. 1 of 21 December 1951, on the Federal Act respecting the employment service.

#### *Zürich.*

Introductory Act of 1 February 1953, respecting the Federal Acts of 22 June 1951 on 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 respecting 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 respecting the Federal Employment Service Act.

#### *Schwyz.*

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

#### *Upper Unterwalden.*

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

#### *Lower Unterwalden.*

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

#### *Glaris.*

Introductory Act of 3 May 1953 respecting the Federal Acts on unemployment insurance and the employment service of 22 June 1951.

#### *Zug.*

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

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

#### *Solothurn.*

Act of 9 November 1952 respecting the introduction of the Federal Acts on unemployment insurance and the employment service.

Executive Ordinance of 19 December 1952 respecting 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 respecting the introduction of the Federal Employment Service Act.

Ordinance of 6 May 1952 respecting the Act of 22 November 1951.

#### *Basle-Country.*

Introductory Act of 4 September 1952 respecting the Federal Employment Service Act.

Order of the Council of State of 30 December 1952 respecting the implementation of the Introductory Act of 4 September 1952.

#### *Schaffhausen.*

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

#### *Appenzell Outer Rhodes.*

Executive Ordinance of 29 May 1952 respecting the Federal Employment Service Act.

#### *St. Gall.*

Act of 5 March 1952 respecting unemployment insurance, assistance to unemployed persons in need and the employment service.

Ordinance of 8 December 1952 issued in application of the Act of 5 March 1952.

#### *Grisons.*

Ordinance of 28 November 1951 respecting the Federal Employment Service Act.

Executive provisions of 22 February 1952 respecting the federal and cantonal provisions relating to the employment service.

#### *Aargau.*

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

Executive Ordinance of 2 October 1953 respecting the Act of 16 June 1952 relating to the Federal Acts on the employment service and unemployment insurance.

#### *Thurgau.*

Ordinance of the Council of State of 20 November 1951 respecting the Federal Employment Service Act.

Provisions of 3 June 1952 respecting the safeguards required from profit-making employment agencies and the registration and placing fees charged by these offices.

#### *Ticino.*

Act of 27 February 1952 respecting the employment service.

Executive Decree of 20 June 1952 to apply the cantonal and federal provisions respecting the employment service.

#### *Vaud.*

Act of 8 September 1952 respecting measures to combat unemployment.

Order of 19 December 1952 to apply the Act of 8 September 1952.

#### *Valais.*

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

#### *Neuchâtel.*

Act of 19 November 1952 respecting the employment service.

Executive Order of 16 January 1953 respecting the Employment Service Act.

Order of 25 June 1954 to amend the Order of 16 January 1953.

#### *Geneva.*

Order of 28 December 1951 to regulate provisionally the application in the canton of Geneva of the Federal Employment Service Act of 22 June 1951.

Regulations of 10 July 1954 respecting the placing of unemployed office workers.

*Articles 1 and 2 of the Convention.* The Confederation and the cantons ensure the rational organisation of the employment market. The Federal Office of Industry, Arts and Crafts, and Labour acts as a central office for the country as a whole, and the cantonal labour offices ensure, on the cantonal level, the duties of the central office; these constitute the national employment service. The Federal Office is entrusted with the application of the measures taken by the cantons in collaboration with the Confederation to prevent and combat unemployment, and to ensure the equilibrium of the supply and demand for labour.



The duties and functions of the federal authority charged with the supervision of the national network of employment offices are as follows: to watch the evolution of the general economic situation, the labour market, unemployment, and the degree of employment; to supervise the employment service; to take measures to ensure the stability of the labour market, including economic measures to facilitate the geographical mobility of workers, their change of occupation and their resettlement; to examine the request made for residence permits in Switzerland, in collaboration with the branch of police dealing with foreigners; to take measures to facilitate the reintegration into economic life of Swiss nationals returning from abroad; to supervise private employment agencies; to ensure collaboration with the employment offices of occupational and public utility bodies; and to grant subsidies to the public employment service and the joint employment offices.

From the administrative point of view the cantonal labour offices come under the cantonal governments, but, to be entitled to federal subsidies, they must keep to the rules laid down by the Confederation in the execution of their work and follow the policy drawn up by the latter as regards the employment market. The principles of this policy are communicated to the cantons in the form of instructions and directives; in addition, the labour offices are informed of the situation by the federal central office in the course of conferences. There is close collaboration between the officials at the head of the central federal office and the officials of the cantonal labour offices.

*Article 3.* The new federal legislation provided that the cantons must issue the necessary executive provisions and, failing this, revise their cantonal provisions before the coming into force of the Act of 22 June 1951. In accordance with the regulations issued by the cantons in respect of this obligation or by virtue of previous provisions, there is now in Switzerland a network of cantonal and communal offices, as well as intercommunal or regional offices in certain cantons, and also, in certain communes, supervisory offices for unemployed persons, sufficient in number to satisfy the needs of each region of the country. Every year the central federal office examines the position in each canton to see if the public employment service still satisfies the local needs, and takes care that the cantonal authorities improve or supplement this organisation when this seems to be necessary. This constant collaboration with the cantons ensures the rational organisation of the employment service.

*Article 4.* The employers' and workers' organisations, as well as the public utility bodies concerned may be called upon to collaborate in the application of measures for the rational organisation of the employment market. This collaboration is secured by means of direct exchanges of views when dealing with general questions or individual cases. In addition, a federal advisory board has been set up; it is composed of four cantonal representatives, two scientific experts, four representatives of employers' associations and four representatives of wage earners' associations belonging to the various trade union groups of the country, as well as one representative of

women's organisations. These representatives are all appointed by the Federal Department of Public Economy for a period of three years, after consultation with the associations concerned. This Board, which is presided over by the Director of the Federal Office of Industry, Arts and Crafts, and Labour, examines questions of principle relating to the labour market.

The new federal legislation does not lay an obligation upon cantons to set up local advisory boards, but it provides that workers and employers must be represented in equal numbers on any boards which may be set up by the cantons. A provision for the setting up of an advisory board is included in the new legislation of the cantons of Lucerne, Upper Unterwalden, Vaud and Geneva. Nevertheless, in the other cantons, it is frequently the practice that employers' and workers' associations should be consulted, particularly on specified questions such as the employment of foreign workers.

*Article 5.* In view of the ease with which workers have been able to find employment in recent years, measures concerning the rational organisation of manpower in available employment have so far only played a minor role in employment policy. The practice of the labour offices in this connection has met with the approval of employers and workers.

*Article 6.* The cantonal labour offices and the more important communal labour offices, particularly those in cities, carry out all the duties enumerated in Article 6 of the Convention. The labour offices in small communes often merely compare the supply and demand for employment and in the more difficult cases leave to the cantonal offices the care of advising and placing workers or finding manpower for the employers. The clearing of applicants and vacancies between the local offices is ensured through the cantonal offices, whilst the intercantonal clearing is made with the collaboration of the federal central office, which publishes a bulletin showing the vacancies which the local employment offices have not been able to fill; this bulletin is communicated to all the labour offices in the country.

During the past year it has not been necessary to take measures to facilitate the occupational or geographical mobility or the emigration of workers. In exceptional cases, however, the public authorities have granted financial assistance to certain unemployed persons to enable them to find work in another occupation.

*Article 7.* The more important cantonal offices and the communal offices in the main cities have special services or employ specialised officials. This is the case as regards agriculture, industry, the hotel trade, domestic work and, in certain offices, for the placing of commercial employees and intellectual workers.

Moreover, in cases where the number of applications and vacancies notified to the labour offices does not justify the establishment of special services within the employment service, the Confederation provides financial backing and supervises the operations of the joint employment offices set up by the employers' and workers' associations which, as in the case of labour offices, conduct their activities in accordance with the directives issued by the central office. The chief

of these services are the Swiss Employment Service for commercial employees, the Swiss Technical Employment Service and the Joint Employment Service for musicians.

The cantonal labour offices of Berne, Lucerne, Glarus, Fribourg, Solothurn, Basle-Town, Basle-Country, Schaffhausen, St. Gall, Grisons, Aargau and Geneva, as well as the city offices of Zürich, Berne, Basle and St. Gall, have separate services or maintain specialised officials to deal with the employment of women workers.

The cantonal office of Basle-Town is the only one which maintains an official dealing specifically with the employment of disabled persons; in the other labour offices the employment of this category of persons is carried out on the basis of their occupation, in collaboration with the social services concerned, whether public or private, which are frequently in a better position with regard to assisting the disabled person from the occupational point of view, since they are more familiar with his case. Nevertheless, the labour offices are required to deal with this category of persons and the public employment service has increased its efforts on this line during the period under review.

*Article 8.* Special care is given to the placing of young persons in employment by the labour offices, which act in collaboration with the vocational guidance offices. In some cantons this special task is entrusted to a specialised official. In most cantons and communes it devolves upon the officials dealing with employment in general; they encourage the young persons to consult in the first place the vocational guidance office, which is sometimes directly attached to the labour office but which is, in general, an independent public service or a private body. The labour offices collaborate with these institutions.

During periods of intense activity young persons leaving school are able to find employment without having recourse to the services of the labour offices. Nevertheless, the public authorities draw the attention of parents and young persons to the advantages of vocational guidance and to the need to choose one's trade with care and to serve a full apprenticeship.

*Article 9.* The tasks of the labour offices are entrusted to the cantonal or communal officials who enjoy, in the same way as all other cantonal and communal officials, a status and conditions of service which are such that they are independent of changes of government and of improper influences. This status ensures that they have the necessary stability in their employment.

Recruitment on the basis of capabilities is applied in Switzerland to all officials and it has not therefore been considered necessary to lay down specifically this principle in the new Act respecting the employment service. In general, the occupational level is now of a high standard among the officials of the labour offices.

Vacancies are generally announced in the official gazettes, together with an indication of the requirements to be fulfilled by candidates. Special training is never required but in each case the training and experience of the candidate are examined to see if they are satisfactory. Frequently the officials responsible for the placing in employment are chosen among candidates in

the occupational group with which they will have to deal in the labour office. They are also frequently recruited from among the cantonal or communal officials who have had experience in other services.

The vocational training of such officials is ensured by means of courses of instruction and lectures organised either by the cantons or by the Federal Office for Industry, Arts and Crafts, and Labour, or by the Association of Swiss Labour Offices.

*Article 10.* The labour offices take the necessary steps to encourage employers and workers to make use of their services. They publish in the official gazettes or in the daily papers, at regular intervals or whenever the need is felt, a list of the vacancies and of the applications for employment. In many places they visit the various undertakings. However, there is no need to limit the activities of the private employment offices, the offices of occupational associations or the public welfare offices which play a considerable role in Switzerland.

*Article 11.* The competent authorities of the Confederation and the cantons see to it that fee-charging employment agencies not conducted with a view to profit, which are run by occupational bodies or welfare bodies, shall collaborate fully with the labour offices. In practice this collaboration is frequently long standing. Increased attention has been given to this question during the period under review.

*Article 12.* This provision does not concern Switzerland.

The Federal Council and, in particular the Department of Public Economy, exercise supervision as regards the application of the federal Act respecting the employment service but the actual task of supervising the implementation of the Act is entrusted to the Federal Office for Industry, Arts and Crafts, and Labour. The close collaboration existing between the Federal Employment Office and the cantonal employment offices ensures the application of the provisions. Moreover, the payment of federal subsidies to the cantonal and communal labour offices enables the federal authorities to ensure the implementation of the federal provisions. This also applies as regards the annual review of the accounts of the subsidised offices and the frequent personal contacts which give a picture of the activity of the offices and the manner in which they carry out their tasks.

At the cantonal level, the cantonal Council of State is responsible for the application of the cantonal Act respecting the employment service. Special committees exist in some cantons to ensure the supervision of the public employment service. The direct supervision of the labour offices is ensured by the relevant cantonal departments.

Each canton has a labour office which acts, within its territory, as the central employment office. The communal offices are placed under the supervision of the communal council and the cantonal labour office.

The higher authorities are kept informed of the activities of the service by means of regular reports. In addition the labour offices submit a yearly report on the administration.

There are 25 cantonal labour offices. No statistics are available concerning the number of

communal labour offices. During the period under review 118,000 applications for employment were made, 111,226 vacancies were notified and 51,228 placings were made.

No decisions have been given by the courts of law or other courts with regard to questions of principle relating to the application of the Convention.

During the period under review no observations, suggestions or complaints have been received by the federal authority from the employers' or workers' organisations concerned relating to the application of the national provisions implementing the Convention.

The texts of the relevant federal and cantonal legislation are attached to the Government's report.

#### *Turkey.*

Decree No. 2253.

Regulations of 4 April 1953 respecting local advisory committees for the employment service.

*Article 3 of the Convention.* Further employment offices can be opened in areas where important economic developments are taking place and where the working population is increasing. The total number of offices rose during the year from 42 to 53. The question is being examined of the establishment of additional offices in 1955.

*Article 4.* The report on Convention No. 2 gives information concerning advisory committees.

*Article 6.* The Government considers that the employment service will not be able to comply fully with Article 6 (b) (i) regarding the measures to facilitate occupational mobility until vocational training facilities are further developed in collaboration with the Ministry of Education.

Statistical information has been collected in accordance with Article 6 (c), and it is hoped that it will be possible to comply more fully with this Article when the trade unions and the employment exchange are more developed and are able to co-operate.

*Article 7.* When the Department of Employment Offices is fully working it will be possible to take the measures indicated in paragraph (a). As regards paragraph (b) the report states that present resources do not permit a full programme for the vocational rehabilitation of disabled workers. It is hoped to take up this question with the Ministries of Health and Education, which are also concerned.

*Article 9.* Measures are being taken to amend both the Act organising the Department of

Employment Offices and the regulations governing the personnel of the employment service with a view to stricter compliance with this Article.

#### *United Kingdom.*

##### *Great Britain.*

*Article 6 of the Convention.* During 1953 the Ministry of Labour assisted the transfer of 1,531 workers from the Irish Republic to employment in Great Britain. No schemes for the recruitment of colonial workers have operated during the year under review. It is estimated that about 1,000 Italians recruited for the coal-mining industry under the official scheme which terminated in May 1952 are still employed in the mines. Under the arrangements for assisting British employers in other essential industries to meet demands for unskilled labour, 1,160 Italian workers were recruited during the period under review. During 1953 the number of individual employment permits granted in respect of foreign workers resident abroad for employment in Great Britain was about 34,000.

Information on the situation of the employment market is now published in the *Monthly Digest of Statistics*.

The free public employment service at present includes 973 employment exchanges; 100 sub-offices; 80 branch employment offices; 33 local agencies; 1,162 youth employment offices (of which 829 are operated by local education authorities and 333 by the Ministry of Labour and National Service); 1 technical and scientific register; 3 appointments offices; 11 nursing appointments offices (regional); and 140 nursing appointments offices (local).

The National Advisory Committee on the Employment of Older Men and Women now includes representatives of local authorities. There are now 365 local employment committees and 192 women's subcommittees.

The average number of unemployed applicants registered for employment at employment exchanges during the period was 313,358. The number of vacancies notified to employment exchanges remaining unfilled at 30 June 1954 was 381,519. The number of persons placed in employment in Great Britain during the 52 weeks ended 30 June 1954 was 3,115,384.

##### *Northern Ireland.*

There are now 60 paying offices under the Ministry of Labour and National Insurance. During the period under review the average number of persons registered at employment exchanges was 35,277, and the total number of persons placed in employment was 29,798.

89. Night Work (Women) Convention (Revised), 1948

*This Convention came into force on 27 February 1951*

Countries	Date of registration of ratification
Austria <sup>1</sup>	5.10.1950
Belgium <sup>2</sup>	1. 4.1952
Cuba <sup>1</sup>	29. 4.1952
Czechoslovakia <sup>1</sup>	12. 6.1950
Dominican Republic	22. 9.1953
France <sup>2</sup>	21. 9.1953
Guatemala	13. 2.1952
India <sup>2</sup>	27. 2.1950
Ireland <sup>2</sup>	14. 1.1952
Italy <sup>1</sup>	22.10.1952
Netherlands	22.10.1954
New Zealand <sup>2</sup>	10.11.1950
Pakistan <sup>2</sup>	14. 2.1951
Philippines	29.12.1953
Switzerland <sup>2</sup>	6. 5.1950
Syria	1.12.1949
Union of South Africa <sup>2</sup>	2. 3.1950
Uruguay <sup>1</sup>	18. 3.1954

<sup>1</sup> Has ratified Convention No. 4 but not Convention No. 41.  
<sup>2</sup> This ratification involves the immediate denunciation of Convention No. 41.

*Austria.*

The Government states that it replied in a note of 2 June 1954 to the observations made by the Committee of Experts. In 1953, 195 infringements of the night work provisions (covering children as well as women and male workers) were reported. The report lists the branches of activity in which these infringements occurred.

*Belgium (First Report).*

- Act of 28 February 1919 respecting the work of women and children (B.B. 1919, Vol. XVIII, p. 26) as amended by the Act of 14 June 1921 respecting the eight-hour day (L.S. 1921—Bel. 1).
- Act of 7 April 1936 supplementing section 8 of the consolidated text of the Act of 28 February 1919 respecting the work of women and children (L.S. 1936—Bel. 7B).
- Royal Order of 16 January 1939 authorising the replacement of the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning in the textile industry in the Verviers area.
- Royal Order of 16 January 1939 authorising the replacement of the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning in the hat manufacturing industry in the Verviers area.
- Royal Order of 15 March 1939 authorising the replacement of the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning in the paper-tube manufacturing industry in the Verviers area.
- Order of the Regent of 17 December 1946 authorising the replacement of the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning for women over 18 years of age employed in radio broadcasting establishments as news-readers or typists in the news bulletin service.

Order of the Regent of 15 May 1949 authorising the replacement of the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning for women over 18 years of age employed in radio broadcasting establishments as announcers or in charge of programmes.

*Article 1 of the Convention.* The scope of the consolidated legislation of the work of women and children includes all the undertakings covered in clauses (a), (b) and (c) of paragraph 1 of this Article. It goes even further, as it covers not only industrial undertakings within the meaning of the Convention but also all commercial undertakings, agricultural undertakings classified as dangerous, unhealthy or unpleasant, inland water transport, and non-industrial employment, for the law applies to both public and private establishments, including vocational training and charitable organisations.

The law does not cover work done in establishments in any of the branches mentioned above in which only members of one family are employed under the authority of the father, mother or guardian, provided that such establishments are not classified as dangerous, unhealthy or unpleasant and that no use is made of steam boilers or mechanical engines.

There is no dividing line between industry and commerce, as the legislation applies to both. The line of division between industry and agriculture depends on whether the undertakings are classified or not. There is no line of division between agriculture and non-industrial employment as the latter is covered with the exception of theatrical undertakings in which, by virtue of a Royal Order of 27 April 1927, it is only applicable to girls under 16 years of age.

*Article 2.* Section 8 of the Act provides that the nightly rest period shall be of not less than 11 consecutive hours and shall include the interval between 10 o'clock in the evening and 5 o'clock in the morning. A certain number of Royal Orders issued under section 8, paragraph 2, of the Act replace the interval between 10 o'clock in the evening and 5 o'clock in the morning by the interval between 11 o'clock in the evening and 6 o'clock in the morning. The option of fixing the beginning of this compulsory interval after 11 o'clock in the evening has only been made use of in hotels, restaurants and establishments serving alcoholic liquors in accordance with article 11 of the Act. Article 8, paragraph 2, of the Act respecting the work of women and children provides that such exceptions may only be allowed by the King after consultation with the employers' and workers' organisations concerned. The joint committee for the industry or activity concerned is always consulted. When a problem arises which seems to involve a general question of principle or when there is no joint

committee for the industry or activity concerned the King consults the National Labour Council.

*Article 3.* Under existing legislation the term "women" includes all women employed in industrial establishments without distinction as regards the nature of their duties. Exceptions are made in the case of family undertakings; in this connection the report refers to the remarks made on Article 1.

*Article 4.* The exceptions allowed under clauses (a) and (b) are also allowed in sections 14 and 12 of the Belgian Act.

Clause (a). This exception can be invoked only on condition that the women concerned are over 16 years of age; that permission has been obtained from the governor of the province and may not exceed a period of 60 days in any one year; that his Order (which can only be issued when the competent labour inspector has sent in his report) must be approved by the Minister of Labour and Social Insurance within ten days; and that the nightly rest period must not be reduced to less than ten hours.

Clause (b). The King may allow exceptions of this kind under section 12 of the Act, provided that the women concerned are at least 18 years of age and that the joint committee competent for the activity or undertaking in question is first consulted, as provided for in section 15. The King must also consult the National Labour Council. If these two bodies do not submit their recommendations within two months of being requested to do so the King is empowered to act independently.

Applications for suspensions of the regulations under section 12 are extremely rare; a few were submitted during the last war, but since then only one has been received. This one was from a canned food factory which wanted permission to employ a considerable number of workers at night for five weeks (from 25 June until the end of July). As the employers' and workers' organisations were unable to agree on methods of applying the suspension, no Royal Order was issued on the basis of section 12.

*Article 5.* Suspensions of this kind are allowed under section 14, paragraph 2, of the Act, but are only rarely granted. Only five Ministerial Orders have been issued since 1944, the first four during the war being justified on account of the severe shortage of manpower. Each of the five Orders concerned a particular undertaking and not the whole of an industry. Two of the undertakings were spinning mills, two others factories making foodstuffs and the fifth a penicillin factory. In each case a suspension was authorised only after the Labour Inspectorate had made a very thorough inquiry, and then for only a very short time. The Government states that the methods used to consult the employers' and workers' organisations concerned are similar to those used to give effect to section 14, paragraph 1, of the Act cited under the preceding Article of the Convention.

The report states that, in addition to the cases mentioned in the Act concerning the work of women and children, suspensions of the kind allowed under Article 5 of the Convention may also be authorised when the national interest

is involved; an Act dated 16 June 1937 empowers the King to take necessary measures, even in peacetime, to mobilise the nation and to protect the population. On the basis of this Act a Royal Order was issued on 26 August 1939 allowing suspensions of sections 7 and 8 of the Act respecting the work of women and children in the event of the army being strengthened or mobilised. Between 1939 and 1947 the Minister of Labour and Social Insurance authorised suspensions in 14 cases. The Order was repealed when the army was restored to its peacetime strength.

*Article 6.* This article is applied under section 13 of the Act, which applies only to certain industries specified by the King but is subject to no other geographical or seasonal restrictions. The women concerned must be over 18 years of age. The King must consult the joint committee for the industry concerned and, if the particular case justifies such a step, when there is no joint committee for the activity in question, the National Labour Council. If a suspension is authorised the King is entitled to require all the guarantees he may consider necessary; in particular he may restrict the period during which the suspension is allowed. So far the King has only made use of this power in connection with the hotel industry.

*Article 8, clause (a).* Apart from women employed in the hotel industry, women workers holding responsible positions of a managerial or technical character are bound by the legislation on the work of women and children in the same way as other women workers and consequently are not allowed to work at night.

Clause (b). An Act dated 15 June 1937 allows nurses to work at night provided that work is organised on a shift basis. No other members of the nursing staff in hospitals are allowed to work at night.

The Labour Inspectorate is responsible for the enforcement of the laws and regulations mentioned in the report.

In underground and open-cast mines and quarries the engineers of the General Mines Administration are responsible for enforcement in the undertakings in their charge. These inspectors are under the authority of the Minister of Economic Affairs. In other types of establishments inspection is in the hands of the officials of the social inspection services which is under the authority of the Minister of Labour and Social Insurance. The officers of the technical and medical inspection services, who are also under the authority of the Minister of Labour and Social Insurance, sometimes take part in the fixing of guarantees when exceptions to the general regulations are to be authorised. In 1949 a special inspection service for women and children was established in the Ministry of Labour and Social Insurance. Information on the organisation and working of this service is appended to the report.

No question of principle relating to the application of this Convention has been raised in recent years by any decision of a court of law.

Between 1 July 1953 and 30 June 1954 a total of 29,230 industrial undertakings employing 147,590 women were inspected. Four infringements were reported concerning work between

10 o'clock in the evening and 5 o'clock in the morning.

Generally speaking, the employers' and workers' organisations concerned have made no comments on the application of the Convention or of national legislation.

#### *Cuba (First Report).*

Legislative Decree No. 598 of 16 October 1934, respecting the employment of women in industry (L.S. 1934—Cub. 10).

Decree No. 1024 of 26 March 1937, to issue regulations governing the employment of women in industry.

The report gives the following information regarding the provisions of the national legislation under which the various Articles of the Convention are applied.

*Article 1 of the Convention.* Legislative Decree No. 598 (section II) defines the term "industrial undertaking". The report states that no women are employed in mines or in construction work.

The line of division which separates industry from agriculture, commerce and other non-industrial occupations has not been defined, as the legislation makes no distinction in this respect.

*Article 2.* According to section IV of the above-mentioned Legislative Decree, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m.

*Article 3.* Section I of the Legislative Decree lays down that women shall not be employed during the night in any industrial undertaking other than an undertaking in which only members of the same family are employed. The report adds that the term "women" means all women employed in industrial undertakings, irrespective of the nature of their duties.

*Article 4.* The exceptions provided for in section V of the Legislative Decree are allowed—as provided for in the Convention—in cases of *force majeure*, or for work in connection with raw materials subject to rapid deterioration. No such exceptions were authorised during the period under review.

*Article 5.* There was no suspension of the prohibition of night work.

*Article 6.* Section IV of the Legislative Decree provides that during the summer the night period may be reduced to ten hours, provided that a compensatory rest is granted during the day. The night period was not reduced during the period under review.

*Article 7.* The report states that it was not necessary to shorten the night period because of climatic reasons.

*Article 8.* The national legislation does not provide for the exceptions allowed under this Article.

*Articles 9, 10 and 11.* These Articles are not applicable to Cuba.

The application of the national legislation is entrusted to the Ministry of Labour, its provincial offices and the National Employment Office for Women and Young Persons, in collaboration with the National Labour Inspectorate.

No decisions were given by courts of law.

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

#### *Ireland (First Report).*

Employment of Women, Young Persons and Children Act of 23 December 1920 (L.S. 1920—G.B. 9).

Conditions of Employment Act, No. 2 of 14 February 1936 (L.S. 1936—I.F.S. 1).

*Article 1 of the Convention.* The report states that the employment of women at night on all forms of industrial work specified in subparagraphs (a), (b) and (c) of paragraph 1 is prohibited by the Conditions of Employment Act, 1936, except in the case of employment in mines, for which the prohibition is effected by the 1920 Act.

Section 3 of the 1936 Act defines "agricultural work" and "commercial work" and excludes both from the application of the Act.

*Article 2.* This Article is applied by section 1 of the 1920 Act and section 46 of the 1936 Act. The report adds that regulations have been made for a limited number of industries, varying the night period for women workers, but in no case has their employment later than 11 p.m. or earlier than 7 a.m. been permitted; in all cases specific provision has been made for the period of 11 hours.

*Article 3.* See under Article 8.

*Article 4.* Effect is given to this Article by section 1 of the 1920 Act and section 54 of the 1936 Act.

The exceptions mentioned in clause (b) of this Article may be authorised by means of regulations made—after consultations with the representatives of employers and workers concerned—under section 29 or by permits (for a limited period) under section 30 of the 1936 Act. During the period under review the only processes in which advantage was taken of the provisions of clause (b) were in connection with the killing, plucking and packing of poultry for a short period preceding the Christmas festival. Permits were given in the case of 12 undertakings throughout the country and in no case were they valid for a period of more than four weeks.

*Article 5.* It was not found necessary to make use of this exception during the period under review.

*Article 6.* Sections 29 and 52 of the 1936 Act empower the Minister for Industry and Commerce to make exclusion regulations and to fix alternative hours of work. However, during the period under review, no advantage was taken of the exception authorised under this Article of the Convention.

*Article 7.* This Article is not applicable to Ireland.

*Article 8.* Section 3 of the 1936 Act excludes from the operation of the Act work of a clerical nature, the work of overseeing, directing and managing industrial work, or work done for or in connection with the wholesale or retail sale of any article.

The Department of Industry and Commerce is responsible for the administration and enforcement of the legislation. Inspection is a state service,

carried out by officers attached to the Department of Industry and Commerce. The report for 1953 on the work of the Factory Inspection Service is appended to the Government's report on Convention No. 81.

No decisions regarding the application of the Convention were given by courts of law or other courts.

The general position in regard to the application of the Convention is that the employment of women at night is totally prohibited as far as industrial work is concerned, except in cases of emergency. No contraventions were reported during the period under review and no observations were received from the employers' and workers' organisations.

#### *Italy (First Report).*

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (L.S. 1934—It. 6A).

*Article 1 of the Convention.* It has not been necessary for the competent authority to define the line of division which separates industry from agriculture, commerce and other non-industrial occupations, as these concepts are implicitly defined in the Civil Code. In fact, the concept of industrial employment as understood in Italy would appear to be much wider in scope than the provisions of the Convention.

*Article 2.* Under the above-mentioned Act, the term "night" means a period of not less than 11 consecutive hours including the interval between 10 p.m. and 5 a.m.

*Article 3.* Section 12 of the Act prohibits night work for women, irrespective of age, in industrial undertakings and their branches. This prohibition extends to the wife, parents and relatives of the employer who live in his household and are maintained by him, when they are employed by him in an undertaking in which other persons are employed.

*Article 4.* The Act provides that the prohibition of night work shall not apply to women, irrespective of their age, in cases of *force majeure* which interferes with the normal working of the undertaking (section 15, paragraph 1) or whenever the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the materials from certain loss (section 16 (c)).

In the case contemplated in section 15, the employer must immediately notify the labour inspectorate stating the facts which constitute the case of *force majeure*, the number of women employed, the hours of work and the presumed duration of the night work. In the second case, exceptions are generally granted in respect of work done at certain periods of the year and in certain regions (seasonal work such as the canning of tomatoes, particularly in Southern Italy).

*Article 5.* No advantage has been taken of the exceptions provided for in this Article.

*Article 6.* The Act contains a provision under which the Minister of Labour and Social Welfare may reduce the duration of the night period for women to ten hours on not more than 60 days in the year when the employment is seasonal and

in all cases where exceptional circumstances so require (section 16 (a)). It does not appear that recourse has so far been made to this exception.

*Article 7.* The Minister of Labour and Social Welfare may also reduce the duration of the period of night work for women to ten hours in localities where special climatic conditions so require (section 16 (b)). The Government states recourse has not so far been made to this exception.

*Article 8.* No exceptions to the prohibition of night work for women, based on the nature of the work performed, are provided for under Italian legislation.

The application of the Act is entrusted to the labour inspection services which are placed under the Ministry of Labour and Social Welfare. Their organisation and operation are described in the report on the Labour Inspection Convention (No. 61).

From the report it does not appear that any decisions by courts of law have been given on questions of principle relating to the application of the Convention.

No observations have been received from employers' or workers' organisations on the practical fulfilment of the conditions prescribed by the Convention.

As regards statistics concerning the number of women workers protected by legislative provisions and the number of infringements reported, the Government refers to the indications contained in its report on Convention No. 4.

#### *New Zealand.*

On 31 March 1954 the number of women employed in factories registered under the Factories Act, 1946, was 40,794. An estimate made by the National Employment Service shows that on 15 April 1954 there were 44,800 women employed in manufacturing, 78 in mining and quarrying and 1,048 in building and construction. In the last two groups women were employed solely in clerical and administrative duties.

#### *Pakistan.*

In reply to the observations made by the Committee of Experts the report states that provision exists for the consultation of employers' and workers' organisations in the Standing Labour Committee and the Tripartite Labour Conference, and that steps are also being taken to ensure that restrictions on the prohibition of night work by women are only relaxed in cases of emergency.

The number of women workers employed in undertakings covered by the Factories Act, 1934, for the period under review is not yet available. According to figures available for 1952 there were 12,128 women employed in factories (9,594 in seasonal factories and 2,534 in perennial factories). During the period 1 July 1952 to 30 June 1953 there were only 20 women employed in mines covered by the Mines Act of 1923.

#### *Switzerland.*

The field of application of the Factories Act has been slightly broadened during the period under consideration. Between 1 July 1953 and 30 June 1954 the number of factories rose by 160,



i.e. from 11,378 to 11,538. The number of factory workers increased from 548,363 to 551,851 between mid-September 1952 and mid-September 1953. In all likelihood, the number of workers covered by the Act respecting the employment of young persons and women in arts and crafts has increased in the same proportion. The cantonal reports concerning the application of the Factories Act in 1951 and 1952 are appended to the Government's report. The federal authorities were informed of 18 convictions for infringements of the legal provisions prohibiting the night work of women; the fines imposed varied from 15 to 40 francs.

Syria.

Decree No. 1851 of 9 September 1954 defining the term "night".

The above-mentioned decree gives effect to Article 2 of the Convention. It provides that the term "night" represents the period from 6.30 p.m. to 5.30 a.m. and that this definition applies to all industries in the whole of the territory.

In reply to the observations made by the Committee of Experts the Government indicates that the publication of the text of the Convention in the Official Gazette and in newspapers and semi-official periodicals such as the Labour and Social Welfare Review ensures sufficient publicity to inform the persons concerned of its provisions. In addition undertakings employing more than 15 workers must mention the prohibition of night work in their staff regulations. The staff regulations must, under the Labour Code, be posted up conspicuously in all undertakings. The Code provides for penalties in case of infringements. The labour inspectors ensure the strict application of the provisions of the Code through their regular inspection tours. These inspectors draw the attention of the persons concerned to the provisions of the legislation and regulations and if necessary issue warnings and draw up official reports of contraventions.

The report from the *Union of South Africa* refers to the information previously supplied.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948

*This Convention came into force on 12 June 1951*

Countries	Date of registration of ratification
Cuba <sup>1</sup> . . . . .	29. 4.1952
Czechoslovakia . . . . .	12. 6.1950
Guatemala . . . . .	13. 2.1952
India <sup>1</sup> . . . . .	27. 2.1950
Israel . . . . .	23.12.1953
Italy <sup>1</sup> . . . . .	22.10.1952
Netherlands . . . . .	22.10.1954
Pakistan <sup>1</sup> . . . . .	14. 2.1951
Philippines . . . . .	29.12.1953
Uruguay <sup>1</sup> . . . . .	18. 3.1954

<sup>1</sup> Has ratified Convention No. 6.

Cuba (First Report).

Legislative Decree No. 883 of 1953 (to complete and bring together the laws respecting the employment of young persons and to give effect to the international labour Conventions ratified by Cuba) (L.S. 1953—Cub. 1).

The above-mentioned Legislative Decree repeals Legislative Decree No. 647 of 1934 and Act No. 53 of 1935 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 of the Convention.* Section 4 of Legislative Decree No. 883 stipulates that young persons under 18 years of age may not be employed at night on any kind of industrial, commercial or agricultural work. Consequently, it is not necessary to define the line of division which separates industry from commerce and agriculture.

According to section 6 of the above-mentioned Legislative Decree young persons under 18 years of age may be exempted from the ban on night work in undertakings where only members of a single family are employed (i.e. relatives in the ascending and descending line). During the period under review no exceptions were authorised for this type of undertaking. In addition, section 7 of Legislative Decree No. 883 lays down that it is unlawful to employ persons under 18 years of age on dangerous or unhealthy work.

*Article 2.* According to section 4 of the above-named Legislative Decree, the term "night" signifies the period of 12 consecutive hours falling between 8 p.m. and 8 a.m. This period is applicable in respect of young persons under 18 years of age.

*Article 3.* No exceptions to the prohibition of night work are allowed for young persons over 16 years of age, either as workers or apprentices in industrial undertakings. Their employment at night in bakeries is also prohibited.

*Article 4.* Legislative Decree No. 883 does not provide for the exceptions allowed under this Article.

*Article 5.* The Minister of Labour has not drafted any Decree to suspend the prohibition of night work.

*Article 6.* Young persons under 18 years of age are seldom employed in industry; the statutory hours of work are six per day.

The application of the relevant legislation is entrusted to the Ministry of Labour and its provincial offices, the General Labour Inspectorate



and the National Employment Office for Women and Young Workers. Visits are made periodically or on request to all workplaces. In addition, compliance with the legislation is facilitated by the fact that the customary closing hour for industrial and commercial establishments is fixed at 6 p.m.

The report adds that the small number of infringements reported shows that the night work of young persons is practically non-existent.

No decisions were made by courts of law. No observations were made by employers' or workers' organisations.

#### Italy (First Report).

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (L.S. 1934—It. 6A).

*Article 1 of the Convention.* It has not been necessary for the competent authority to define the line of division which separates industry from agriculture, commerce and other non-industrial occupations, as these concepts are implicitly defined in the Civil Code. Thus, the scope of industrial employment as understood in Italy would appear to be even broader than is the case in the Convention.

The prohibition of night work for children does not apply to relatives of the employer in undertakings which do not employ any other persons.

*Article 2.* According to Italian legislation, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m., subject to the provisions of the Act respecting bakeries which prohibits work between 9 p.m. and 4 a.m., except on Saturday when men over 18 years of age are permitted to work until 11 p.m. The legislation makes no distinction between persons under 16 years of age and young persons between 16 and 18 years of age.

The Bill now in preparation will ensure stricter conformity with the terms of the Convention.

*Article 3.* The national legislation provides that in industrial undertakings night work is prohibited for young persons under 18 years of age. None of the cases contemplated in paragraphs 2, 3 and 4 of this Article are at present provided for by Italian legislation; however, they will be taken into consideration in the Bill referred to above.

*Article 4, paragraph 1.* The legislation does not allow the exception referred to in this paragraph.

*Paragraph 2.* In cases of *force majeure* the prohibition of night work does not apply to young persons who have not attained the age of 16 years. In such cases the employer must notify the labour inspectorate, stating the facts which constitute cases of *force majeure*, the number of young persons employed, the hours of work adopted and the presumed duration of night work. He must then inform the labour inspectorate of the date of the cessation of night work.

The labour inspectorate may impose restrictions on night work or suspend it. Appeals against decisions so taken by the labour inspectorate may be lodged with the Ministry of Labour.

*Article 5.* The Ministry of Labour is empowered, in exceptionally serious circumstances, to authorise the night work of young persons who have attained the age of 16 years if this is necessary in the public interest.

The application of the legislation is entrusted to the labour inspectorates, which are placed under the Ministry of Labour and Social Welfare.

As regards the organisation and operation of labour inspectorates the Government refers to the information given in its report on Convention No. 81.

It does not appear that the judicial authorities have given any decisions on questions of principle relating to the application of the Convention.

No observations were received from employers' or workers' organisations concerning the application of the national legislation which gives effect to the Convention. As regards statistics concerning the number of women protected by the legislation and the number of contraventions reported, the Government refers to the information contained in its report on Convention No. 6.

The provisions of the Convention have been examined carefully by the competent departments within the Ministry of Labour, where Bills aimed at adapting Italian laws and regulations to these provisions are now being prepared.

The drawing up of regulations which include in a single text the provisions of various international Conventions, as well as the fact that this text must be co-ordinated with existing national laws and regulations which sometimes go beyond the provisions of the Conventions, have entailed a thorough examination of the question, which has not yet been completed. The situation is further complicated by the fact that the subject matter of the regulations falls within the competence of several departments.

The Government states that in its report for next year it will give the results of the examination in question, together with any texts which may be drawn up in consequence.

#### Pakistan.

With reference to the observations made by the Committee of Experts, the report states that the proposed Bill to amend the Factories Act of 1934 has now reached an advanced stage and that Rules are being drafted under the Employment of Children Act. Regulations under the Mines Act are already in force and steps are also being taken to restrict the night work of young persons in cases of serious emergency under the Mines Act.

The amendments to the Consolidated Mines Rules of 1952 (the text of which is appended to the report) provide, *inter alia*, that young persons under 17 years of age shall not be permitted to work in a mine or any part thereof, either below or above ground, between the hours of 6 p.m. and 6 a.m. However, young persons who are employed as apprentices or for the purpose of receiving vocational training may be allowed to work at night provided they have been declared in writing by a qualified practitioner to be medically fit and are capable of working between the hours of 6 p.m. and 6 a.m., and provided also that the declaration in question is kept in the office of the mine. Moreover, such young per-

sons are obliged to work under the supervision of a person over 18 years of age; they may not be permitted to work in galleries which are less than 5½ feet in height and which have a gradient exceeding 1 vertical and 2 horizontal.

The report adds that, during 1952, 703 children were employed in factories covered by the Factories Act and that no children were employed in mines covered by the Mines Act during the period under review.

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THIRTY-SECOND SESSION (GENEVA, 1949)

92. Accommodation of Crews Convention (Revised), 1949

*This Convention came into force on 29 January 1953*

Countries	Date of registration of ratification
Brazil . . . . .	8. 6.1954
Cuba . . . . .	29. 4.1952
Denmark . . . . .	30. 9.1950
Finland . . . . .	22.12.1951
France . . . . .	26.10.1951
Ireland . . . . .	21. 7.1952
Norway . . . . .	29. 6.1950
Poland . . . . .	13. 4.1954
Portugal . . . . .	29. 7.1952
Sweden . . . . .	18. 7.1950
United Kingdom . . . . .	6. 8.1953

Cuba (First Report).

Collective agreement concluded by the State-owned shipping undertaking (*Empresa Naviera de Cuba S.A.*) and the seafarers' trade union.

*Article 1 of the Convention.* The above-mentioned collective agreement contains no provision regarding the minimum tonnage of vessels. The State-owned shipping undertaking operates only one type of vessel, known as the "MAB 1".

*Article 2.* The social practice in Cuba permits the complete acceptance of the definitions used in the Convention.

*Article 3.* The provisions of the collective agreement have the force of law, and penalties for infringements thereof are provided for in section 575 of the Code of Social Defence.  
The Ministry of Labour, the customs officials and harbourmasters supervise the observance of the provisions of the collective agreement and of the relevant regulations contained in the Commercial Code and in maritime legislation.

*Article 4.* Cuban vessels were constructed in the United States, and their structure has not been altered by the shipping undertaking.

*Article 5.* The provisions of the Convention will be taken into account in the future.

*Articles 6 to 17.* Mess rooms are located at the stern; sleeping rooms contain bunks for two or four men, with sanitary facilities located in another part of the ship; officers have individual sleeping rooms; chief stewards and bosuns' mates are provided with sleeping rooms for two persons.

The crew is composed of a bosun, eight seamen in the deck department, and six in the engine department.

*Article 18.* The Seafarers' Trade Union has stated that the only Cuban vessel which does not meet satisfactory standards for sailing in the Caribbean is the "F.C. Randall", because of a faulty ventilating system in the crew's quarters. This case is to be investigated by the Ministry of Labour.

*Article 19.* The Ministry of Labour, the harbourmasters and the customs officials are responsible for enforcing the legislation in force.

No decisions were given concerning the application of the Convention.  
A letter from the Seafarers' Trade Union and a list of the ships in operation are appended to the report.

Denmark (First Report).

Act No. 117 of 28 March 1951, concerning the inspection of vessels.  
Ministry of Commerce Notification No. 9 of 24 January 1953 respecting crew accommodation on ships (L.S. 1953—Den. 1).

*Article 1 of the Convention.* The Notification applies in general to all vessels of 20 tons or more. Exemptions may be granted in special cases or for individual vessels. However, no advantage has been taken of the exceptions provided for in paragraph 5.

*Article 2.* The definitions are embodied in section 1 of the Notification.

*Article 3.* Supervision over the application of the Convention is entrusted to the State Shipping Inspection Directorate. Offenders are subject to fines.

*Article 4.* The provisions of the Notification apply, subject to the exceptions provided, to all Danish vessels of over 20 tons, the keel of which was laid after 29 January 1953, and to ships purchased from abroad after that date.

*Article 5.* Before a vessel of over 100 tons may be built or imported from abroad, plans must be

submitted to the State Shipping Inspection Directorate. Plans for the alteration of crew accommodation on ships of over 100 tons are subject to the same requirement. In practice, the Shipping Inspection Directorate applies the procedure set out in Article 5, clause (c).

*Article 6.* Sections 4 and 8 of the Notification contain provisions (relating to the location, structure, means of access, walls, paintwork, etc., of sleeping rooms) which are in conformity with the Convention.

*Article 7.* Sleeping rooms and alleyways must be suitably ventilated. Special provisions exist in respect of vessels navigating in the tropics.

*Article 8.* Heating by means of steam, hot water, hot air or electricity is compulsory on board vessels of over 400 tons.

*Article 9.* Electric light is compulsory on board all vessels of over 400 tons. In addition, an emergency lighting system must be provided.

*Article 10.* The Notification specifies the number of persons to be accommodated in each sleeping room and the cases in which separate rooms must be provided, as well as the area. Other specifications are given relating to the size and arrangement of berths, ventilation, the size of lockers, etc. Finally, the storing of goods in sleeping rooms is prohibited, and the number of persons to be accommodated in each room must be reported.

*Article 11.* The regulations in question contain provisions relating to the equipment and number of mess rooms to be provided on vessels of more than 200, 400 and 3,000 tons.

*Article 12.* Recreation rooms must be installed on vessels of 500 tons or more. Separate rooms must be provided for the deck department and the engine department on vessels of more than 3,000 tons.

*Article 13.* The regulations specify the kind of sanitary accommodation which must be provided for the crew on vessels of 400 and 500 tons. Furthermore, if the crew includes women, separate accommodation must be provided.

*Article 14.* The regulations specify the number of berths to be installed in the hospital, and lay down that separate hospital accommodation must be provided if the crew includes women.

*Article 15.* The regulations governing clothes lockers are applicable to vessels of over 100 tons. In addition, vessels navigating in the tropics must be equipped with awnings in order to protect open decks located above the crew's quarters.

*Article 16.* The regulations require separate sleeping rooms and galleys for the persons to whom paragraph 5 of Article 10 of the Convention refers. However, no use has been made of these provisions.

*Article 17.* An inspection by the master of the crew's quarters must be made at least once a week, and it is forbidden to store goods or provisions in them.

*Article 18.* The State Shipping Inspection Directorate has been instructed to consult ship-owners' and seafarers' associations in all the cases referred to in this Article, before any decision is taken to grant an exemption from the provisions of the regulations.

Under Part 5 of Act No. 117, supervision of the application of the provisions is entrusted to the Shipping Inspection Directorate.

No decision on questions relating to application of the Convention has been given by courts of law. The main provisions of the Convention have been in force in Denmark since 1945 and ratification has resulted only in minor amendments to the provisions already in force.

#### *Finland (First Report).*

Order No. 794 of 20 March 1948, respecting mariners' accommodation in vessels (L.S. 1948—Fin. 6), as amended (section 55) by Order No. 562 of 31 December 1953.

Order No. 624 of 14 December 1951, giving effect to Convention No. 92.

*Article 1 of the Convention.* The Order applies to vessels engaged in maritime, coastal or inland navigation of more than 65 tons gross or more than 19 tons net. However, certain exceptions are provided for seagoing vessels of less than 500 tons. The Order also applies to vessels of more than 1,000 gross tons used for fishing or hunting. No advantage has been taken of the exceptions provided for in paragraph 5.

*Article 2.* Section 2 of the Order contains a number of definitions which correspond to those given in this Article of the Convention.

*Article 3.* The Order forms part of Finnish legislation and has been published in the Compilation of Laws. Thus, it has been brought to the notice of all citizens. Moreover, the master of a vessel is required to have a copy of it on board ship and penalties are inflicted for contraventions. The Central Shipping Board is entrusted with supervision over the application of the Order.

*Article 4.* Plans of vessels of a gross tonnage exceeding 100 tons must be submitted to the Shipping Board which, on matters of crew accommodation, is assisted by a Committee for the Inspection of Vessels, which is an advisory body consisting of representatives of shipowners, officers and seamen. The Committee meets when convened by the Shipping Board.

*Article 5.* When any observation concerning crew accommodation is submitted by a seafarers' association, the Maritime Labour Inspectorate carries out an inspection on board ship. Seafarers' associations may also request the convocation of the Committee for the Inspection of Vessels, through their representative on it.

*Article 6.* Effect is given to this Article in sections 3, 11, 12, 13 and 19 of the Order. Sleeping rooms may not immediately adjoin boiler or engine rooms. They must be protected against heavy seas and against unhealthy or ill-smelling

effluvia from cargo. They must be sufficiently well separated from lamp rooms and may not be used for the storage of provisions or equipment likely to inconvenience their occupants. The materials used for the construction of sleeping rooms are subject to the approval of the Shipping Board and there are specific provisions relating to finish and paintwork.

*Article 7.* Sections 14 and 24 of the Order relate to ventilation in sleeping rooms and mess rooms.

*Article 8.* Sections 15 and 16 contain provisions concerning heating apparatus. A temperature of 18° C must be maintained at all times.

*Article 9.* Sections 17 and 18 of the Order concern natural and artificial lighting. Electric lighting is compulsory on all vessels of more than 400 tons and on all tankers.

*Article 10.* Sleeping rooms must be located amidships or aft above the loadline (paragraph 3). Sections 7 and 8 fix the prescribed area per occupant. Section 4 provides for separate rooms where women are employed on board. Separate accommodation must be provided for the deck department and for the engine department on vessels of more than 300 tons. Section 6 fixes the maximum number of persons to be accommodated in each room. Sections 9 and 10 of the Order contain provisions concerning the size and position of berths. Section 20 contains clauses relating to furniture. Finally, section 5 (paragraph 2) provides that berths of the officers, petty officers and ratings who keep the watch shall be so arranged that they do not have to share the same rooms as the day men.

*Article 11.* Section 21 of the Order makes provision for separate mess rooms for the various elements of the crew on vessels of 1,000 tons and over. Section 22 provides that mess rooms must be separated from sleeping rooms and located near the galley. Additional provisions are to be found in sections 23 and 24. The layout and equipment of galleys are dealt with in sections 24 and 26.

*Article 12.* Provisions similar to those of this Article are embodied in section 37 of the Order.

*Article 13.* Provisions concerning washing accommodation are to be found in sections 27 to 30, and water closets in sections 31 to 33. The Shipping Board is empowered to fix the amount of fresh water which the shipowner may be required to provide per day and per person employed on board. So far no particular decisions have been taken in this matter as the amount provided on board Finnish vessels has always been sufficient.

*Article 14.* Sections 34 to 36 of the Order contain provisions relating to hospital accommodation. Section 55 of the Order of 17 April 1924 concerning merchant vessels provides that Finnish vessels must carry necessary pharmaceutical products and dressings as well as a guide for their use. The question of contents of medicine chests is at present under review.

*Article 15.* Section 20 requires the provision of clothes lockers on ships of 500 tons or more. Section 38 concerns the provision of office space for officers, depending upon the tonnage of the vessel. Finally, section 39 requires the provision of mosquito netting and awnings wherever deemed necessary.

*Article 16.* Section 41 of the Order contains provisions similar to those of Article 16. In practice, however, there has been no need for their application.

*Article 17.* Section 45 requires a thorough cleaning of sleeping rooms at least three times a year, or when the crew is changed, or in any other exceptional circumstances. Section 44 provides for an inspection by the master at least once a week, the result of which is reported in the ship's log.

*Article 18.* Under the provisions of section 55 of Order No. 794 of 20 March 1948, as amended by Order No. 562 of 31 December 1953, which extends the deadline originally fixed for the making of necessary alterations, crew accommodation on most Finnish merchant vessels will, during the present year, be brought into conformity with the provisions of the Convention.

*Article 19.* This Article was taken into consideration when the Order was drawn up, and the latter has not in any case provided working conditions less favourable than those which seafarers previously enjoyed.

The system of inspection has been described in connection with Article 3.

Questions relating to the application of the Convention are entrusted to the Shipping Board. Under a principle generally accepted in administrative law, appeal from the decisions of the Shipping Board may be made to the Supreme Administrative Tribunal. So far the latter has dealt with three cases, of which two were dismissed on grounds of vice of form; in the third case, which related to section 28 of the Order, it was decided that the water used in showers should be fresh water.

The organisations concerned have proposed certain amendments to the Order. These have not yet been examined in detail. Associations of shipowners, for example, have suggested that on certain points where the Order is stricter than the Convention its provisions might be relaxed. These proposals concern mainly the location of sleeping rooms (section 3, paragraph 2), the number of occupants per sleeping room (section 6, paragraph 1), the free area in sleeping rooms (section 7, paragraph 1), the location of berths (section 10, paragraph 3) and office premises (section 38, paragraph 1).

Inland shipping employers have sent observations to the effect that the provisions of the Order are too strict.

Finally, the Finnish Seafarers' Union requests (1) that an amendment be made to section 49 of the Order so as to require plans of vessels of 65 tons or more to be submitted in advance to the competent authority; and (2) that the Shipping Board should be authorised to withhold permission to sail in cases where the rules concerning crew accommodation are not observed.

*France (First Report).*

Act No. 54-11 of 6 January 1954 respecting safety of life at sea and accommodation on board merchant, fishing and pleasure vessels.

Decree No. 54-1232 of 7 December 1954 respecting accommodation and hygiene on board merchant, fishing and pleasure vessels of 500 gross tons or more.

The legislation mentioned above, the text of which is appended to the report, is in conformity with all the provisions of the Convention, and frequently follows it word for word.

*Article 1 of the Convention.* The Convention does not apply to vessels of between 200 and 500 gross tons. Before Convention No. 92 came into force, questions of hygiene on board merchant and fishing vessels were regulated by the Decree of 1 September 1934 concerning safety in maritime navigation and hygiene on board merchant, fishing and pleasure vessels of more than 250 gross tons, and by the Decree of 3 March 1937 concerning vessels of 250 gross tons or less. Consequently, until a new legislative text is promulgated concerning accommodation and hygiene on board vessels of less than 500 gross tons, the Decrees of 1 September 1934 and 3 March 1937 will continue to be applicable to vessels which are not covered by the Convention. The only exceptions allowed are those mentioned in the Convention.

*Article 3.* Chapters II and III of the Act of 6 January 1934 lay down the measures to be taken to observe the provisions of the Act and its rules of application.

The institutions and authorities responsible for the application of the regulation are as follows: a central safety committee; a committee to inspect the vessel before it is put into service; a committee to make annual inspections, and inspectors of navigation and maritime work. The central safety committee, which operates under the control of the Minister of the Merchant Marine, is required to approve the plans for the construction or reconstruction of a vessel, and also to study the plans of ships purchased abroad before authorising their registration under the French flag.

A committee of annual inspection visits any port at the request of the Minister of the Merchant Marine. This committee examines the vessel in order to ascertain whether all the legal requirements are complied with; if not, the vessel has its navigation permit withdrawn.

The annual inspection committee is presided over by the Head of the Marine Registry or by his substitute. In all ports designated by the Minister of the Merchant Marine, and under the authority of the Head of the Marine Registry, one or several maritime inspectors are responsible for supervising the safety of maritime navigation and ensuring that the provisions of the Act of 6 January 1954 and its regulations are applied. Infractions and penalties are laid down in Chapter VII of the Act of 6 January 1954.

The Decree of 7 December 1954 was drawn up by a committee composed of representatives of the competent authorities, of the Central Committee of French Shipowners, and of the three seafarers' unions.

*Article 5.* Complaints must be made in writing to the Head of the Marine Registry and be signed by a delegate or by three members of the crew.

*Article 8.* The heating system should be sufficient to ensure a minimum temperature of 18° C in first-class and second-class vessels, and of 16° C in vessels of other categories.

*Article 13.* Each member of the crew is allowed 50 litres of fresh water per day, plus five litres of drinking water per day.

*Article 16.* The only modifications to the standards laid down in this Article of the Convention have been made in accordance with the provisions of paragraph 5 of Article 10 of the Convention; the prescribed consultations laid down in paragraph 5 of Article 16 have been undertaken.

*Article 18.* The Central Safety Committee has not asked for any modifications in respect of the different cases indicated in this Article.

*Ireland (First Report).*

Merchant Shipping Act, No. 46 of 1947 (section 12).  
Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951.

*Article 1 of the Convention.* The Convention is applied by the above-mentioned Regulations to all sea-going mechanically propelled vessels of 200 tons gross and over except sailing, fishing and whaling vessels, tugs and passenger vessels of less than 500 tons gross which are used for short excursions to sea during daylight and in fine weather between 1 April and 31 October.

Modifications of the Regulations in the case of ships of less than 500 tons gross are provided for in sections 6 (6), 10 (2), 10 (3), 10 (10), 11 (2) and 11 (9). In addition, exemptions may be granted, under section 4 (1) of the Regulations, to ships of between 200 and 500 tons gross after consultation with organisations of shipowners and seafarers.

No use has been made of the exceptions provided for under paragraph 5 of Article 1.

*Article 2.* This is applied by section 2 of the Regulations.

*Article 3, paragraph 1.* This is applied by section 12 of the Act and by sections 22, 24 and 26 of the Regulations.

Paragraph 2, subparagraph (a). The law relating to crew accommodation is administered by the Department of Industry and Commerce through its marine survey staff. Copies of the Regulations have been made available free of charge to the organisations of shipowners and seafarers; in addition, copies are available at Mercantile Marine Offices for inspection.

Subparagraph (b). The persons responsible for the application of the law are the masters and owners of the ships concerned (section 12 of Act No. 46) and the occupants of crew spaces (section 18 of the Regulations).

Subparagraph (c). Section 12 (4) of the Act institutes a penalty of £25 on summary conviction for contraventions. Under section 26 of the Regulations, a ship may be detained and clearance or transire refused until the requirements of the

Regulations have been complied with. Section 18 (3) of the Regulations provides for disciplinary action against occupants of crew spaces which are not maintained in a proper condition. In accordance with a collective agreement, a fine of not more than two days' pay may be imposed by the master for a breach of this regulation.

Subparagraph (d). Section 18 (2) of the Regulations provides for the weekly inspection of the crew accommodation by the master of a vessel, or his deputy, accompanied by one or more members of the crew and the recording of such inspection in the ship's official log book. Section 22 of the Regulations also states that, to ensure compliance with the prescribed requirements, a Surveyor of Ships shall be permitted to inspect a ship at all reasonable times and also on every occasion when (i) a ship is registered or re-registered; (ii) the crew accommodation has been substantially altered or reconstructed; or (iii) complaint has been made in writing to a Surveyor of Ships or the Superintendent of a Mercantile Marine Office and in time to prevent any delay of a ship, by a recognised bona fide trade union of seafarers representing all or part of the crew.

Subparagraph (e). Provision for such consultation is made in section 12 (3) of the Act. The Regulations were prepared in consultation with the organisations of shipowners and seafarers.

*Article 4.* This is applied by section 5 of the Regulations.

*Article 5.* This is applied by section 22 (2) of the Regulations (see also under Article 3 (e) above).

*Article 6.* This is applied by section 6 of the Regulations.

*Article 7.* This is applied by section 7 of the Regulations.

*Article 8.* This is applied by section 8 of the Regulations. Paragraph 2 of this section indicates the temperature to be maintained in crew accommodation.

*Articles 9, 10 and 11.* These are applied by sections 9, 10 and 11 of the Regulations.

*Article 12.* This is applied by section 13 of the Regulations.

*Article 13.* This is applied by section 14 of the Regulations. Paragraph 6 states that not less than 10 gallons of fresh water shall be available per man per day for washing purposes.

*Articles 14 and 15.* These are applied by sections 14 and 15 of the Regulations.

*Article 16.* This is applied by section 17 of the Regulations. No modifications have been approved under paragraph 1 of this Article.

*Article 17.* This is applied by section 18 of the Regulations. This section also provides for the inspection of all spaces and equipment used for the handling and storage of food.

*Article 18.* This is applied by section 19 of the Regulations. In the case of two ships, which were fully completed on the coming into force of

the Convention and in which substantial structural alterations or major repairs were subsequently carried out, modifications were required to bring the crew accommodation on the vessels into conformity with the Convention provisions. The modifications were approved by the organisations of shipowners and seafarers.

*Article 19.* This is applied by section 25 of the Regulations.

The legislation and regulations are administered by the Department of Industry and Commerce.

No decisions have been given by courts of law or other courts and no difficulty has been experienced in the application of the Convention. No observations have been received from organisations of employers and workers.

#### *Norway (First Report).*

Order in Council of 2 July 1948 regulating crew accommodation on board ship (L.S. 1948—Nor. 8) (implementing the Acts of 9 June 1903, 18 September 1909, and 20 August 1915).

*Article 1 of the Convention.* Section 2 of the foregoing Order in Council states that the regulations are applicable to vessels of between 50 and 500 tons where this is reasonable and possible. Special provisions concerning vessels of less than 500 tons are contained in sections 7, 8, 9, 10, 11, 14, 17, 18 and 19.

*Article 2.* The provisions of this Article are applied by section 2 of the Order.

*Article 4.* The provisions of this Article are applied by section 3 of the Order.

*Article 5.* Complaints concerning crew accommodation are usually made through the member of the crew who has been elected as the trade union delegate. The complaint is then forwarded to the Division of Navigation which, following consultation with the shipowner and the master, decides on the action to be taken.

*Article 6.* The provisions of this Article are applied by sections 4 and 5 of the Order.

*Article 7.* The provisions of this Article are applied by section 6 of the Order.

*Article 8.* The provisions of this Article are applied by section 7 of the Order. The heating system must be sufficient to maintain a temperature of not less than 18° C in the rooms used by the crew in all climatic conditions which the ship is likely to encounter.

*Article 9.* The provisions of this Article are applied by section 8 of the Order.

*Article 10.* The provisions of this Article are applied by sections 4 (3), 9, 10, 11, 12 and 13 of the Order.

*Article 11.* The provisions of this Article are applied by section 14 of the Order.

*Article 13.* The provisions of this Article are applied by sections 13 (8), 15 and 18 of the Order. No maximum daily quantity of fresh water per man is stipulated.

*Article 14.* The provisions of this Article are applied by section 19 of the Order.

*Article 15.* The provisions of this Article are applied by sections 14 (7), 16 and 20 (2) and 20 (4) of the Order.

*Article 16.* Sections 22, 23, 24 and 25 of the Order make special provision for the vessels mentioned in paragraph 5 of Article 16. These provisions have only been put into practice in the case of ships sailing in East Asian and African waters.

*Article 17.* The provisions of this Article are applied by section 21 of the Order.

*Article 18.* The provisions of this Article are applied by sections 2 (2) and 2 (3) of the Order. Usually the regulations are applied in such a way that ships purchased abroad and registered in Norway are considered to be new ships. The equipment of such ships must therefore comply with the regulations. A number of older ships have been rebuilt so that they comply on the whole with the new regulations. The question of rebuilding older ships has been discussed with the shipowners' and seafarers' organisations.

Responsibility for enforcing this Decree belongs to a special section which reports to the Ministry of Industry and the Division of Navigation. The Minister of Industry exercises his authority with the assistance of inspectors of ships, supervisors, persons appointed *ad hoc* and Norwegian consuls. The duties of the inspectors of ships are mainly concerned with investigations in connection with accidents at sea.

The application of the provisions respecting accommodation is ensured in the case of new ships by the Division of Navigation, which approves the plans and supervises the construction. In the case of completed ships, periodical inspections are carried out. By periodical inspection is understood the inspection which a shipowner is himself obliged to request in order that the certificates prescribed for his ship can be issued or can retain their validity.

Infringement of the regulations contained in this Decree is punishable by fines in accordance with section 339 (2) of the Act of 22 May 1902.

#### *Portugal (First Report).*

Legislative Decree No. 13274 of 11 March 1927, to approve the regulations respecting conditions for the accommodation of the crew on board vessels of the merchant marine (L.S. 1927—Por. 1).

Legislative Decree No. 15372 of 9 April 1928.

Legislative Decree No. 38800 of 25 June 1952, to ratify the Convention.

The report states that the Decrees of 1927 and 1928, although promulgated prior to the Convention, cover in general the subject matter of the latter. Consideration is at present being given to the question of bringing all legislation on merchant shipping up to date so as to meet fully the requirements of the Convention.

The provisions of the Convention are reproduced in Legislative Decree No. 38800 of 25 June 1952, the text of which has already been communicated to the International Labour Office. The subject matter of the Convention is also dealt with in Legislative Decree No. 23764 of 13 April 1934, the provisions of which are considered adequate

by the maritime authorities to give full effect to the Convention.

*Article 1 of the Convention.* The provisions of the Convention are applied to vessels between 200 and 500 tons wherever reasonable and practicable.

*Article 3.* The competent authority is the Directorate of the Merchant Marine; the authorities responsible for inspection are the harbourmasters, who are empowered to impose the fines fixed by law wherever necessary.

*Article 5.* Existing legislation provides that the crew of a ship or not less than three members thereof may complain to the harbourmasters in cases where the regulations are not observed.

*Article 8.* Existing legislation provides that the crew accommodation in ships intended to sail in cold climates must be equipped with heating, but no standards have as yet been laid down as Portuguese ships generally sail in warm or tropical climates only.

*Article 13.* In the existing legislation there is no restriction as to the amount of water to be provided per man per day.

The authorities responsible for the enforcement of existing legislation are the harbourmasters.

As this is the first report on this Convention, no general information can be given on the practical application of the Convention.

No decisions were given by courts of law.

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

#### *Sweden (First Report).*

Royal Order of 31 December 1914, to issue more detailed provisions respecting inspection on board ship.

Royal Order No. 184 of 20 May 1927, respecting the accommodation of persons employed on board ship (L.S. 1927—Swe. 1) as amended on 9 December 1932 (No. 569), 25 September 1936 (No. 519), 8 October 1937 (No. 813), 10 December 1943 (No. 839) and 30 June 1952 (No. 578).

Notification of 30 June 1927 concerning the construction and equipment of vessels, as amended on 2 March 1934 (No. 4), 4 May 1938 (No. 2), 1 April 1944 (No. 3), 2 November 1944 (No. 7), 19 November 1946 (No. 10), 14 January 1947 (No. 1), 10 March 1947 (No. 3) and 29 August 1952 (No. 7).

Notification of the Medical Board No. 76 of 19 December 1951, respecting ships' medical chests, and supplementary provisions No. 123 of 17 November 1953.

Royal Notification No. 818 of 30 December 1952, respecting crew accommodation on board ship, and supplementary provisions (Notification of 20 January 1953, No. 2, issued by the Ministry of Trade).

Act of 16 November 1954 concerning inspection on board ship.

*Article 1 of the Convention.* Notification No. 818 contains the following provisions relating to vessels of 200 to 500 tons on mechanically propelled vessels: there must be separate sleeping rooms for the officers, the catering staff and the other persons employed on board. In vessels of 300 tons or more the deck crew and the engine-room crew must also have separate sleeping rooms. Ships of less than 200 tons must also have separate sleeping rooms for the master, the other deck officers and the engine-room officers. If the vessel is not less than 400 tons, separate sleeping rooms must be provided for



each officer, the chief of the catering staff and each wireless operator.

The number of persons accommodated in each sleeping room may not exceed five on vessels of between 100 and 400 tons and four on vessels of between 400 and 1,200 tons. On vessels of 200 tons or more there must be a mess room for the officers and wireless operators. If the tonnage of the vessel exceeds 400 there must also be a special mess room for the other persons employed on board.

On vessels of less than 400 tons arrangements must be made in the sleeping rooms so that all the persons accommodated there can take their meals seated at a table.

On vessels of 100 tons or over there must be at least one water closet. The officers and wireless operators must have a separate water closet if the number of other persons employed on board exceeds six. If the sleeping accommodation of the wireless operators is in an isolated part of the vessel a water closet must be installed near such accommodation. On vessels of not less than 400 tons engaged in the Baltic trade or more distant trade separate washrooms must be installed, one for the officers and wireless operators and one for the other persons employed on board.

Any vessel engaged in the North Sea trade or a more distant trade on voyages lasting more than three days without a break must have a sick bay if 15 persons or more are employed on board.

If meals are served on board for the crew there must be adequate cooking arrangements. On vessels of 100 tons or more meals must be prepared in a separate kitchen. No advantage has been taken of the exceptions allowed in paragraph 5 of Article 1 of the Convention.

*Article 2.* The report refers to sections 2 to 8 of Notification No. 818.

*Article 3, paragraph 2, subparagraph (a).* The laws and regulations have been brought to the notice of all the persons concerned by inclusion in official publications.

*Subparagraph (b).* The report gives a list of the authorities responsible for inspection under the Act of 16 October 1914 concerning inspection on board ship.

*Subparagraph (c).* Penalties for violation of the laws and regulations are prescribed in the Notification and the Act.

*Subparagraph (d).* The inspection service was established by an Order of 31 December 1914, and the Board of Trade is responsible for enforcement of the regulations. For inspection purposes the country is divided into seven districts, each of which is placed under a senior inspector with subordinate inspection and secretarial staff. In the case of Swedish vessels abroad the Consul takes whatever action is necessary. Vessels are subject to inspection whenever such a step is considered necessary, and the findings of the inspection of quarters are recorded on a special form.

*Subparagraph (e).* When regulations on this

subject are being framed the opinions of the ship-owners' and seamen's organisations concerned are obtained by correspondence. It is considered unnecessary to prescribe any procedure for such consultations. On the other hand, the Seamen's Welfare Department of the Board of Trade is required to take part in the handling of matters relating to accommodation on board ship.

*Article 4.* See paragraph 3 of Notification No. 818.

*Article 5.* Complaints may be made to the responsible inspection authority.

*Article 6, paragraph 1.* See paragraph 4 of Notification No. 818. There are also safety provisions in other laws and regulations.

Paragraphs 2 to 13. The report indicates the paragraphs in the Notification corresponding to the different paragraphs of Article 6 of the Convention.

*Article 7.* See paragraph 5 of Notification No. 818.

*Article 8.* The Notification of 20 January 1953 (No. 2) contains regulations concerning heating, the details of which are given in the report. Furthermore, on vessels of 400 tons or more, heating must be provided by means of steam, hot water, hot air or electricity.

*Article 9.* See paragraphs 7 and 9 of Notifications Nos. 2 and 818.

*Articles 10 to 12.* The report indicates the regulations corresponding to the different paragraphs of these Articles.

*Article 13.* There is no provision regarding the maximum quantity of fresh water which the shipowner may be required to supply per man per day. However, paragraph 12 of Notification No. 818 states in general terms that there shall be fresh water available in places used for washing.

*Articles 14 to 17.* The report indicates the regulations corresponding to the different paragraphs of these Articles.

*Article 18.* Transitional measures have been taken to deal with this matter. Notification No. 18 came into force on 29 January 1953, at which date Notification No. 466 of 30 June 1943 ceased to apply. If a vessel the keel of which was laid down before 29 January 1953 is fitted out in accordance with the provisions of Notification No. 466, it is considered to be in order with the provisions of the new Notification. However, the Board of Trade may require any alterations to be made in such vessels as are considered necessary and reasonable in order to bring them into accordance with the requirements of Convention No. 92 and the new Notification.

The enforcement of this legislation is in the hands of the Board of Trade, which is also required to draw up new regulations as required. No decisions have been given in courts of law relating to this Convention.

## 94. Labour Clauses (Public Contracts) Convention, 1949

*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

#### Belgium.

General specifications for government suppliers (1941).  
 Royal Decree dated 31 December 1947.  
 Act of 15 June 1896 on workshop regulations.  
 Royal Decree dated 20 June 1936.  
 Social Enactments of the Kingdom of Belgium.

*Article 1 of the Convention.* Belgian social legislation is applicable in its entirety to workers in undertakings engaged on government contracts. The general specifications are applicable to the contracts referred to in Article 1, and are divided into two parts, one of which deals with works and the other with supplies.

Local authorities, public bodies and public utility undertakings do not observe all the conditions of the general specifications; many of them possess their own special schedules.

Any contractor who entrusts all or part of the work to subcontractors is responsible for ensuring that the contract is carried out according to the prescribed conditions; this is stipulated in section 9 of the general specifications. In addition, any employer who is either a principal contractor or a subcontractor must observe the requirements imposed by social legislation.

Generally speaking, work costing less than 100,000 francs is not thrown open to public tender. Nevertheless, this type of work is also covered by social legislation.

Each law for the protection of labour defines its own scope and this is the same for all undertakings, whether working for the Government or not.

*Article 2.* The workers covered by the Convention are subject to the same working conditions and enjoy the same degree of protection as workers in general. Nevertheless, the general specifications contain a number of standards for their protection particularly in sections 9 (c), 18, 19, 20, 21 and 28. It should be pointed out that this general schedule of specifications is at present undergoing revision.

Until the Convention was ratified the workers concerned were not consulted about the labour clauses inserted in the general specifications. Under a Royal Decree dated 31 December 1947 a committee has been set up to revise the existing schedule. This committee consists of employers' representatives but the workers are not represented since they are not directly concerned with works and supply contracts. Since the Convention was ratified the Government has submitted the draft national schedule of specifications prepared by this committee to the National Labour Council, which is a joint advisory body. In addition, the Government is now drafting a Royal Decree setting up a Standing Committee on the national schedule of specifications with responsibility for revising it and bringing it up to date at periodic intervals. Six workers' representatives, acting in an advisory capacity, will sit on this Committee.

Announcements concerning public works are published in the *Bulletin des Adjudications* which is published by the Government each week. Contractors are required to be familiar with statutory labour standards which appear in the *Moniteur belge* in the form of laws or decrees.

*Article 3.* General legislation regarding the safety, health and welfare of the workers is also applicable to those workers employed in public works undertakings. In addition, section 21 of the specifications stipulates the measures to be taken in the event of accidents; section 13 deals with the safety of installations; and an appendix prescribes the measures to be taken for the cleanliness, safety and hygiene of premises used for the temporary accommodation of workers employed in brick works and quarries. Similar provisions are contained in the schedule dealing with supplies.

*Article 4.* Laws and regulations are published in the *Moniteur belge* and in this way are brought to the notice of those concerned. These announcements also specify the persons responsible for their enforcement. By law the workshop regulations must be posted up in all undertakings employing more than one worker (Act of 15 June 1896 on workshop regulations and Royal Decree dated 20 June 1936).

In addition to the provisions on this subject prescribed by social legislation in respect of all workers, section 28 of the schedule of conditions states that the contractors as well as the government agents, must keep daily records, which must specify the wages paid and the work performed. The government agents must make all the necessary checks and inquiries when the contractors' bills are paid. In addition, the labour inspectorate has power to inspect conditions of

work in undertakings engaged on government contracts.

*Article 5.* The penalties provided by the laws and regulations dealing with workers in general are also applicable to undertakings engaged on government contracts.

In the terms of section 19 of the general specifications, "if it can be proved that the contractor is unable to pay all or part of the wages due within the time and in the manner prescribed by law, the government reserves the right to pay the wages due and to deduct this amount from the sums owing to the contractor".

Similar standards, including some more favourable to the workers, have been included in the new draft general specifications.

*Article 7.* The Convention is applied throughout the country.

The labour inspectorate has power to enforce the application of social legislation to these workers. General supervision is also exercised by officials of the Ministry of Public Works and by other government departments concerned, as well as by the Higher Audit Committee and the Audit Office, which keep a watch on expenditure.

No decision of principle affecting the application of the Convention has been taken by the courts of law. The statistics of the labour inspectorate make no distinction between work carried out under government contract and other work.

#### Cuba (First Report).

Constitutional Act (sections 61, 62, 63, 64, 66, 67, 68, 72, 77 and 78).

Decree No. 798 of 1938 (sections 4 and 30).

General specifications (National Committee for Economic Development, 1951).

Section 4 of Decree No. 798 of 1938 provides that the State, provinces and municipalities have the legal status of employers, in the case of public works or services carried out by the administration itself.

*Article 1 of the Convention.* The Ministry of Public Works employs daily workers, who are known as temporary workers. There are at present approximately 5,000 such workers in the province of Havana. The National Committee for Economic Development invites tenders for these works. The contractors, who employ some 2,000 workers, are required as employers to apply the labour legislation.

The National Committee for Economic Development requires a deposit amounting to 10 per cent. of the value of these works as a guarantee of the obligations undertaken by the contractors, including the payment of wages, holidays with pay and other social charges. The daily workers employed in public works receive 2.80 pesos a day and those employed by the Committee for Economic Development on road work receive a daily wage of 2.88 pesos.

*Article 2.* The Constitutional Act, in sections 61, 62, 63, 64, 66, 67, 68, 72, 77 and 78, deals in

general only with manual and intellectual workers. Only public officials, employees and workers are subject to special legislative provisions and to the scheme laid down with regard to public administration services in section 2 (a) of Chapter 7 of the Constitutional Act.

*Article 3.* Decree No. 798 of 1938 provides in section 30 (h) that all written contracts of employment must include the undertaking to apply the labour, hygiene and social welfare provisions.

*Article 4.* The Government refers to the general specifications promulgated by the National Committee for Economic Development.

*Article 5.* The information supplied under Article 1 applies also to this Article.

*Article 7.* This Article is not applicable in the Republic of Cuba.

*Article 8.* The application of the provisions of the Convention has not been suspended for reasons of *force majeure* or because of an emergency endangering the national welfare or safety.

The Ministry of Public Works, the National Committee for Economic Development and the Ministry of Labour are responsible for the application of the legislation.

The courts of law have not given any decisions concerning the application of the Convention.

No observations have been made by the employers' and workers' organisations relating to the implementation of the Convention or legislation.

#### Finland.

Decision of the Council of Ministers of 12 February 1954 respecting the measures to be taken to prevent and reduce unemployment.

Decision of the Ministry of Communications and Public Works of 12 February 1954 containing provisions for the application of the decision of the Council of Ministers of 12 February 1954.

Circular No. 10 of the Ministry of Communications and Public Works of 25 May 1954 concerning cases in which work intended to relieve unemployment is handed out under contract.

The texts of the above-mentioned regulations are appended to the Government's report. They contain provisions prescribing the conditions of work of persons employed on unemployment relief works, as well as the conditions which contractors engaged in unemployment relief works must fulfil.

#### France.

Act No. 52-401 of 14 April 1952.  
Act of 10 April 1954.

The Act of 10 April 1954 provides specifically that orders for supplies, public works or transport on behalf of the State, the départements, the communes, public establishments and undertakings managed or supervised by these authorities can only be granted to undertakings which can show that they had, not later than 31 December

of the previous year, signed statements concerning their obligations with regard to the payment of social security contributions.

This Act also provides that persons employed in one of the posts mentioned in section 50, paragraphs 2 to 5, of the Act of 14 April 1952, in an undertaking which has not supplied the information required under the previous paragraph, may not personally receive the orders mentioned in that paragraph.

This rule, which will in future be applicable to départements, communes and the public establishments controlled by these authorities, constitutes a step forward as regards the application of this Convention.

#### *Italy (First Report).*

Ministerial Decree of 28 May 1895.

Circular No. 11907 of 9 November 1948.

Circular No. 9711 of 26 August 1949.

Circular No. 30302 (44) of 20 December 1950, respecting the staff of regular inter-urban road transport services.

Circular PAG.31.3.9800 of 15 October 1950 and Circular No. PAG.31.3.12000 of 16 October 1952, respecting standards for public contracts.

Circulars of the Ministry of Labour No. 9810/15G of 12 April 1951 and No. 22589/15G of 1 June 1953 respecting specifications for contracts and provisions of collective agreements.

Circular PAG.31E.35700 of 22 April 1953 respecting the failure of undertakings to fulfil obligations towards employees.

The provisions of the Convention are applied in practice although there is no legislation requiring public contracts to include labour clauses. However, the general specifications, which are an integral part of all contracts allotted by the Ministry of Public Works and other government departments (Ministerial Decree of 28 May 1895), contain clauses concerning the payment of wages, industrial accidents and rules respecting night work and the duration of shifts.

Labour clauses are also contained in some special specifications as, for example, those relating to construction work, which provide that the conditions of employment laid down by law or stipulated by collective agreement must be respected; the schedule of rates appended to the special specifications indicates the higher rates for overtime and for night work, unhealthy work, etc.

The Circulars of 9 November 1948 and 26 August 1949 lay down particularly strict rules for branch offices of the Ministry of Public Works, in order to ensure compliance with the obligation of public works contractors to provide insurance.

Works contracts and service concessions allotted by the Railways Administration include a clause requiring the contractor to observe the provisions of the legislation respecting industrial accident insurance, sickness funds and social insurance, as well as a clause requiring the contractor to provide wages and other conditions not less favourable than those stipulated in the collective agreements and in the special union agreements applying to work of the same character as that to which each contract relates. These contracts and concessions also prescribe the measures to be taken if the contractor has failed to perform his obligations towards his employees in respect of wages, insurance or welfare arrangements. The

general administrative specifications for works contracts allotted by the Railways Administration and the specifications for works and supply contracts allotted on its behalf contain provisions relating to the direct payment of remuneration and to the insurance of workers.

All persons occupying managerial and technical posts for the execution of public contracts are covered by the rules stipulated therein.

The Circular of 12 April 1951, which was adopted after consultation between representatives of the government departments concerned and of the employers and workers, invites government departments and public bodies to insert in specifications for contracts a clause by which the contractor undertakes to apply to the persons employed under these contracts wages and other conditions not less favourable than those established by collective agreement for work of the same character in the district in question, as well as the conditions resulting from successive additions or modifications and in general from any subsequent collective agreement applying to work of the same character in the district. The Circular of 1 June 1953 gives a detailed explanation of several questions which arose out of the application of the Circular of 12 April 1951.

*Article 1 of the Convention.* The above rules apply to the contracts concluded not only by government departments but also by other public bodies. No provision is made for the exclusion of contracts involving the expenditure of public funds below a certain amount nor of persons occupying posts of management or of a technical or scientific character.

*Article 2.* The terms of the clauses inserted by government departments and public bodies in their specifications for contracts are as follows:

- (1) The contractor undertakes to introduce in his dealings with the employees engaged in the execution of the contract wage conditions and other conditions of labour not less favourable than those established by the collective agreements which apply at the date of the tender to the class of work and in the district in question, as well as the conditions proceeding from successive additions and modifications and in general from any subsequent collective agreement which may be applicable to the class of work and in the district. The contractor undertakes also to continue to apply the provisions of the said collective agreements even after their expiry, unless they are replaced. The contractor shall be bound by the above undertakings even if he is not a member or has ceased to be a member of the associations signatory to the agreements. The rates may be reviewed in the cases and within the limits permitted by law or by the agreement.
- (2) The contractor is responsible to the authority with which the contract is concluded for the observance of the rules laid down in the preceding clause, by any subcontractors in their dealings with their respective employees even if the collective agreement makes no provision for possible subcontracting. The

fact that the subcontract is unauthorised does not release the contractor from the responsibility laid down in the preceding paragraph, without prejudice to the other rights of the authority . . . .

- (3) In the case of infringement of the rules laid down in the preceding clause, whether ascertained by the authority or reported to it by the labour inspectorate, the contractor shall be notified and the authority shall then suspend issue of orders for payment of a corresponding amount until the Labour Inspectorate has ascertained that the employees have received the amounts due to them, or that the dispute has been settled . . . .

*Article 3.* The report indicates the principal provisions in force regarding health and safety, the application of which would be compulsory even if there were no reference to them in the public contract.

*Articles 4 and 5.* The collective agreement clause in specifications for contracts has been given additional force by the insertion of another clause providing for the suspension of payments to contractors. The bodies specially responsible for the application of the provisions in force are the Labour Inspectorate and the General Inspectorate of Civilian Motor Traffic and Transport under Concession. These bodies have recourse to any others which may be concerned with the questions at issue, including the occupational employers' and workers' organisations. These organisations keep the workers fully informed of their conditions of labour by the most appropriate means.

*Article 7.* No advantage has been taken of this provision of the Convention; no region or district is excluded from the application of the above-mentioned provisions.

*Article 8.* During the period under review there was no case of suspension of the provisions giving effect to the Convention.

Information is given in the report on the Labour Inspection Convention (No. 81) concerning the organisation and operation of the Labour Inspectorate. The competent authorities for the purposes of Articles 1, 2, 3 and 8 of the Convention are the respective government departments and the government.

No decisions by courts of law have been given involving questions of principle relating to the application of the Convention.

The problem of labour clauses in public contracts will be uniformly solved and, in a sense, will cease to exist when the new Trade Union Act has been issued. In conformity with the principles of the Italian Constitution this will give general binding force to the terms of collective agreements which have been concluded by duly recognised occupational organisations (represented in accordance with their membership), that is, they will apply to all persons belonging to the categories in question, whether or not they are members of the signatory organisations. Once this Act has been promulgated it will no longer be necessary to issue special regulations requiring certain clauses to be included in public contracts as provided by the Convention. All col-

lective agreements will be generally applicable, that is, to all workers even if they are employed by firms not belonging to the organisations which concluded the agreements—public works contractors, concessionaries for public services, undertakings financed by the Government or other public authorities, etc.

No observations have been received from the occupational organisations.

Copies of the circulars mentioned above are appended to the report.

#### *Netherlands (First Report).*

National Constitution (section 65).  
Civil Code.  
Labour Act.  
Safety Act.

As regards wages, other conditions of work and social measures, Netherlands legislation makes no distinction between workers employed under public contracts (whether they have been made by a central or other authority) and workers employed by private individuals; this system therefore fully conforms with the spirit of the Convention.

The rights and obligations of employers, including wages and conditions of work, are regulated by (a) collective labour agreements approved by the public authorities, i.e. the National Arbitration Council; (b) collective agreements which have been given force of law by this Council; (c) regulations drawn up by this Council and made applicable in several branches of activity; and (d) legislation such as Book VII A of the Civil Code which regulates the contract of employment, the Labour Act which contains provisions to limit the hours of work and to protect workers employed in work which is dangerous to their health, morals or life, the Safety Act which ensures labour safety in general and, in particular, in industrial and other workshops, and the Public Administration Regulations based on these two Acts.

It is therefore inconceivable that the public authorities should, when making a contract with an employer, contravene these prescriptions, which cover the subject matter of the Convention, by laying down conditions of work other than those applicable in private industry.

It is not therefore necessary that contracts made by the public authorities should include provisions concerning conditions of work to be applicable to the employees of the other party to the contract. Nevertheless, the specifications sometimes refer to regulations concerning wages and other conditions of work existing in the relevant branch of activity. The report states that the above statement should be kept in mind when the information supplied under the individual Articles of the Convention is examined.

*Article 1 of the Convention.* The legislation does not discriminate between contracts concluded by the central authority and those concluded by other public bodies; it is not therefore necessary to take the steps described under this Article. In view of the system for fixing wages and other conditions of work, in force in the Netherlands, the application of the general conditions of work is ensured also in the case of work carried out by subcontractors. It is not therefore necessary to

take any special measures. No use has been made of the exceptions authorised.

*Article 2.* The provisions of this Article are applicable even if no specific reference is made to the existing conditions of work. It is sufficient if the contracts include a reference to the legal provisions in force in this respect. It is not necessary to take any measures to ensure that persons tendering for contracts are aware of the labour clauses; the persons concerned are familiar with the conditions of work in force.

*Article 3.* The provisions of this Article are automatically applicable, in virtue of the Labour Act, the Safety Act, etc., to workers employed in carrying out public contracts.

*Article 4.* As regards the communication to workers of the conditions of work which concern them, section 1637 (*j*) of the Civil Code provides that the labour regulations only have force of law for the worker if he has stated in writing that he agrees with these regulations and if the following conditions have been fulfilled: (1) a complete copy of the regulations must be handed free of charge to the workers; (2) a complete copy, signed by the employer, must be deposited with the clerk of the cantonal tribunal, where it may be consulted by the public; and (3) a complete copy must be posted up in a conspicuous place to which the worker has access, preferably in the workplace. The employer must see to the application of this section of the Code. The supervision of the application of the conditions of work in force lies with the service for wage control and, as regards safety and hours of work and rest, with the Labour Inspectorate.

In conformity with the provisions of the Labour Act of 1919, notices must be posted up in a conspicuous place of the undertaking, showing the hours of work effected by the workers. As regards the information to be supplied on wages, in addition to section 1637 (*j*) of the Civil Code mentioned above, account should be taken of section 1638 (*e*), which provides that if the wage consists partly or wholly of a sum dependent on the data which must be included in the employer's books, the worker is entitled to ask the employer for an opportunity to check this data. When the worker receives his pay, he may require the employer to supply him with a detailed note on the amount received. There is a system of inspection and penalties which ensures the application of these provisions.

*Article 5.* If the contract made by the public authorities refers in general terms to the provisions in force, or if it specifies one or other of these provisions, not only the worker but also the public authorities may institute proceedings against the employer and ask, *inter alia*, that the contract should be annulled if these provisions have been infringed upon.

*Article 7.* No territory has been excluded in virtue of this Article.

*Article 8.* The application of the Convention has not been suspended during the period under review.

The ratification of the Convention gives the force of national law to its provisions, in virtue

of section 65 of the Constitution, which provides that legal prescriptions in force within the Kingdom of the Netherlands are not applicable if they are not compatible with conventions concluded with other powers and international organisations, whether these were published before or after such prescriptions. The text of the Convention was published in the *Staatsblad*, No. 541 of 6 December 1951.

Failure to apply the provisions by which the Convention protects workers employed in carrying out public works is penalised in the same way as similar breaches by parties of any labour contract. It is therefore impossible to make the authority responsible (or co-responsible) for non-application. There are civil penalties (that is, the payment of damages or the annulment of a contract following a decision by the cantonal judge who is competent in the first instance for all proceedings relating to contracts of employment) and/or penal sanctions (that is, fines or imprisonment in the case of breaches of the Labour Act, Safety Act or other provision, which are imposed by the cantonal judge; in the case of infringements to the provisions relating to wages or other conditions of work prescribed in collective agreements or regulations which have been given force of law, which consist, in addition to the above-mentioned penalties, of a large number of minor penalties and disciplinary measures which may be imposed in the first instance by the district court).

The Wage Control Service is responsible in matters relating to contraventions to the provisions concerning wages and other conditions of work prescribed in collective agreements or regulations which have been given force of law. On the other hand, the Labour Inspectorate carries out these duties as regards the application of the Labour Act, the Safety Act, etc. These two services fall under the General Employment Directorate, within the framework of the Ministry for Social Affairs and Public Health.

No decisions have been given by courts of law or other courts involving questions of principle relating to the application of the Convention.

No statistics are available indicating the number and nature of contraventions during the period under review, as regards work carried out for the account of a public authority, since neither the Wage Control Service nor the Labour Inspectorate makes any distinction between this type of work and other work.

No observations have been made by employers' or workers' organisations concerning the practical application of the Convention or the provisions of the national laws by which it is supplemented.

#### *United Kingdom.*

##### *Great Britain.*

Two of the three complaints alleging non-compliance with the terms of the Fair Wages Resolution of the House of Commons, mentioned in the previous report, have been withdrawn and action on the third was suspended by the workers' organisation with a view to settlement by other means.

During the period under review nine new complaints were reported to the Ministry. Four were withdrawn and three referred to the industrial court. The other two were outstanding at the end of the period.

Northern Ireland.

In reply to the request for additional information made by the Committee of Experts, the Government states (1) that the Fair Wages Resolution of the Northern Ireland House of Commons applies to all government contracts; (2) that the application of the resolution to contracts awarded by authorities other than the central authorities is, in general, similar to that in Great Britain, that is to say that local authorities have been recommended by the Government to adopt the policy followed with government contracts, and the Standing Orders of many local

authorities provide for the inclusion of a fair wages clause in contracts. As in Great Britain it is also the general practice for statutory public authorities to insert in contracts a fair wages clause based on the fair wages resolution; and (3) that the Fair Wages Resolution of the Northern Ireland House of Commons is identical with that of the House of Commons at Westminster, which was framed in consultation with the British Employers' Confederation and the Trades Union Congress.

The report from *Austria* reproduces the information previously supplied.

95. Protection of Wages Convention, 1949

*This Convention came into force on 24 September 1952*

Countries	Date of registration of ratification
Austria . . . . .	10.11.1951
Cuba . . . . .	29. 4.1952
Ecuador . . . . .	6. 7.1954
France . . . . .	15.10.1952
Guatemala . . . . .	13. 2.1952
Italy . . . . .	22.10.1952
Netherlands . . . . .	20. 5.1952
Norway . . . . .	29. 6.1950
Philippines . . . . .	29.12.1953
Poland . . . . .	25.10.1954
United Kingdom . . . . .	24. 9.1951
Uruguay . . . . .	18. 3.1954

Austria.

Federal Act of 10 March 1954, respecting home work.

*Article 12 of the Convention.* Section 9 of the Federal Act concerning home work provides that wages shall be calculated and paid at least once every month. Wage advances for work completed may be made every week. In any case wages earned are payable at the end of the contract of employment.

*Article 14.* By virtue of section 8 of the Act referred to above, any person responsible for home work must inform the workers engaged in work of this nature as to the conditions for carrying out and delivering such work, by means of a notice posted in such a way as to be easily visible in the place where the work is given out, where the product is delivered, or where the wages are paid. The notice should, *inter alia*, indicate the wage rates and the time and place when payment must be made. The wage rates should show the wages paid for each unit of work. If this is not possible, precise details must be given of the bases used for calculating wages. When wages are governed by agreements or fixed wage scales, such agreements or scales must also appear in the notice.

Legal provisions concerning the keeping of wage registers by employers ensure the control of wages paid to homeworkers.

*Article 15.* By virtue of the Act respecting home work, wages paid for all kinds of work or services rendered are revised or fixed in each case by wages boards, upon the request of the persons concerned or their representatives, and of the labour inspectors. These boards are set up within the home-work committees which were created to supervise the various aspects of home work. These bodies are composed of an impartial chairman and of an equal number of representatives of employers and representatives of homeworkers. According to section 55 of the Act, when the work is distributed through an intermediary, the wages of homeworkers are protected by regulations which specifically assign the responsibility for paying wages.

Section 64 of the Act referred to above provides that any person contravening the legislation concerning the payment of wages shall be subject to a penalty consisting of a fine which shall not exceed 6,000 schillings, and imprisonment which shall not exceed six weeks.

During 1953 there were 2,288 contraventions of the standards laid down in legislation and regulations concerning the protection of wages in various undertakings.

Cuba (First Report).

Constitution of the Republic of Cuba of 5 July 1940 (sections 61, 63 and 64) (L.S. 1940—Cuba 1), as amended on 4 April 1952.  
Decree No. 798 of 13 April 1938 (sections 45 to 55) respecting collective agreements.

Articles 63 and 64 of the Constitution provide that "Deductions other than those authorised by law shall not be made from the wages or salaries of manual and intellectual workers. Moneys due to workers on account of payments and wages in respect of the preceding year shall have priority over all other debts. The payment of wages in the form of merchandise, coupons, cards or any other token in substitution for legal currency shall be absolutely prohibited. Penalties shall be laid down by law for contraventions of this provision. Day labourers shall be paid their wages at intervals not exceeding one week."



*Article 1 of the Convention.* Section 41 of Decree No. 798 of 1938 defines wages as "the total remuneration to which a worker is entitled, in both cash and kind, for work or services performed on behalf of the employer". The Decree provides for contracts to be included orally or in writing or even by tacit agreement; it nevertheless rules that contracts not specifying any wage or providing for the entire remuneration to be paid in kind are to be null and void.

*Article 2.* The law applies to all manual and intellectual workers without exception.

*Article 3.* Like the Constitution, section 47 of Decree No. 798 states that payments are to be made in legal tender and prohibits the use of tokens in substitution for the national currency.

*Article 4.* Section 45 of Decree No. 798 limits payments in kind to 40 per cent. of the total amount of the agreed wage. Such payments are restricted to accommodation, food, the washing of clothes and contributions to associations (in cases where the employer is liable for the amount).

*Article 5.* Direct payment is compulsory even in the case of women and young persons.

*Article 6.* Section 50 of Decree No. 798 states that any contract ceding a worker's wages in whole or in part and whether or not in return for a valid consideration shall be null and void.

*Article 7.* Workers are free to dispose of their wages, section 52 of Decree No. 798 prohibiting any deduction not recognised by law (pensions, trade union contributions in some sectors).

*Article 8.* Section 52 of Decree No. 798 has been amended by the Constitution, which restricts deductions from wages to those authorised by the legislation.

*Article 9.* Deductions for the purpose of obtaining or retaining employment are naturally not authorised or envisaged in the legislation.

*Article 10.* Article 61 of the Constitution provides that "the minimum part of the wage or salary shall not be liable to attachment, except in respect of liabilities for maintenance allowances in the manner prescribed by law. Tools and implements of work belonging to the workers shall likewise be exempt from attachment." Section 51 of Decree No. 798 limits the legal attachment or retention of wages to one-tenth of a worker's total earnings, except in the case of relatives' claims for maintenance allowances.

*Article 11.* The second paragraph of Article 63 of the Constitution states that "moneys due to workers on account of payments and wages in respect of the preceding year shall have priority over all other debts". Section 5, of Decree No. 798 also gives priority to wage claims in the event of insolvency or bankruptcy on the part of the employer. This priority is backed by all the guarantees afforded by the Civil and Commercial Codes. Wages accordingly come first in order in any settlement of debts.

*Article 12.* Article 64 of the Constitution states that day labourers are to be paid their wages at intervals not exceeding one week.

Where the remuneration has been fixed in any other manner, Section 46 of Decree No. 798 restricts the intervals of payment to a maximum of 30 days.

*Article 13.* Section 47 of Decree No. 798 also states that the cash element of any wage is to be paid on working days, at the workplace and within the period prescribed.

*Article 14.* Section 30 of Decree No. 798 requires every individual or collective contract of employment to specify the amount of the remuneration payable and, if all or part is to be paid in cash, the periods to be observed. It must also indicate whether the remuneration is to be assessed on the basis of time rates, piece rates or some other lawful system.

*Article 15.* Part IV of Decree No. 798 lays down the penalties to be imposed for any contravention of the principles whereby wages are protected. Article 17 of the Convention is not applicable in Cuba.

The responsibility for ensuring that wage provisions are observed lies with the Ministry of Labour, its provincial offices and the ordinary courts, including the courts of summary jurisdiction where penalties are involved.

No decisions involving questions of principle relating to the Convention were taken by courts of law.

No observations of any kind on the application of the Convention or the relevant legislation have been made by employers' or workers' organisations.

#### *France (First Report).*

Labour Code, Book I (sections 43 and 44 (a), 47, 50, 51, 60 (a), 61, 75).

Civil Code (section 1239).

Commercial Code.

Act of 22 October 1940, as amended by the Act of 24 May 1951.

Decree No. 51-435 of 17 April 1951.

*Articles 1 and 2 of the Convention.* The report states that no category of persons has been excluded from the application of the Convention.

*Article 3.* Section 43 of Book I of the Labour Code provides that, regardless of any stipulation to the contrary, the payment of wages must be made under penalty of being declared void in legal tender, either in cash or in bank notes. However, the Act of 22 October 1940, as amended by the Act of 24 May 1951, authorises the payment of wages exceeding 100,000 francs a month in the form of cheques or by money order.

*Article 4.* Section 75, paragraph 2, of Book I of the Labour Code stipulates that the prohibition of works stores does not extend to a contract of employment which provides that the worker shall be supplied with housing and food, and that he shall in addition receive cash wages. The prohibition does not extend to the case of a contract of employment according to which the employer supplies the worker with goods at current prices.

The amount of allowances in kind (housing, food) is determined by collective labour agreements or by wages agreements. In the absence of such texts, section 2 of Decree No. 51-435 of 17 April 1951 provides that food for a full day



should correspond to twice the hourly wage according to the national guaranteed inter-occupational minimum wage payable for all occupations in the commune in question (200 francs in zone I of the Paris region); in the case of one meal a day, the value should be equal to the hourly wage in question (100 francs in zone I). Section 5 of Decree No. 51-435 provides that the value of housing should correspond to 15 francs a day in zone I of the Paris region; in the other zones the abatements applicable to the national minimum wage will be applied to this figure.

According to paragraph 2 of section 5 of the above-mentioned Decree allowances in kind, other than housing and food, shall be calculated according to their actual value, at cost price.

*Article 5.* Paragraph 1 of section 1239 of the Civil Code provides that payment must be made to the person to whom the payment is due or to anyone whom he authorises to act as his representative or who is authorised by the courts or by law to receive his wages. Consequently, except in the case of minors whose parents may require the wages to be paid to them, wages must always be paid to the worker.

*Article 6.* Paragraph 1 of section 75 of Book I of the Labour Code forbids employers: (1) to annex to their undertaking a works store in which they sell, directly or indirectly, goods and merchandise of any nature whatsoever to their wage earners or salaried employees or to the members of their families; (2) to require their wage-earning and salaried employees to spend all or part of their wages in shops indicated by the employers. The freedom of the worker to dispose of his wages is therefore strictly guaranteed.

*Article 7.* The above-mentioned provisions of section 75 of Book I of the Labour Code prohibit works stores. However, section 77 of the same Book permits works stores in railway undertakings, subject to the following reservations: (1) that the employees are not obliged to buy at the works store; (2) that the sale of goods and merchandise does not result in a profit to the employer; (3) that the works store shall be administered under the supervision of a joint committee, at least one-third of which shall be composed of delegates chosen by the employees of the railway undertaking. Finally, every five years the staff of each branch railway is consulted as to whether the works store should be maintained or disbanded.

*Article 8, paragraph 1.* According to the terms of section 50 of Book I of the Labour Code, no compensation to the benefit of employers shall be made by means of an adjustment between the amount of wages which they owe their workers and the amounts which are due to them for various supplies, regardless of the value, with the exception of: (1) tools and instruments necessary for work; (2) materials or objects for which the worker is responsible and which he uses; and (3) amounts advanced for the acquisition of such objects.

According to section 51 of Book I, any employer who makes a cash advance, except in the cases covered by paragraph 3 of the preceding section, may obtain reimbursement for the sum advanced only by means of successive deductions which may not exceed one-tenth of the amount of the wages due.

Paragraph 2. See below under the first paragraph of Article 15.

*Article 9.* According to section 51 (a), paragraph 1, of Book I of the Labour Code, "in hotels, cafés, restaurants, bars and in all other similar establishments, and in theatres, concert halls, cabarets, cinemas, clubs, casinos and in general all public entertainment undertakings, and similarly in railway, steamship and transport companies, subject to the provisions of section 1382 of the Civil Code, all employers, directors, managers or concessionaries of these establishments and undertakings are prohibited from requiring their wage-earning and salaried employees to make payments of money; this section of the Code also prohibits any deductions from wages for expenses or for any other purpose, either when a wage-earning or salaried employee is engaged or dismissed, or during the normal performance of his work."

The prohibition laid down in this Article is considered as a principle of general scope.

*Article 10.* Amounts due as remuneration to any employed persons working in any capacity or in any place for one or more employers, regardless of the amount or nature of their remuneration, the form and nature of their contract of employment, may be attached or assigned in accordance with section 61 of Book I of the Labour Code as follows: "one-twentieth of the amount less than or equal to 150,000 francs; one-tenth of the amount exceeding 150,000 francs and less than or equal to 300,000 francs; one-fifth of the amount exceeding 300,000 francs and less than or equal to 450,000 francs; one-quarter of the amount exceeding 450,000 francs and less than or equal to 600,000 francs; one-third of the amount exceeding 600,000 francs and less than or equal to 750,000 francs; without any limits on the amount exceeding 750,000 francs."

*Article 11.* According to section 47 of Book I of the Labour Code and section 549 of the Commercial Code, and sections 2101, 2104 and 2105 of the Civil Code, the wages of employed persons are considered as a privileged debt with priority over personal and real property of the debtor. These debts have priority over all those of other creditors with the exception of the following: (1) funds of the Public Treasury; (2) court costs; (3) funeral expenses; (4) expenses incurred in the last illness; and (5) nurses' fees for infants reared outside the home.

In order that wages may be considered as a privileged debt, they must be due for a period preceding the declaration of bankruptcy or judicial liquidation of at least six months.

Moreover, section 47 (a) of Book I of the Labour Code provides for a special privileged debt which takes priority over all other debts, including debts of funds from the Public Treasury, in favour of the "unattachable portion of amounts due on wages earned by wage earners during the last 15 days of work, or by salaried employees during the last 30 days, and on commissions due to commercial travellers and representatives during the last 90 days of work".

This special privileged debt established by section 47 (a) takes precedence over any other debt incurred in the last 15 days, the last month or the last 90 days preceding the end of the

contract of employment, provided that the debt in question falls within the period of six months preceding the declaration of bankruptcy or the judicial liquidation.

*Article 12.* According to section 44 of Book I of the Labour Code, the wages of wage earners must be paid at least twice a month at intervals of not more than 16 days; the wages of salaried employees must be paid at least once a month; the commissions due to commercial travellers and representatives must be paid at least every three months. The application of these general principles of French law implies the payment of wages upon the termination of the contract.

*Article 13.* According to the terms of section 45 of Book I of the Labour Code, wages may not be paid on an authorised rest day of the wage-earning or salaried employee, irrespective of whether he is entitled to the rest day under legislation or under a collective labour agreement.

In virtue of the principle that payment of a debt must be called for in person and that it may not be paid at the domicile of the payee, wages are paid at the workplace. Section 45 of Book I of the Labour Code provides that the payment of wages may not be made in places where alcoholic beverages are sold or in retail shops, except in the case of persons working therein. The payment of wages in places of amusement does not give rise to abuse.

*Article 14.* According to section 31 (u) of Book I of the Labour Code, under arrangements covered by a collective agreement, a notice must be posted up in the workplaces and in places where workers are engaged and at the doors of such places. This notice must state the existence of the collective agreement, the signatory parties, the date and the place of deposit; a copy of the agreement must be placed at the disposal of the staff.

On the other hand, under the terms of section 31 (z) of the same Book, in undertakings to which an extended collective agreement applies, the extension order must be posted up in the workplace and in the places where workers are engaged and at the doors of such places.

Section 44 (a) of Book I of the Labour Code requires employers to hand to workers when they pay wages a note known as a "pay note" which shall indicate in particular the name and the type of work, performed by the person receiving the wages, the gross amount of the wages, the nature and amount of the various deductions made from gross wages, and the amount of the net wages. The note must also contain the name and address of the employer or the name and style of the firm.

*Article 15.* The legislative provisions referred to in this report are extracts from the Labour Code and the Civil Code, which may easily be consulted by the persons concerned. Section 107 of Book I of the Labour Code specifies the persons responsible for ensuring the application of the provisions in question. Sections 104, 105 and 31 (z) (c) of Book I fix the penalties which shall be imposed for contraventions of the legislation.

Section 44 (b) of Book I requires employers to maintain a record indicating all the data con-

tained in the pay notes; this record must be available to labour inspectors at any time.

The Labour and Manpower Inspection Service is responsible for supervising the legal provisions concerning the protection of wages. Section 107 of Book I of the Labour Code entrusts the labour inspectors, together with officials of the judicial police, with the task of ensuring compliance with sections 43, 44, 44 (a), 44 (b), 45, 75 and 77 of Book I of the Labour Code. According to section 31 (z) (c) of Book I, these officials are also responsible for the application of sections 31 (u) and 31 (z) of Book I of the Labour Code. The judicial police officials are responsible for supervising the application of section 51 of Book I. The Labour and Manpower Inspection Services include: a general inspector; regional inspectors; departmental directors; chief men and women inspectors; and men and women inspectors. The inspectors are recruited by competitive examination and appointed by the Ministry of Labour. They may visit all establishments and undertakings covered by the legal provisions for the application of which they are responsible, in order to carry out the required supervision and investigations. Labour inspectors, mines engineers and mines supervisors must record contraventions in reports which shall be accepted as valid, until proof to the contrary is produced. These reports are made in duplicate, one copy being sent to the Prefect of the Department and the other deposited in the public prosecutor's office (section 107 of Book II of the Labour Code).

The legal provisions concerning the questions covered by Convention No. 95 have not given rise to any decisions by courts of law and are correctly observed. The French Government has no observation to make concerning the manner in which the Convention is applied.

#### *Italy (First Report).*

Constitution of Italy (Article 36).

Civil Code (sections 832, 1178, 1182, 1188, 1277, 1427 ff., 1768, 2099, 2745 ff.).

Code of Civil Procedure (section 545) (extent to which wages may be attached).

Royal Legislative Decree No. 267 of 16 March 1942 (bankruptcy, compulsory liquidation, etc.).

Act No. 264 of 29 April 1949, to make provisions for the placement of, and assistance to, involuntarily unemployed workers (L.S. 1949—It. 2A).

Act No. 1982 of 3 November 1952 (section 1, respecting deductions from wages for damage caused by workers in transport undertakings).

Act No. 4 of 5 January 1953, respecting workers' wage statements.

*Article 1 of the Convention.* The report states that the definition of wages given in this Article corresponds in substance to the meaning of the term "remuneration" used in Italian legislation. The term "wages" is used in Italy to mean more precisely the remuneration of manual workers, whereas the term "salary" is used to mean the remuneration of salaried employees. Although there is no general definition of "wages" in the national legislation, the exact meaning of this term can be seen clearly from the various definitions contained in special legislation relating to labour.

*Article 2.* It has not been found necessary to make use of the provisions of this Article, which authorise the exclusion of certain specified cate-

gories of workers from the application of all or any of the provisions of the Convention.

*Article 3.* Italian legislation establishes the principle that remuneration must be paid in currency having legal tender. Section 1277 of the Civil Code provides that debts in money shall be settled in currency, at its nominal value, which is legal tender in Italy at the time of payment. Remuneration due to an employee (except any remuneration in kind) constitutes a money debt wherever the contract of employment specifies that a sum is payable to the worker in exchange for the services which he undertakes to perform.

The payment of remuneration may be made by bank cheque or by any other appropriate order provided the worker gives his consent. This course is permissible because in Italian law the principle of freedom to enter into a contract applies in general and there is no particular restriction in this connection.

*Article 4.* Under section 2099 of the Civil Code, a worker may be paid either in whole or in part by a share in profits or produce, by commission or in kind. However, in all cases remuneration is determined by collective agreements and these generally provide that remuneration shall be in cash. In addition, collective agreements specify the minimum amount which must be paid to the worker in cash; if they provide that payment may be made in kind they also indicate the proportion of the goods supplied, irrespective of their money value. Consequently it would not be possible for an employer to reduce the amount of the cash wage by attributing greater money value to remuneration in kind.

The effective application of the above-mentioned rules is ensured by article 36 of the Italian Constitution which lays down the principle that the worker is entitled to remuneration "proportionate to the quantity and quality of his work and in any case sufficient to provide a free and dignified life for himself and his family".

The legislation does not authorise the payment of remuneration in the form of drugs or spirituous or alcoholic liquors, the sale of which is prohibited or regulated by rules issued in the interests of public health and welfare.

*Article 5.* The report states that the principle laid down in this Article is applied in Italy. By virtue of section 1188 of the Civil Code (which relates to obligations in general and therefore to obligations arising out of an employment contract) it follows that the employer is required, in principle, to carry out his own obligations, i.e. to pay wages and allowances directly to the worker or to a person designated by the worker.

*Article 6.* Existing legislation provides workers with adequate protection against any direct attempt to limit their freedom to dispose of their wages. In particular, section 832 of the Civil Code (relating to the right of ownership) establishes the full and exclusive right of owners to enjoy and to dispose of their property. This right is also protected by a number of legislative provisions which declare all acts performed under compulsion to be without validity (sections 1427 ff. of the Civil Code).

*Article 7.* Under Italian law no person may be compelled to obtain any goods or to make use of

any services. In particular no worker may be compelled to obtain any goods or to make use of any services provided by the employer or supplied at stores set up by the employer in the undertaking itself. Further, such goods and services must be sold or provided at fair and reasonable profits and the stores may not be operated for the purpose of securing a profit for the employer. This is ensured by the fact that stores established in undertakings are usually organised as co-operative societies, the legal structure of which excludes any form of profit.

*Article 8.* Deductions from wages may be made by the employer when so authorised by law, and when the worker so agrees. In the first case, deductions may be made under the laws relating to the deduction of income tax from wages and the laws relating to the deduction of prescribed amounts for the payment of workers' compulsory social insurance contributions. In the second case, deductions may be made in virtue of collective agreements which require workers to reimburse damage caused by them to products, goods, plant or tools.

A considerable number of collective agreements which simplify the application of sections 1178 and 1768 (requiring the worker to take due care of tools and to use raw materials with reasonable economy), lay down that the value of the damage caused by the worker may be charged against his remuneration. The procedure to be observed in making deductions and providing guarantees for the worker is laid down in various collective agreements. In general, it may be said that the deductions which the employer is entitled to make in respect of damage caused by the employees in the performance of their duties may not exceed 10 per cent. of the remuneration due for the respective wage period.

Workers are informed by the works committees of the relevant provisions of the legislation and of collective agreements respecting the manner in which and the extent to which the above-mentioned deductions will be made.

The report gives details regarding deductions from the wages of workers in transport undertakings under the Act of 3 November 1952 and in virtue of the National Collective Agreement of 7 July 1948. In agriculture, employers do not usually require workers to repay any sums to cover the loss of or damage to products, goods or plant.

*Article 9.* Deductions from wages with a view to making payments to persons who have engaged or found employment for a worker are not permitted under Act No. 264 of 29 April 1949, to make provisions for the placement of, and assistance to, involuntarily unemployed persons. This Act prohibits private placing operations even if no fee is charged. Penalties are imposed for breaches of this provision.

*Article 10.* Under section 1260 of the Civil Code workers are not permitted to assign their remuneration and any such assignment is considered as null and void. Section 545 of the Code of Civil Procedure provides for the partial exemption of wages from attachment. Any sums due in respect of salaries, wages or other remuneration arising out of an employment contract (including compensation for dismissal) may be attached for

maintenance allowances only to the extent authorised by the competent magistrate and for any other debt to the extent of one-fifth. If several claims are established not more than one-half of the total remuneration may be attached.

*Article 11.* As regards the bankruptcy or judicial liquidation of an undertaking, the Royal Legislative Decree of 16 March 1942 refers to section 2745 ff. of the Civil Code relating to privileged creditors and the relative priority of their claims.

Section 2751 of the Civil Code lays down that claims for any remuneration due for the last six months of employment, including compensation for dismissal, are considered as privileged debts in respect of the entire personal estate of the employer. Such claims are placed fourth in the order of priority, after claims for the debtor's funeral expenses and for the cost of medical care and board and lodging provided for him.

Section 2776 of the Civil Code lays down that, in the event of failure to attach the debtor's personal estate, the above-mentioned privileged claims shall be settled out of the proceeds of the sale of the debtor's real estate—after the claims of special privileged creditors.

*Article 12.* The obligation to pay wages at regular intervals is laid down in collective agreements which, as a rule, stipulate that remuneration shall be paid once a week or once a fortnight.

Italian law (sections 1183 and 2120 of the Civil Code) requires the employer to pay immediately the worker's wages and any other amounts, including compensation for dismissal, due to him as the result of an employment contract.

*Article 13.* There is no specific legislative provision regarding the place for the payment of remuneration. However, section 1182 of the Civil Code refers in this respect to the provisions laid down in the contract and to custom. It is customary—and collective agreements often so provide—for the payment of wages to be made in the undertaking in which the worker is employed. In accordance with the customary practice payment is made on working days.

The report adds that from the foregoing it will be seen that effect is given to the provisions of paragraph 2 of this Article of the Convention.

*Article 14.* Effect was given recently to the provisions of this Article by Act No. 4 of 5 January 1953, concerning the measures which must be taken to inform workers of their remuneration by means of wage statements; these statements must be handed to the worker when he receives his pay and must contain the particulars referred to in clause (b) of this Article.

The question of notifying the workers of the conditions relating to the wages due to them is governed by collective agreements which usually stipulate that when engaging a worker the undertaking shall inform him exactly where he is to work, the date at which the employment is to start, the grade of the worker and his rate of pay. Such notification is usually made in writing.

*Article 15.* Workers' occupational organisations, employers, the public authorities and works committees arrange for the relevant labour legislation to be brought to the knowledge of

workers by means of periodicals, circulations, books, pamphlets, posters, etc.

The application of the relevant legislative provisions is ensured by the Labour Inspectorate, an organ of the Ministry of Labour and Social Welfare. The Inspectorate is responsible for reporting to the judicial authorities any infringements which are liable to penalties. The Labour and Maximum Employment Offices, which are also organs of the Ministry of Labour and Social Welfare, and the occupational organisations concerned, are able to co-operate by mediating in any disputes which may arise out of the application of the standards laid down in contracts.

The Government refers to its report on Convention No. 81 for information regarding the organisation and operation of the Labour Inspectorate.

*Article 17.* No discrimination is made in respect of any areas.

No decisions were given by courts of law.

No observations were made by the occupational organisations concerned.

#### *Netherlands (First Report).*

Civil Code.  
Commercial Code.  
Bankruptcy Act.  
Alcoholic Beverage Act.

The report states that the provisions of the Convention are the same, or have the same scope, as the legislation and customs in force in the Netherlands. Consequently, it is considered unnecessary to supplement the national legislation.

*Article 2, paragraph 2, of the Convention.* The Government considers it unnecessary—at present and in the future—to make use of the exceptions provided for in the Convention.

*Article 3, paragraph 1.* This provision corresponds to section 1638 h, paragraph 1, of the Civil Code, which provides that wages must be paid in legal tender.

*Article 3, paragraph 2.* It is customary in the Netherlands to pay wages by means of money orders, postal cheques or bank cheques, provided the worker consents.

*Article 4, paragraph 1.* Section 1637 p of the Civil Code has the same scope as this provision of the Convention; it contains a restrictive enumeration of the elements that may be considered as wages. Wages may be paid in part by means of allowances in kind. Section 1637 p (4) prohibits the payment of wages in the form of liquor of high alcoholic content. Sections 1637 p, 1638 t and 1638 z of the Civil Code contain provisions which, in effect, prohibit the payment of wages in the form of noxious drugs. Such drugs cannot be considered as "articles of basic necessity for the worker and his family" (section 1637 p (4) nor as "satisfying the requirements of health and moral standards" (section 1638 t). Finally, section 1638 z requires the employer to "refrain from any act which is unworthy of a good employer".

Paragraph 2, subparagraph (a). Sections 1637 p and 1637 t of the Civil Code, referred to above,

indicate that payment in kind must be appropriate for the personal use of the worker and his family.

Subparagraph (b). The provisions of this subparagraph are covered by section 1637 *q* of the Civil Code which provides that wages, whether in cash or in kind, must be fixed on a fair basis. Moreover, section 1638 *u* provides that if an employer is temporarily unable to pay wages in kind he must replace them by an indemnity, the amount of which shall be fixed by contract or by local custom. Such a payment may be considered as "a fair indemnity".

*Article 5.* This Article is applied according to the nature of the contract of employment and its terms are extended to all contracts, in general, by section 1421 of the Civil Code, which provides that "payment must be made to the person entitled to payment or to his representative . . . etc.". Section 1638 *f* of the Civil Code provides that where payment is made to a third party the power of attorney given by the worker must be in writing; according to section 1638 *g* this power of attorney may be revoked.

*Article 6.* Section 1637 *s*, paragraph 1, of the Civil Code declares illegal and void any clause limiting the freedom of the worker to dispose of his wages or part of his wages in any given way or requiring him to obtain objects he needs in any given place or from any given person.

*Article 7*, paragraph 1. The report refers to section 1637 *s*, paragraph 1, of the Civil Code mentioned above.

Paragraph 2. The national legislation contains no provision comparable with that contained in this paragraph. Such a provision would be unnecessary, because it contemplates a situation which is inconceivable in the Netherlands. As factory and office canteens are covered by this provision of the Convention, their establishment is always optional and the workers may not be coerced to make use of their services (see also the reference to section 1638 *r* (5) which provides, *inter alia*, that canteens, etc., shall not sell goods at prices which are higher than current prices).

*Article 8.* This corresponds to section 1638 *r* of the Civil Code, which limits possible exceptions to eight, under pain of being declared void. In brief, the exceptions are as follows: (1) indemnities due by the worker to the employer; (2) fines due by the worker to the employer under section 1637 *u* of the Civil Code, provided that the employer submits proof in writing indicating the amount of the fine, the date on which it was imposed, the reason therefor, and the provision which was contravened (section 1637 *u* of the Civil Code further provides that an employer cannot impose fines for an infringement of a regulation unless the rules laid down therein are explicitly indicated and unless the regulation indicates that a fine will be imposed in case of infringement); employers may not secure any personal profit from fines; the total amount of fines imposed in one week may not exceed the amount received as daily wages; (3) contributions to a fund, deposits in the National Savings Fund or in any other savings fund or deposits made by an employer for the benefit of the worker; (4) the rent for housing, a workplace, a plot of ground or the

tools used by the worker on his own land; (5) the purchase price of articles of daily domestic consumption and all auxiliary products supplied by the employer, provided the prices are just; (6) advances of wages; (7) overpayment of wages; and (8) expenditures for medical care and treatment provided they are paid by the worker, that is, when the sickness or accident is due to the fault of the worker.

Moreover, section 1638 *r* of the Civil Code provides that deductions made under paragraphs 2, 3 and 5 may not exceed one-fifth of the wages; any other deductions made under this section may not exceed two-fifths of the wages.

The report indicates that the national legislation is in conformity with the provisions of paragraph 2 of this Article of the Convention.

*Article 9.* The prohibition laid down in this Article is covered by section 1638 *r* of the Civil Code, the last paragraph of which declares null and void any deduction from wages which is made with a view to paying any debts due from the worker to the employer (see above under Article 8).

*Article 10*, paragraph 1. This has the same objective as section 1638 *g* of the Civil Code. However, only one-fifth of the wages in cash may be attached, provided that the wages are equal to or less than 10 florins a day. If the daily wage exceeds this amount, attachments may be made up to one-fifth of 10 florins; there is no limit as regards the amount exceeding 10 florins. Wages may be assigned within the same limits and in the same cases as they may be attached. Any clause to the contrary shall be deemed null and void.

Paragraph 2. Section 1638 *g* also meets the requirements of this paragraph, which provides that wages must be protected against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family.

Section 21 of the Bankruptcy Act provides that wages shall be excluded from bankruptcy to the extent determined by the court. The court shall take into consideration that part of the wage which is considered essential for the maintenance of the worker and his family.

*Article 11*, paragraph 1. This is covered by section 1195 (4) of the Civil Code, according to which the following shall be considered as a privileged debt: the worker's wages for the previous year and the portion of wages due for the current year, any amount due to the worker as the result of delay in the payment of wages, as well as expenditures incurred by the worker for his employer and the amount of indemnity due to the worker upon the termination of the contract of employment, if the employer has terminated the contract illegally or if, due to his fault, the worker has had an urgent reason to break the contract without notice.

Paragraph 2. This is covered by the provision which has just been mentioned.

Paragraph 3. The report refers to section 1195, paragraphs 1 to 4. Among privileged debts on all real and personal property, wages occupy the fourth place and come after: (1) costs of execution and liquidation; (2) funeral expenses; and (3) expenses arising out of the last illness.

*Article 12, paragraph 1.* The provisions of this paragraph are covered by section 1638 *l* of the Civil Code, which provides that the cash payment of wages at a fixed time must be made as follows: (a) if the wages are payable weekly or for a shorter period, every week; (b) if the wages are payable over a period longer than a week but less than a month, after the expiration of that period; (c) if the wages are payable for a period shorter than a fortnight, on the expiration of the fortnight, provided the worker agrees; (d) if the wages are payable monthly, at the end of the month; and (e) if wages are payable monthly, at the end of every quarter, provided the worker agrees. If both parties agree, these intervals may be shortened but they may never be lengthened.

The cash payment of wages which has not been provided at a fixed time must, under sections 1638 *m* and 1638 *l*, be made in the same way as the payment of wages fixed for work of a similar nature.

*Paragraph 2.* The report states that, in view of the provisions of section 1638 *l* of the Civil Code, it is not considered necessary to include in the national legislation any specific regulations on the payment of wages upon the termination of the contract of employment. When the contract of employment is terminated the wages must be paid at the same time as other periodic payments are made.

*Article 13, paragraph 1.* Section 1638 *k* of the Civil Code has the same scope as this paragraph of the Convention, since it provides that if the place of payment has not been fixed by the contract of employment, regulations or custom, wages must be paid at the place where the work is carried out—either in the office of the employer or in the home of the worker, at the discretion of the employer.

*Paragraph 2.* Section 55 of the Alcoholic Beverages Act contains the same prohibition as that laid down in this paragraph, except in the case of persons employed in establishments covered by that Act. In the Netherlands there are no Acts, regulations, contracts or customs in force extending this prohibition to shops or stores for the retail sale of merchandise, and in fact such prohibition does not seem necessary.

*Article 14.* Section 1637 *j* of the Civil Code applies the provisions contained in this Article. According to this section of the Civil Code, a worker is not bound by regulations unless he has declared in writing that he agrees to such regulations and unless the following conditions are fulfilled: (1) the worker must be supplied with a complete copy of the regulations; (2) the employer must have deposited a duly signed copy of the regulations with the cantonal tribunal having jurisdiction over the area where the undertaking is located; and (3) a complete and readable copy of the regulations must have been posted up in the undertaking in a place to which the worker has access, if possible in the workplace itself.

Any clause not in conformity with this section shall be deemed null and void.

Section 1637 *k* of the Civil Code provides that, if the regulations are revised or replaced by others while the contract of employment is in force, the new regulations shall not be binding on the worker

unless the new draft or the changes introduced have been communicated to him prior to the promulgation of the new regulations; he must have had sufficient time to give proper study to the contents of the new regulations.

If the worker expresses his disagreement with the new regulations or the revised regulations, this attitude shall be considered as a denunciation of the contract of employment.

Section 1638 *e*, paragraph 1, of the Civil Code provides that if a worker's wages are partially or totally made up of a sum the amount of which depends on details which must appear in the account books of his employer, the worker shall be entitled to ask his employer for access to the documents in question in order to know what these details are. The employer may be required, upon each payment of wages, to provide the worker with all details concerning his wages.

*Article 15.* The text of this Article has been published in the Bulletin of Laws No. 542 of 6 December 1951 and has also been sent to the Labour Foundation, which is the central body of voluntary co-operation between the central representative organisations of employers and workers.

The application of the legislative provisions referred to above is entrusted to the civil courts, in this case, to the judge of the canton who is competent in the first instance in the case of all law suits concerning contracts of employment. Non-observance of laws protecting wages is punishable only by penalties under civil law, i.e. compensation for damages or denunciation of the contract with payment of an indemnity as damages.

The ratification of the Convention gives the force of national law to its provisions, in accordance with section 60 *e* of the National Constitution, which reads: "The legal provisions in force in the Kingdom shall not be applicable if they are incompatible with Conventions adopted before or after such legal provisions were promulgated." (The Conventions referred to in this constitutional provision are those concluded with other States or with international organisations.)

*Article 17.* This Article is not applied in the Netherlands.

There were no decisions by courts of law or other courts during the year covered by the report on questions of principle concerning the application of the Convention. Responsibility for the application of the provisions of the Convention falls within the competence of the civil courts.

The application of the Convention and of the corresponding national legislation has given rise to no observations by employers' and workers' organisations.

#### *Norway.*

As regards the observation made by the Committee of Experts in 1954 regarding the prohibition against the payment of wages in taverns or similar establishments (Article 13, paragraph 2 of the Convention), the Government supplies the following information. The Workers' Protection Act provides that wages shall be paid on or at the workplace during working hours or as soon as possible after working hours. It has been



assumed that conditions in Norway do not necessitate legal provisions which expressly prohibit payment of wages in taverns. The labour inspection services have never received any information regarding the existence of abuses of this kind.

#### United Kingdom.

There were four prosecutions by factory inspectors for contraventions of the Truck Acts of 1831 and 1896, covering three firms in all. Penalties were imposed on the firms in question.

## 96. Fee-Charging Employment Agencies Convention (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.

5. The application of the Convention covers all parts of the country.

#### Netherlands (First Report).

Act of 29 November 1930 to regulate employment exchange work (L.S. 1930—Neth. 5).

Royal Decree of 8 December 1931 to establish public administrative regulations under section 57 of the Employment Exchanges Act of 1930.

Decree of the Secretary-General of the Department of Social Affairs of 24 September 1940 relating to employment exchange work (L.S. 1940—Neth. 2).

The placing activities referred to in section 34 of the Employment Exchanges Act of 1930 includes all those not organised by the public authorities, whether they are performed with a view to profit or not. They also include the placing of seamen.

The Netherlands have accepted Part II of the Convention.

Employment offices conducted with a view to profit will disappear with time. In fact, only persons who were already engaged in placing with a view to profit in 1929, and who applied for a permit to continue before 1 January 1933 are authorised to operate. Permits are not transferable and expire with the holder's death. The public employment service in the Netherlands has been developed on such a scale that practically all private employment agencies conducted with a view to profit have now become superfluous. Section 6 (2) of the Decree of 24 September 1940 states that permits authorising employment agencies to engage in placing work with a view to profit may be cancelled, subject to the payment of compensation to the holder of the permit. There is, however, no reason why any permits should be cancelled.

General supervision over employment agencies conducted with a view to profit is exercised by the Minister of Social Affairs and Public Health, assisted by the Employment Directorate and a committee set up under section 56 (3) of the Act of 1930. Locally, the responsibility lies with the mayors and aldermen of the communes where they operate. Contraventions punishable under the Act of 1930 are investigated by the national and communal police.

The scale of fees and expenses to be charged by an employment agency for its services is set down in the order granting it ministerial permission to engage in placing work with a view to profit. The holder of the permit is not allowed to claim any payment or recompense over and above the remuneration fixed in the scale of

Countries	Date of registration of ratification
Bolivia . . . . .	19. 7. 1954
Cuba <sup>1</sup> . . . . .	3. 2. 1953
Finland <sup>1 2</sup> . . . . .	22. 12. 1951
France <sup>1</sup> . . . . .	10. 3. 1953
Federal Republic of Germany . . . . .	8. 9. 1954
Guatemala <sup>1</sup> . . . . .	3. 1. 1953
Italy <sup>1</sup> . . . . .	9. 1. 1953
Netherlands <sup>1</sup> . . . . .	20. 5. 1952
Norway <sup>1 2</sup> . . . . .	29. 6. 1950
Pakistan <sup>1</sup> . . . . .	26. 5. 1952
Poland . . . . .	25. 10. 1954
Sweden <sup>1 2</sup> . . . . .	18. 7. 1950
Turkey <sup>2 3</sup> . . . . .	23. 1. 1952

<sup>1</sup> Has accepted the provisions of Part II.

<sup>2</sup> Has ratified Convention No. 34.

<sup>3</sup> Has accepted the provisions of Part III.

#### Finland.

The following replies have been given by the Finnish Government regarding the point raised in the observations made by the Committee in 1954:

1. In Finland there are no fee-charging associations conducted with a view to profit.

2. All fee-charging employment agencies conducted with a view to profit have been abolished.

3. No use has been made of the exceptions permitted under Article 5.

4. The laws and regulations in force in Finland do not provide conditions for or restrictions on placing and recruitment abroad. These functions are assigned to the public employment service which carries them out under the direction of the Ministry of Communications and Public Works.

charges, nor may he require an applicant to use all or part of his earnings in any given way.

The main aim of supervising the employment agencies is to prevent any abusive practices that would be prejudicial to the general interest, and more particularly to the workers concerned.

The committee that assists the Minister in this work is known as the Central Auxiliary and Advisory Board of the National Labour Office. It is composed of representatives from recognised employers' and workers' organisations in equal numbers, and meets under the chairmanship of an independent president. It may be consulted by the Minister and the Director-General of Employment concerning employment and placing questions, and may also express an opinion on such matters independently.

The Act of 1930 permits of no exceptions to Article 3, paragraph 1, of the Convention. Under the Act, the licences now valid had previously to be renewed every five years, but since the ratification of the Convention they have had to be renewed each year. The placing and recruitment of workers abroad only concerns artists, and no special regulations have been issued on the subject.

Persons wishing to conduct non-profit-making fee-charging employment agencies must possess a licence. Their activities are supervised in the same way as those of employment agencies conducted with a view to profit, except that local supervision is exercised by the regional labour offices (with which they are required to work in close co-operation), rather than by the mayors and aldermen of the communes concerned. Non-profit-making placing is done only by welfare organisations or such institutions as they may establish, and the agencies, when they place an applicant successfully, may charge only the sum stipulated in their licences to offset the expenditure involved. Licence holders are not permitted to recruit aliens living abroad unless the persons concerned are artists. No regulations have been issued to govern the placing of workers abroad.

Permits are also needed for non-fee-charging placement work. Compliance with the conditions of issue of such permits—one of which is always that the services are free—is carefully supervised by the regional labour offices.

The Act of 1930 provides for penalties to be imposed upon offenders. In addition, a permit may be withdrawn or refused if the operations of the holder are liable to be prejudicial to the persons applying for his services, to the general interest or to public morals.

Exceptions of the type mentioned in Article 5 of the Convention are not permitted in the Netherlands. Even so, there are still nine employment agencies conducted with a view to profit, one of which deals with domestic staff and the others with theatrical performers.

The Convention applies to all parts of the Netherlands without exception.

The Employment Directorate is responsible for applying the legislation on employment agencies. Its supervision is entrusted to the authorities mentioned earlier. Local inquiries must be made at least once a quarter into the way placings are effected.

As placing conducted with a view to profit is punishable if no permit has been granted, and as

no new permits have in fact been granted, a number of persons have made a practice of engaging staff whom they subsequently "lend" to other persons. Proceedings have been instituted on many occasions against disguised placing operations of this type; at first, a number of convictions were obtained, but subsequently the persons involved have been regularly acquitted.

The provisions of the Act of 1930 meet the requirements of the Convention in every respect; the application of the Convention is comprehensive and has raised no difficulties. No objections to the Convention have been raised by employers' or workers' organisations and there have been no serious infringements of its clauses.

#### *Norway.*

During the period under review the Directorate of Labour dealt with five cases of illegal private placing activities. One case, relating to the placing of artists, has been referred to the police who have not yet completed their findings. In the other cases the activities were on a very modest scale and those concerned were therefore only given warnings.

#### *Pakistan (First Report).*

No fee-charging employment agency exists in Pakistan, and therefore there has been no need for any legislative or administrative action.

No decisions of courts of law or other courts have come to the attention of the Government of Pakistan during the period under review.

#### *Sweden.*

Act No. 233 of 14 May 1954 respecting an amendment of the transitional provisions of the Act of 18 April 1935 to issue certain provisions respecting employment agencies.

The above-mentioned Act has extended the date limit for obtaining extension of a licence to conduct an employment agency with a view to profit, from 1 January 1955 to 1 January 1958, in the case of a holder of a licence who at the end of 1954 was conducting such an agency and if special reasons warrant it.

The Government refers to the information supplied to the Conference Committee on the Application of Conventions in reply to the question raised by the Committee of Experts. According to this information, the placing or recruiting abroad of musicians, actors, artists, etc., by fee-charging employment agencies not conducted with a view to profit are carried on by four organisations, which are in possession of a general licence to carry on placing activities; in this licence, however, no special mention is made of placing activities "across the frontiers". There thus seems to be a slight discrepancy between Swedish legislation and the Convention, and an amendment of the Swedish legislation on this subject in order to bring it into complete accordance with the Convention will be taken under consideration at an early opportunity.

On 1 January 1954, 30 fee-charging employment agencies continued their activity after renewal of their licences, as against 32 in 1953.



The Government appends the text of the above-quoted Act to its report.

*Turkey (First Report).*

Labour Code of 8 June 1936 (L.S. 1936—Turk. 2).

Act No. 4837 of 25 January 1946 to provide for the setting up of the Employment Exchange Department (L.S. 1946—Turk. 1), as amended by Act No. 5562 of 1 March 1950.

Act No. 5835 of 8 August 1951 to ratify the Convention.

In order to complete the above legislation, the Employment Exchange Department has prepared a draft Bill which is designed to bring relevant legislation into line with the Convention and in particular to regulate the activities of non-profit-making fee-charging intermediaries (persons or agencies).

*Article 1, paragraph 1 (a), of the Convention.* The Labour Code uses the expression "private employment agencies conducted with a view to profit", which conforms to the definition given in this subparagraph.

Paragraph 1 (b). Employment agencies not conducted with a view to profit do not exist in Turkey.

Paragraph 2. The Labour Act does not apply to seamen.

*Article 2.* The Government has accepted the provisions of Part III of the Convention, but the instrument of ratification empowers the Ministry of Labour to substitute the provisions of Part II for those of Part III.

*Article 10.* Provision exists under sections 66 and 67 of the Labour Act for the supervision of private employment agencies by the Employment Exchange Department of the Ministry of Labour. However, the only fee-charging employment agencies which exist in Turkey at present are persons acting as intermediaries between agricultural workers and employers. There is no legal provision requiring agencies to renew their licences

annually, but this rule has been followed in practice. Agencies are required to submit their scales of fees for examination and approval by the competent authority. They do not engage in placing or recruiting workers abroad and there is no special provision concerning this type of activity.

*Article 11.* Fee-charging employment agencies not conducted with a view to profit do not exist in Turkey, but in anticipation of the possibility that such agencies might be opened in future, the draft Bill mentioned above includes provisions conforming to clauses (a) and (b) of this Article.

*Article 12.* Non-fee-charging employment agencies not conducted with a view to profit do not exist in Turkey, but there are provisions in section 68 of the Labour Act which would permit the supervision of any which might come into existence.

*Article 13.* Appropriate penalties are prescribed in sections 121 to 124 of the Labour Act for any violation of the above-mentioned provisions.

*Article 14.* The draft Bill mentioned above will prescribe appropriate measures for the supervision and regulation of persons acting as intermediaries between agricultural workers and employers together with all other fee-charging employment agencies.

*Article 15.* There are no areas exempted from the application of the Convention.

The enforcement of these provisions is entrusted to the Employment Exchange Department of the Ministry of Labour with its regional and local employment offices.

Inspection reports have not revealed any violations of these provisions and no decisions involving questions of principle concerning them have been given in courts of law.

## 97. Migration for Employment Convention (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 <sup>1</sup> . . . . .	29. 3.1954
Guatemala . . . . .	13. 2.1952
Israel . . . . .	30. 3.1953
Italy . . . . .	22.10.1952
Netherlands . . . . .	20. 5.1952
New Zealand <sup>2</sup> . . . . .	10.11.1950
Norway . . . . .	17. 2.1955
United Kingdom <sup>3</sup> . . . . .	22. 1.1951
Uruguay . . . . .	18. 3.1954

<sup>1</sup> Has accepted the provisions of Annexes I and III.

<sup>2</sup> Has excluded the provisions of Annex I.

<sup>3</sup> Has excluded the provisions of Annexes I and III.

*Cuba (First Report).*

Provisional Act No. 2583 of 8 November 1933 respecting the nationality of workers.

Decree No. 2977 of 6 December 1933 to apply the provisional Act respecting the nationality of workers.

Resolution No. 868 of 1945.

Constitution of 5 July 1940 (L.S. 1940—Cuba 1), as amended on 4 April 1952.

Section III of the Provisional Act of 8 November 1933 limits immigration for employment to technicians, directors, administrators or managers of undertakings.

*Article 1 of the Convention.* The Government considers that no information need be supplied on Article 1, clauses (a), (b) and (c) since no

general or special agreements exist. The report adds that in case of requests for employment by prospective immigrants (always on an individual basis), copies of Resolution No. 868 of 1945 and of section IV of Decree No. 2977 of 1933 are remitted to them. These texts are appended to the report.

*Article 2.* The non-existence of immigration for employment makes superfluous provisions for free service to assist migrant workers.

*Article 3.* Information given to prospective immigrants is always of a negative character and consists of the texts of section III of Decree No. 2583 of 1933, of section IV of Decree No. 2977 of 1933, and of Resolution No. 868 of 1945.

*Articles 4 and 5.* For the reasons mentioned above, there have been no measures taken to facilitate the departure, journey, reception and medical care of migrants for employment.

*Article 6.* Article 19 of the Cuban Constitution provides that aliens resident in Cuban territory shall receive the same treatment as Cuban citizens in regard to civil rights and all the rights recognised in the Constitution with the exception of those granted exclusively to Cuban nationals. So far as working conditions, membership of trade unions and enjoyment of the benefits of collective bargaining are concerned, aliens receive the same treatment as that applied to nationals. In the field of taxes, legal proceedings and social security, no distinction is made between nationals and aliens. Both Cuban nationals and aliens who benefit from Cuban pensions and who live abroad have to pay taxes on these pensions.

*Article 7.* The services by the public employment services are rendered free of charge. However, in virtue of section III of Decree No. 2583 of 1933 no work cards can be issued to aliens.

*Article 8.* In the absence of any migration there is no necessity for concluding international agreements. Expulsion takes place when the committal of an offence makes further presence of the alien on Cuban territory undesirable.

*Article 9.* There does not exist any limit to the import of foreign currency. The export of currency, however, is subject to a tax of 2 per cent.

*Article 10.* For the reasons mentioned above, no such agreements are necessary or desirable.

*Article 11.* The legislation and the practice accept the definition of "migrant workers" as mentioned in the Convention.

The application of the above-mentioned legislation is entrusted to the Directorate-General of Immigration (under the Ministry of the Interior) and to the Ministry of Labour. The Ministry of External Affairs is competent in the field of the issue of visas.

No decisions of courts of law have been given concerning questions of principle relating to the application of the Convention.

For the reasons mentioned above, no statistics are available.

No observations have been received from the organisations of employers and workers.

### *Italy (First Report).*

Constitution of the Republic of Italy.

Act No. 2205 of 13 November 1919 to co-ordinate the provisions respecting emigration and the legal protection of emigrants (L.S. 1920—It. 1) (converted into an Act by Act No. 473 of 17 April 1925).

Royal Decree No. 773 of 18 June 1931 approving the consolidated public safety legislation.

*Article 1 of the Convention.* Italian policy has long sought to facilitate migratory movements by the passing of national regulations and the conclusion of bilateral and multilateral agreements. The possibility of revising Italian emigration legislation is at present being studied and a new Bill on the issuing of passports has been drafted.

*Article 2.* Migrant workers can obtain free assistance either from the responsible authorities of the Ministry of Labour and Social Welfare (the employment services and emigration centres) or from the migrants' aid associations operating under the supervision of the State. Migrant workers are given information on the general conditions obtaining in immigration countries as well as on the conditions of admission and employment. Guides for emigrants, which are brought up to date from time to time, are distributed to offices attached to the Ministry of Labour, the Emigrants' Information Service being one of these offices.

*Article 3.* The Act of 13 November 1919 provides for penalties to be imposed on any person distributing inaccurate information in manifestos, circulars, guides, or any other publications dealing with emigration problems.

*Article 4.* After pre-selection, prospective migrants are required to appear for final screening before the competent foreign selection boards, which meet in special centres located near the migrants' place of residence. Migrants are not required to cover the cost of their journeys to the centres, either for pre-selection or for final screening, nor do they have to pay for their food and maintenance while on the journey or during their period of attendance at the centre. Their return trip to the communes where they live is also free, both in the case of persons who have been rejected and in the case of those who are accepted but who have to await the date of their departure.

*Article 5.* Medical examinations are held in the different provinces, in accordance with standards fixed in advance by agreement with representatives from the immigration countries. To avoid the need for any subsequent checking at assembly centres, these examinations are held in co-operation with specialists from the immigration countries concerned, wherever possible.

*Article 6.* Foreign workers admitted to employment on the basis of a residence permit valid for a specific job in a single undertaking are eligible for all the benefits afforded to national workers under social legislation.

*Article 7.* Where emigration is arranged under bilateral agreements, provision is usually made for collaboration with representatives sent specially to Italy by the immigration countries.

Italian government departments co-operate with the placement services of immigration

countries in assisting emigrants resident abroad; this assistance is provided either by direct and regular contact between the immigration missions and consular services in Italy on the one hand, and the competent authorities of the Ministry of Labour and Social Welfare on the other, or by the inclusion of appropriate clauses in bilateral emigration agreements.

*Article 10.* Bilateral migration agreements have been concluded with a number of other countries.

*Article 11.* The term "frontier worker" is taken to mean a person residing in a frontier locality and in possession of police papers (frontier card) enabling him to go to work in a neighbouring locality in another country.

#### ANNEX I

*Articles 1 to 3.* There is very little recruitment by private persons or organisations, because the recruitment and placing of workers in Italy is a government responsibility. It is nevertheless reported that the Ministry of Labour and Social Welfare has recognised a number of private agencies recruiting domestic staff for employment in Great Britain. The regulations governing these agencies and particulars of how their work is to be supervised are given in Ministry of Labour and Social Welfare Circular No. 10/20279 dated 11 December 1952 (appended to the report).

*Articles 4 and 5.* The responsibility for supervising the work of the above agencies lies with the Ministry of Foreign Affairs and the Ministry of Labour and Social Welfare.

*Article 6.* The Italian authorities have always tried to cut down administrative formalities to a bare minimum (e.g. by means of bilateral agreements). Where necessary, the Ministry of Labour provides foreign selection boards with two interpreters. On board ship, migrants are assisted by government commissioners.

#### ANNEX II

*Articles 1 to 3.* The activities of duly recognised recruiting agencies are supervised in the manner outlined above.

*Article 5.* Foreign emigrants in transit are given all the assistance they require.

*Article 6.* The provisions of paragraphs 1 and 2 are applied wherever emigration is arranged on the basis of individual contracts that have been examined and approved beforehand. This is generally the case with all European countries.

In the case of emigration overseas, the competent authorities of the immigration country usually do no more than give an assurance that, within the limits of the quotas fixed, emigrants with occupations in demand on the employment market will be given jobs as soon as possible and will be accorded the same treatment as national workers.

*Article 7.* The report refers to the comments on Articles 5 and 6 of Annex I.

*Article 8.* As soon as they arrive in the immigration country emigrants are given every possible assistance both by the diplomatic and

consular services and by private or public migrants' aid associations.

*Article 12.* All contracts of employment offered to Italians emigrants have to be sanctioned by the Ministry of Foreign Affairs and the Ministry of Labour and Social Welfare. Contracts are drawn up in three copies and, if possible, in two languages. One of the copies is handed to the worker. This procedure applies only to emigration in Europe.

The responsibility for applying the above provisions lies with the Ministry of Foreign Affairs and the Ministry of Labour, and more particularly with employment services and emigration centres of the Ministry of Labour.

There is no record of any decisions by courts of law involving questions of principle relating to the application of the Convention.

#### *Netherlands (First Report).*

Employment of Aliens Act of 16 May 1934 (L.S. 1934—Neth. 1), as amended by the Act of 20 December 1935.

Royal Decree of 11 August 1934, as amended by the Decrees of 21 December 1934, 23 June 1939, 30 October 1947 and 28 July 1954.

Migration Act of 31 December 1936.

Royal Decree of 30 November 1953.

The report of the Government states in its introduction that immigration for employment, within the meaning of Convention No. 97, does not take place in the Netherlands. The settlement of aliens employed in the Netherlands is to be regarded as temporary for the first five years, as a work permit is not granted for longer than one year and cannot be extended for more than one year at a time. During this five-year period the extension of such permit can be refused if national labour should be available but an exemption to this rule is made in case of Belgian and Luxembourg nationals and of refugees who have been granted a permit for permanent settlement.

When an application is made by a member State of the Organisation for European Economic Co-operation the decision of the O.E.E.C. of 30 October 1953 and its supplement of 5 March 1954 are taken into account. Furthermore, in pursuance of an agreement within the framework of the Brussels Treaty for the exchange of workers, a number of persons coming from the member countries were placed in the Netherlands.

*Article 1 of the Convention.* Information regarding policies, laws and regulations dealing with migration for employment is available on request.

*Article 2.* Full details of living and working conditions in every immigration country are supplied to prospective emigrants by about 300 offices.

*Article 3.* The law ensures that necessary measures can be taken against misleading propaganda.

*Article 4.* An organisation has been established by law to assist the prospective emigrant financially and otherwise. The Government has its own fleet of special emigration ships and, if necessary, it also charters planes. In order to assist the migrant in receiving countries, emigration officers are stationed in Canada, Australia, New Zealand, South Africa, the Central African Federation, Brazil, Argentina and France. In other countries, the Netherlands consular officers perform this task.

*Article 5.* The fullest possible medical service is provided for before departure and during the journey. The main immigration countries have their own medical services in the Netherlands.

*Article 7.* Close contact is maintained with the corresponding employment and other services in the receiving countries. All services are given free of charge.

*Article 9.* Instructions of the Netherlands Bank, appended to the report give details of the regulations on the granting of foreign exchange for emigration purposes and on the licensing procedure concerned.

*Article 10.* Treaties or agreements have been made with every immigration country. The competent Netherlands authorities are willing to consider any request for information on a specific point.

The publication *Emigration, 1953* is appended to the report.

#### *New Zealand.*

The administration of immigration laws, regulations and programmes is in the hands of the Immigration Division of the Department of Labour and Employment, in conjunction with the Naturalisation Section of the Department of Internal Affairs, working in co-operation with the Education Department. Employment of immigrants is the responsibility of the Employment Division of the Department of Labour and Employment.

During the year ended 31 March 1954 almost 25,000 immigrants arrived in the country, including over 14,000 from the United Kingdom, 4,800 from Australia, 2,400 from other British countries, and 1,700 from the Netherlands.

A number of local immigration welfare committees have continued to give excellent service in catering for the social welfare of new settlers. The distribution of assisted immigrants throughout the various districts in New Zealand is mainly dictated by the personal desires of the immigrants themselves, and by the availability of employment and accommodation.

#### *United Kingdom.*

##### *Great Britain and Northern Ireland.*

Aliens Order, 1953.

National Insurance Act, 1953.

National Insurance (Industrial Injuries) Act, 1953.

National Insurance (Northern Ireland) Act, 1953.

National Insurance (Industrial Injuries) Act (Northern Ireland), 1953.

*Article 2 of the Convention.* The Aliens Order, 1953, is principally a consolidating Order based on and superseding the Aliens Order, 1920, as amended.

*Article 5.* Benefits under the Health Service Acts (Northern Ireland) are available to persons who become ordinarily resident in the United Kingdom.

*Article 6.* Training of coal miners is the subject of Regulations made under the Coal Mines Act, 1911, which contain no discrimination against immigrants.

## 98. Right to Organise and Collective Bargaining Convention, 1949

*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
Egypt . . . . .	3. 7.1954
Finland . . . . .	22.12.1951
France . . . . .	26.10.1951
Guatemala . . . . .	13. 2.1952
Iceland . . . . .	15. 7.1952
Japan . . . . .	20.10.1953
Norway . . . . .	17. 2.1955
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

#### *Brazil (First Report).*

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

Constitution of the Republic of the United States of Brazil of 18 September 1946 (L.S. 1946—Braz. 3).

Decree No. 33196 of 29 June 1953.

This Convention was promulgated by Decree No. 33196 of 29 June 1953, published in the *Diário Oficial* of the Republic on 4 July 1953. As from that date, and in accordance with Brazilian constitutional organisation the Convention, after having been approved by the National Congress and promulgated, became part of the national legislation and its application became compulsory on the administrative authorities as well as the judicial authorities, both in the Federal Union and in the component States.

Although the Convention became an integral part of Brazilian law only on the date mentioned above, it is stated in the report that its principles already existed either explicitly or implicitly in the body of national legislation.

The Constitution provides as follows:

*Article 157.* Labour and social welfare legislation shall obey the following principles, in addition to any others tending to improve the lot of the workers:

.....

XIII. Recognition of collective labour agreements;

.....

No distinction shall be admitted between manual or technical work and intellectual work, or between the respective occupations in so far as rights, guarantees and benefits are concerned.

*Article 159.* There shall be freedom to form occupational or trade union associations and the law shall provide rules for their constitution, their lawful power of representation in collective labour agreements and their power to exercise functions delegated by the public authorities.

Ordinary legislation completes and strengthens the guarantee of the workers' right to organise and the right to bargain collectively. Section 543 of the Consolidation of Labour Laws (Legislative Decree No. 5422 of 1 May 1943) forbids the transfer, without justification admitted by the Ministry of Labour, of an employee elected to an administrative post in a trade union or professional association. Such an employee cannot, for reasons of his work, be prevented from carrying out his trade union duties. Absence from work by such an employee for the purpose of carrying out trade union duties shall be considered as unpaid leave. Any employer who dismisses or suspends an employee, or reduces him to a lower grade or lowers his wage in order to prevent him from joining a trade union, organising a trade union association or exercising trade union rights, shall be liable to a fine of from 100 to 5,000 cruzeiros, which shall be doubled in the case of repetition, without prejudice to any right to compensation which the employee in question may have.

Finally, the Labour Court, which is one of the organs of the judicial authorities of the Republic, ensures compensation for any act interfering with the guarantees granted under Article 1 of the Convention.

Moreover, the organisation of Brazilian trade unions, as provided in Title V of the Consolidation of Labour Laws, makes it impossible for employers' organisations to interfere with workers' organisations and vice versa, either directly or through their members or agents. All these organisations are protected from interference by the provisions of the Consolidation of Labour Laws which regulate the formation, recognition, operation and administration of trade union associations, their federations and confederations.

Sections 611 to 624 of the Consolidation of Labour Laws also govern the whole subject of collective labour agreements and provide that any divergencies or disputes arising out of the application or non-observance of such contracts shall be decided by the Labour Court. Sections 612 and 616 authorise the Minister of Labour to extend to all members of the categories represented by the trade union organisations the collective agreements signed by such organisations in the interest of their members.

In Brazil the armed forces and the police are not covered by labour legislation because, since they are agents of the State, they are governed by special statutes. Members of the armed forces and the police as such are forbidden to form trade unions. Any questions arising between the State and the members of those bodies shall be decided by administrative procedures and, in any case, by the National Judicial Authority, in accordance with the provisions of the Brazilian Constitution

by which "the law cannot exclude from the competence of the judicial authority any interference with the rights of individuals (section 141, paragraph 4)".

As had already been pointed out, since Brazil is one of the nations which have adopted the *jus scriptum*, as soon as an international Convention is promulgated it is incorporated into the body of national legislation and remains in force until another Act or duly ratified Convention modifies or revokes it. Consequently, no questions of principle concerning the application of Conventions as such are brought before the courts.

No observations have been received from the organisations of employers or workers.

#### *Cuba (First Report).*

Constitution of the Republic of Cuba of 5 July 1940 (L.S. 1940—Cuba 1), as amended on 4 April 1952.

Decree No. 2605 of 7 November 1933 to issue regulations for the formation of industrial associations (L.S. 1933—Cuba 2).

Legislative Decree No. 446 of 24 August 1934 respecting collective agreements (L.S. 1934—Cuba 7).

Decree No. 798 of 13 April 1938 respecting collective agreements.

Decree No. 827 of 17 March 1943 respecting collective agreements.

Resolution No. 838 of 15 January 1945 respecting the formation of trade unions.

Article 69 of the Constitution recognises the right of employers and wage-earning and salaried employees to form associations. Article 72 regulates the system of collective contracts of employment; such contracts are binding on employers and employees.

The question is also covered by Legislative Decree No. 446 of 1934, Decree No. 798 of 1938 and Decree No. 2605 of 1933 (which has the force of law).

*Article 1 of the Convention.* Section III of Decree No. 2605 states that "it shall not be lawful to compel any person to become or abstain from becoming a member of an industrial association". Any stipulation in an agreement tending to render this prohibition nugatory by the imposition of a penalty or in any other manner is null and void.

None of the grounds for dismissal listed in Section 61 of Decree No. 798 of 1938 is in any way related to trade unionism.

*Article 2.* Employers are prohibited by law from interfering in any way in workers' occupational associations. Resolution No. 838 of 1945 prohibits the formation of parallel unions under employer sponsorship or likely to reduce the power of unions already in existence.

*Article 3.* The report states that freedom of association and the right to organise are adequately safeguarded by current law and practice.

*Article 4.* Voluntary collective bargaining follows the procedure laid down in Decree No. 798 of 1938 and Decree No. 827 of 1943. This procedure is designed to promote the conclusion of collective agreements.

*Article 5.* Under Section II of Decree No. 2605 the right to organise is not granted to members of the army, navy or police force.

*Article 6.* The right to organise is similarly refused to State, provincial or municipal officials and employees, except when they are acting as private persons, and not in an official capacity.

Cuba has one workers' confederation, 46 federations and 2,187 unions. A total of 7,240 collective agreements are registered at present.

#### *Finland.*

The report refers to the comments made by the Committee of Experts in 1954 in connection with the previous report. The Government states that the attempts of unorganised employers to dismiss or transfer individual employees known to be members of a union have generally been unsuccessful owing to the immediate collective reaction of the workers, which in most cases has been instrumental in compelling the employer in question to cancel any dismissals or transfers that have already been effected. It is sometimes difficult to ascertain whether the dismissal or transfer of a worker is due to his trade union membership or to his political opinions or activities.

#### *Iceland (First Report).*

Act No. 80 of 11 June 1938 respecting trade organisations and labour disputes.

*Articles 1 and 2 of the Convention.* Under section 4 of the above-mentioned Act, employers and their representatives are forbidden to endeavour to influence the attitude of their workers towards trade union activities (including labour disputes) or as regards their participation in such activities. In particular, the following measures are forbidden: dismissal from employment or threats of such dismissal, payments of certain sums, promises of advantages or refusal of payments to which they are entitled. Further, under section 11 of the same Act, employers and their representatives are forbidden to dismiss workers by reason of their activities as representatives of labour organisations or to penalise them in any other way because they have been appointed by labour organisations to act as their representatives. Infringements of these provisions are punishable by fines and may also lead to damages.

*Articles 3 and 4.* It has not been found necessary to adopt any specific measures for this purpose because it is a firmly established custom in Iceland for employers and employees to negotiate on a free basis for wages and conditions.

*Article 5.* Iceland has no military forces and the wages and working conditions of members of the police force cannot be made the subject of collective bargaining, since they are regulated on the same principle as those of civil servants. In all other respects, organisations of members of the police force enjoy the same rights as other trade organisations.

#### *Pakistan (First Report).*

Trade Union Act, 1926 (L.S. 1926—Ind. 1).

The Convention was ratified on the assumption that, by the time it came into force for Pakistan,

an amendment to the existing Trade Unions Act incorporating the provisions of Article 1 and 2 would have been enacted. However, due to certain administrative difficulties, it has not been possible to have the necessary legislation passed during the period covered by the report. There has therefore been no legislative implementation of Articles 1 and 2, but the Government proposes to table a Bill at an early date. In the meantime, wide publicity is being given to the international obligations under the Convention.

As regards Articles 3 and 4, at both the central and provincial levels there are labour commissioners, assisted by other staff, who ensure respect of the right to organise as defined in the Convention when it is fully implemented in the country. These officers also take appropriate measures to encourage the regulation of terms and conditions of employment by means of collective agreements.

The extent to which the guarantees provided for in the Convention shall be applied to the armed forces and the police is under consideration.

Certain workers' organisations made complaints about victimisation of their members for trade union activities but it was found on inquiry that action was taken against them for misconduct or other reasons not connected with trade union activities.

#### *Sweden.*

Act No. 131 of 27 March 1954 amending Act No. 331 of 17 May 1940 respecting the right of negotiation for local government officials.

Act No. 130 of 27 March 1954 empowering local governments, in certain matters, to delegate their right to take a decision to an association of local governments. Notification No. 120 of 2 April 1954 amending Notification No. 292 of 4 June 1937 respecting the right of negotiation for central government officials.

Local governments, during negotiations with workers' organisations, may now empower an association (e.g. Federation of Swedish Towns, Union of Departmental Councils, Federation of Rural Governments) to conclude agreements which shall be binding on them.

It is no longer compulsory for associations of central government officials to obtain recognition in order to enjoy the right of negotiation.

#### *Turkey (First Report).*

Constitutional Law of 4 May 1924.

Labour Code of 8 June 1936 (L.S. 1936—Tur. 2), as amended by Act No. 6298 of 2 March 1954.

Act No. 5018 of 20 February 1947 respecting trade unions (L.S. 1947—Tur. 1).

Rules to prescribe the methods of application of the Trade Unions Act.

Civil Code (provisions concerning associations).

Act No. 3512 of 28 June 1938 concerning associations, as amended by Act No. 4919 of 11 June 1946.

Decree No. 3/14072 of 30 November 1951, to regulate conciliation and arbitration in industrial disputes.

Act No. 5834 of 8 August 1951 to ratify the Convention.

*Article 1, paragraphs 1 and 2 of the Convention.* The right to work and to associate are guaranteed by article 70 of the Constitutional Law; and article 79 lays down the limit to be imposed on freedom of association. Under the labour legislation workers enjoy full protection against acts of anti-union discrimination in respect of their employment. For instance, under section 13, paragraph 4, of the Labour Code, as amended,

if an employer dismisses a worker because of his union membership, he is liable to pay three times the amount of the compensation provided for in the said section.

Moreover, section 9 of the Trade Unions Act provides that "no persons shall be obliged to join or to refrain from joining a trade union or to withdraw or to refrain from withdrawing from a trade union" and that "no contract of employment or rules of employment shall contain any clause contravening the above provision".

*Article 2, paragraphs 1 and 2.* In conformity with Turkish legislation, any organisation (including workers' and employers' organisations) having legal personality may not interfere in the administration, functioning or creation of other organisations (according to section 4 of the Trade Unions Act trade unions have legal personality, in virtue of the general provisions).

*Article 3.* In conformity with article 79 of the Constitutional Law, freedom of association is guaranteed for all Turkish citizens.

*Article 4.* No special law provides for the conclusion of collective agreements. Section 316 of the Code of Obligations provides that they may be concluded. Sections 82 and 83 of the Labour Act as amended by Act No. 6298 empower trade unions to conclude collective agreements.

*Article 5.* Labour legislation applies the provisions of the Convention to workplaces but not to members of the armed forces and the police.

*Article 6.* Labour legislation does not apply the Convention to public servants in state administration.

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

The central inspection service of the Ministry of Labour is responsible for the enforcement and supervision of the application of the provisions of the Convention in undertakings covered by the Labour Act.

No observations have been received from the organisations of workers and employers.

#### *United Kingdom.*

The Committee of Experts having requested information on any judicial decisions involving questions of principle relating to the application of the Convention, the Government has stated that no relevant judicial decisions have been made since the date of ratification.

In reply to a further request for information made by the Committee of Experts, the Government has submitted details of the allegation made by the National Union of Bank Employees in February 1953 to the effect that a certain banking establishment was infringing Article 2 (2) of the Convention. The bank authorities were stated to have facilitated and encouraged the establishment of a staff association and to have suggested the institution of machinery for negotiation and the settlement of differences in the form of a joint committee of management and staff representatives under the chairmanship of the chairman of the bank and an arbitration committee consisting of three of the bank's directors. After a careful consideration of the case, the Minister of Labour and National Service replied that the allegations did not justify the conclusion that the bank intended any staff association which might be set up to be under its domination or subject to its control. It could not, therefore, be said that any contravention of Article 2 (2) of the Convention had taken place.

The reply also referred to the allegations concerning the proposed joint committee and arbitration machinery. It stated that bodies of this kind were not to be regarded as workers' organisations for the purposes of the Convention and would therefore not be within the scope of Article 2, and concluded that arrangements for constituting a joint committee and providing for assistance to deal with unresolved difficulties did not afford evidence of an intention to dominate any staff association which might be formed.

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

*Austria, France.*

## THIRTY-FOURTH SESSION (GENEVA, 1951)

### 99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

*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
Netherlands . . . . .	11. 6.1954
New Zealand . . . . .	1. 7.1952
Philippines . . . . .	29.12.1953
United Kingdom . . . . .	9. 6.1953
Uruguay . . . . .	18. 3.1954

#### *New Zealand (First Report).<sup>1</sup>*

Economic Stabilisation Regulations, 1953, Amendment No. 2.  
Agricultural Workers Wages Order, 1954.  
Agricultural Workers (Farms and Stations) Extension Order, 1952, Amendment No. 1.  
Agricultural Workers (Tobacco Growers) Extension Order, 1954.  
Agricultural Workers (Orchardists) Extension Order, 1952, Amendment No. 1.  
Agricultural Workers (Market Gardens) Extension Order, 1953, Amendment No. 1.

<sup>1</sup> This is the first report due from the Government. Voluntary reports were supplied for the period 1951-52 and 1952-53.

Inspections made under the Agricultural Workers Act for the year ended 31 March 1954 numbered 1,508 compared with 934 in 1953, and 1,310 in 1952. Alleged breaches of legislation investigated as a result of inspections totalled 72. No prosecutions ensued. Alleged breaches numbering 442 were investigated following complaints laid with the Department, and one prosecution was taken. These statistics cover contraventions having a considerably wider basis than the Convention, i.e. they apply in respect of accommodation and working conditions generally. While no civil proceedings for recovery of wages on behalf of workers were taken, arrears of wages paid at the instigation of the Department were as follows: £3,297, paid through the Department, and £1,134, paid directly to workers. Of an estimated total labour force at 31 March 1954 of 134,000 engaged in farming pursuits, it is estimated on the basis of the 1951 census that there were 61,000 wage earners.

An extract from the annual report of the Department of Labour for the year ending 31 March 1954 was appended to the report. The minimum rate of wages for adult workers are given in this document. During the period covered by the Department of Labour's report 378 under-rate workers' permits were issued against 320 during the year ending 31 March 1953.

### 100. Equal Remuneration Convention, 1951

*This Convention came into force on 23 May 1953*

Countries	Date of registration of ratification
Austria . . . . .	29.10.1953
Belgium . . . . .	23. 5.1952
Cuba . . . . .	13. 1.1954
Dominican Republic . . . . .	22. 9.1953
France . . . . .	10. 3.1953
Mexico . . . . .	23. 8.1952
Philippines . . . . .	29.12.1953
Poland . . . . .	25.10.1954
Yugoslavia . . . . .	21. 5.1952

#### *Belgium (First Report).*

*Articles 2 and 4 of the Convention.* The Convention is applied in the public administrative offices of the central, provincial and local authorities and the organisations attached thereto. In the statutes of employees of these offices and organisations no discrimination is made on grounds of sex.

The National Labour Council, when asked by the Government to recommend measures to ensure the application of the principles laid down in the Convention, decided on 23 November 1953 to ask the interoccupational organisations of



employers and workers to draw up a list of the jobs in which women were employed (without indicating the number of women involved), indicating the jobs performed solely by women, those performed by men and women alike and those occasionally performed by women but usually by men. The Council is continuing its studies of this question.

With a view to introducing equality of remuneration gradually, the Government is studying the possibility of submitting to Parliament a Bill to reduce the differential (fixed at 25 per cent. by the Legislative Decrees of 14 April 1945, 14 September 1945 and 14 May 1946, concerning minimum wages) between the wages of unskilled men and women workers.

The Government is contemplating drawing the attention of the Joint Occupational Councils to the principles underlying the Convention by inviting them to conclude collective wage agreements providing for lower differentials between the wages of men and women than those existing today.

*Article 3.* The Government proposes, at some future time not yet fixed, to carry out an inquiry comparing the value attributed to the different trades and professions according to the standards laid down by the General Technical Commission (which is a joint body) and based on an objective evaluation of the actual work involved, on the one hand, and the value actually attributed to these trades and professions when exercised by women, on the other.

As the principles underlying the Convention are fully accepted by the public authorities and the organisations dependent upon them, there does not seem to be any need for special machinery to ensure its enforcement. In the event of an infringement of the provisions of the Convention officials have the right to appeal through administrative channels. The authorities responsible for enforcement are the ministries responsible for general administration or the authorities responsible for the management of public services according to the case.

When the Government announces the measures it will take to ensure the gradual introduction of the principle of equal pay for equal work in private industries, it will also state which authorities are responsible for the implementation of that principle.

No decisions involving questions of principle relating to the application of the Convention have been given by any court of law.

The procedure followed by the Belgian Government in ratifying this Convention—and particularly the fact that the Convention was ratified without being submitted to Parliament for approval—has given rise to comment on the part of certain members of the legislature and of employers' and workers' organisations. In acting

thus the Government merely complied with article 68, paragraph 2, of the Constitution, which states that "treaties of commerce, and treaties which may burden the State, or bind Belgians individually, shall take effect only after having received the approval of the two houses". The Convention does not contain any mandatory provisions the introduction of which into Belgian law by the method of parliamentary approval is likely to impose burdens on the State or commitments on Belgian subjects.

#### *Yugoslavia (First Report).*

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

Basic Decree of 20 July 1953 respecting the duties and remuneration of persons employed in State institutions.

Decree of 29 March 1952 respecting the remuneration of wage earners and salaried employees in State institutions.

Decree of 23 December 1953 respecting the remuneration of wage earners and salaried employees in economic organisations.

Decrees of 1954 to amend the Decree respecting the remuneration of wage earners and salaried employees in economic organisations.

Decree of 22 March 1952 respecting the remuneration of wage earners and salaried employees working for private employers.

The principle of equal remuneration for men and women workers is stated in the Constitution of the Federative People's Republic of Yugoslavia dated 31 January 1946, Article 24 of which states that women are to enjoy complete equality with men in all spheres of economic, social and political life and that women are to be entitled to the same remuneration as men for work of equal value.

Since the principle of equal remuneration for men and women workers is guaranteed by the Constitution, it is not covered by any special clause in the labour legislation. Even before the enactment of the Constitution, this principle had been stated in article 1 of the decision concerning the provisional regulation of wage rates for wage earners and salaried employees in the private sector, whereby women were entitled to the same remuneration as men for work of equal value.

No distinction is made in the wage scales fixed for men and women workers in any of the texts governing the remuneration of salaried employees and wage earners in state institutions, public, social and co-operative economic organisations and handicraft undertakings, persons engaged in the liberal professions (lawyers, doctors, etc.), and domestic staff. Where any distinction is made on grounds of sex, it always operates in the woman worker's favour (by reason of the special protection afforded during the maternity period).

The report gives details of the various systems of remuneration applied to workers of different types. None of these systems takes any account of the worker's sex for the purposes of wage-fixing.

THIRTY-FIFTH SESSION (GENEVA, 1952)

101. Holidays with Pay (Agriculture) Convention, 1952

*This Convention is not yet in force*

Countries	Date of registration of ratification
Austria . . . . .	14. 6.1954
Belgium . . . . .	20. 3.1954
Cuba . . . . .	7. 9.1954
France . . . . .	29. 3.1954
Federal Republic of Germany . . .	5. 1.1955
Israel . . . . .	14. 7.1953
New Zealand . . . . .	24. 7.1953
Norway . . . . .	29. 9.1954
Sweden . . . . .	12. 8.1953
Uruguay . . . . .	18. 3.1954

The voluntary report from *New Zealand* refers to the information previously supplied.

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 transmitted to the Director-General have been communicated to the representative employers' and workers' organisations:

*Argentina, Australia, Austria, Belgium, Brazil, Burma* (except for Conventions Nos. 1, 4, 6, 14, 15, 16, 21, 22, 41), *Canada, Ceylon* (except for Conventions Nos. 4, 5, 6, 7, 11, 15, 16, 18, 29, 45), *Chile, Colombia, Cuba, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Greece, Haiti, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand,*

*Norway, Pakistan, Peru, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Venezuela, Viet-Nam, Yugoslavia* (except for Conventions Nos. 11, 17, 19, 24, 25, 100).

The Governments of the following countries state that copies of their reports have been communicated to the representative workers' organisations:

*Bulgaria, Czechoslovakia, Poland.*

The Government of *Iraq* states that there exist as yet no truly representative organisations of employers and workers in the country.

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## APPLICATION OF 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 1953 to 30 June 1954.

The other reports which were received either reproduced or referred to information which had already been supplied.

### 1. Hours of Work (Industry) Convention, 1919

*This Convention came into force on 13 June 1921*

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*Belgium.* Ratification: 6 September 1936. Decision on application to non-metropolitan territories reserved.

*France.*<sup>1</sup> Ratification: 2 June 1927. No declaration on application.

*Italy.*<sup>1</sup> Ratification: 6 October 1924. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Portugal.* Ratification: 3 July 1928. Decision on application to non-metropolitan territories reserved.

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<sup>1</sup> Conditional ratification.

#### *New Zealand.*

##### *Cook Islands.*

The system of government of the Cook Islands is designed to take account of local circumstances and of the community of interest which exists within the group. The Cook Islands are, therefore, administered, not as part of metropolitan New Zealand, but as a non-metropolitan territory, whose inhabitants are interested in having an effective voice in their local affairs. The law-making power derives from the New Zealand parliament, and some New Zealand legislation of general application is in force. The most notable example is the British Nationality and New Zealand Citizen Act, 1948. Such measures are, however, exceptional and the statutes of New Zealand do not bind the Cook Islands unless they expressly so provide.

Under the traditional system of land tenure in the Cook Islands every family owns a share in the land and the laws now in force contain special safeguards to ensure that the people of the Islands retain their lands. Thus, most Cook Islanders are not solely dependent upon wages and there

is no unemployment problem. There are, indeed, considerable opportunities for seasonal employment, particularly in the preparation and handling of produce for export; but for the great majority the cultivation of their family lands provides an assurance of economic security.

The larger number of those who leave their native lands find employment in Raratonga. The Administration itself is the largest employer of labour in the Islands, and there are opportunities of employment in the various departments of government and in construction and plantation work. There is, moreover, in Raratonga a nucleus of secondary industry. Two factories manufacture clothing for export markets, though only one of these factories has been working during the year under review. There is also a footwear factory, which serves local and overseas demand for island style sandals and shoes.

In addition to maintenance works on buildings and roads, work undertaken during the past year has included the erection of a new school, a mental patients' block, dispensaries in the outer Islands, a packing shed and a case shed. Special attention has been given to the construction of water catchments; and water storage in the outer Islands has been increased from 347,500 gallons to 493,900 gallons. The erection of a new cool store for export produce awaiting shipment is among the major works projected. This proposal has already been approved in principle by the New Zealand Government.

During the year under review the Government of New Zealand has ratified the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82). The Government is pleased to be able to report that it was found possible to extend the application of this Convention to the Cook Islands (including Niue).

The 1951 census figures, which include persons who are self-employed and others who are not wholly dependent on wages, indicate that of a total of 4,068 males, 3,315 were engaged in primary production, the main groups being: planters, 2,598; labourers, 403; pearl-shell divers, 158; fishermen, 48. Those engaged in other employment were as follows: trades, 89; transport and communications, 124; commerce, 145; domestic and personal service, 3. There were 304 persons in the public administration and professional class (this includes pastors). This category also includes 126 teachers and assistants, 33 clerks, and 14 mosquito control officers.

The 3,785 women in the group mainly carried out ordinary domestic duties; 3,362 were housewives, or not employed for remuneration, 160 were domestic servants, and 126 were teachers or nurses or belonged to other occupations.

#### *Tokelau Islands.*

During the year under review no major development projects have been undertaken; but maintenance work has been carried out and new water catchment areas have been built. It is expected that the construction referred to in the 1952-53 report will be pushed ahead more rapidly in the coming year.

A sustained effort is being made to exterminate the rats which constitute the biggest obstacle to increased production. While the programme of extermination by poison continues under the supervision of the Health Department of Western Samoa, further attempts are being made to find efficient shields to protect the coconut palms. The galvanised shields previously ordered have been found to deteriorate in the salt air of the Islands, and supplies of aluminium shields are now on order. If these prove successful, the campaign against the rats will be intensified.

#### *Western Samoa.*

The Government states that in general there has been little significant change in the laws and practices by which effect is given to the Convention. More detailed information will be forwarded in due course.

#### *Portugal.*

##### *Angola.*

From 1 July 1953 to 30 June 1954, 381 contraventions were reported; fines were paid in all but 12 cases, where it was necessary to institute proceedings.

##### *Cape Verde.*

Legislative Order No. 1103 of 4 October 1952.

The Convention is at present applied by the above Legislative Order. According to the report no difficulty was experienced in applying the Convention during the period under review.

##### *Portuguese Guinea.*

The report states that draft regulations granting industrial workers a five-day week are at present being studied.

##### *Portuguese Indies.*

The Government states that, according to the general population census taken in 1950, the number of wage earners is 22,780, of whom 20,365 are covered by the Convention.

##### *Timor.*

The report states that the indigenous regulations have been repealed by an Act of 27 June 1953.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 2. Unemployment Convention, 1919

*This Convention came into force on 14 July 1921*

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*Belgium.* Ratification: 25 August 1930. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 13 October 1921. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 25 August 1925. No declaration on application.

*Italy.* Ratification: 10 April 1923. No declaration on application.

*Japan.* Ratification: 23 November 1922. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 6 February 1932. Applicable with modification: Netherlands Antilles and Surinam. No declaration: Netherlands New Guinea.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Union of South Africa.* Ratification: 20 February 1924. Not applicable to South-West Africa.

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*United Kingdom.* Ratification: 14 July 1921. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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<sup>1</sup> Up to 16 October 1950 the Channel Islands and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in article 35 of the Constitution.

#### *Denmark.*

##### *Faroe Islands.*

The Government refers to the observation formulated by the Committee at its previous session in which it was stated that the Convention was at present inapplicable. The attention of the

local Faroe authorities has been called to the Committee's observations and the authorities have indicated in this connection that, since the introduction of the autonomous local government in 1948, consideration has been given to the matter but that more urgent questions had had to be dealt with first. The introduction of an adequate unemployment insurance system requires a large amount of preparatory work owing to the existing conditions of work; when a practicable procedure has been found and when the economic conditions have sufficiently improved, the question will be taken up with a view to the implementation of such a system.

#### *Greenland.*

The Government states that the Convention is at present inapplicable to Greenland. There are no employment offices or statistics on unemployment in this territory. It is not expected that the number of unemployed persons will be such as to necessitate any special measures.

#### *France.*

##### *Algeria.*

For the year 1953, 31,916 applications for and offers of employment were received; of these 10,376 vacancies were filled and 8,796 persons were placed.

##### *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 (sections 174 to 178 (L.S. 1952—Fr. 5)).

Order of 4 November 1953 setting up a Manpower Office in the Cameroons.

The Manpower Office established by the Order of 4 November 1953 is responsible for all matters relating to the utilisation and distribution of manpower.

For this purpose it assembles up-to-date information on the situation of the labour market in the territory; it receives offers of and applications for employment; it directs, places and arranges for the transport of all manpower within the territory, granting priority to local manpower. It brings in and repatriates labour from abroad.

The Manpower Office is likewise required to advise regarding the recruitment possibilities of undertakings in relation to economic, demographic and social exigencies. It is a public establishment with legal status and financial autonomy; it is administered by a managing board, on which five employers and five workers appointed from candidates nominated by the most representative occupational organisations are represented.

##### *French Equatorial Africa.*

General Order of 29 September 1953 respecting the notification of engagement of workers and the termination of contracts.

General Order of 25 December 1953 respecting the general organisation of the manpower offices in French Equatorial Africa.

Local Order of 13 May 1954 to set up a manpower office in Ubanghi-Shari.

General and local orders have been issued, after consultation with the employers' and workers'

organisations, in application of sections 174 to 178 of the Overseas Labour Code.

#### *French Guiana.*

A manpower shortage is one of the features of the employment market in Guiana, and there is no unemployment.

#### *French Settlements in Oceania.*

Act No. 52-1322 of 15 December 1952 (sections 174 to 178), to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Until financial conditions permit the establishment of an office in accordance with the legal provision mentioned above, the Inspector of Labour and Social Legislation makes inquiries regarding offers of and applications for employment and reports to the chief officer of the territory regarding the situation of the manpower market. At present there is no employment office the services of which are free of charge. A certain stagnation in economic activity was apparent in the French Settlements in Oceania at the end of the first four-year plan; a slight increase in activity is now apparent. The administration considers that the introduction of the second plan will remove all fear of unemployment in industry for some years to come.

Appeals were made by the workers' organisations to the Labour Inspector for a guarantee of full employment. This question was taken into account by the administration during the preparation of the second four-year plan.

#### *French Somaliland.*

Act No. 52-1322 of 15 December 1952 (sections 174 to 178), to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order of 6 April 1954 setting up a Manpower Office in French Somaliland.

During the period under review the Employment Office established by the Decree of 22 May 1936 received 318 applications for employment, 90 of which were filled. This Office will be replaced by the Manpower Office established by the Order of 6 April 1954, in application of the provisions of articles 174 to 178 of the Overseas Labour Code.

The Director of the Manpower Office and the Inspector of Labour and Social Legislation will be responsible for all matters concerning unemployment and placing.

#### *French West Africa.*

General Order of 9 December 1953 concerning the general organisation of manpower offices in French West Africa.

General Order of 22 March 1954 prescribing the manner of making periodical declarations regarding the manpower situation.

The manpower offices are charged with all matters relating to the utilisation and distribution of manpower and with the application of the policy established by the chief officer of the territory in accordance with the decisions and under the supervision of the Inspector of Labour and Social Legislation.

The work of the office is directed by a managing board consisting of equal numbers of admin-

istrative representatives and employers' and workers' representatives appointed for a period of two years by the chief officer of the territory. A director appointed by the chief officer of the territory on the recommendation of the managing board ensures that the decisions of the latter are carried out.

The chief officer of the territory determines, by Order, the headquarters, the territorial jurisdiction and the composition of the managing board of the manpower offices. These Orders are at present in preparation.

In July of each year all heads of undertakings are required to make a declaration of the manpower situation showing the distribution, for each occupational category, of workers in the undertaking on 30 June and the wages paid throughout the year. In the great majority of undertakings the declaration contains the following information: annual variations in the number of workers; average duration of work; distribution of workers according to origin and sex.

The information assembled by the Labour Inspectorate and the inquiries carried out by the Statistical Service will provide the necessary data to enable rational action to be taken regarding the employment market.

#### *Guadeloupe.*

During the period under review 1 July 1953 to 30 June 1954, 243 applications for employment were registered by the employment offices, of which 68 were made by workers resident in metropolitan France. During the same period the Labour Inspection and Manpower Service registered 30 vacancies and made 24 placings; in addition it approved 602 contracts for foreign workers, relating particularly to seasonal workers.

Some workers' organisations have requested the extension of the metropolitan regulations concerning assistance to unemployed workers.

#### *Madagascar.*

The disequilibrium between applications for employment and vacancies notified, mentioned in the previous report, is less pronounced, particularly in the building industry where a large number of unemployed persons have been re-engaged and where the vacancies are at present slightly more numerous than the applications for employment. This disequilibrium still exists in a number of other branches of activity in the territory as, for example, in commerce, the liberal professions, office employees, industry, etc.

In 1953 the employment agency of Tananarive received 2,844 applications for employment as against 523 notifications of vacancies; 614 placings were made. It should be noted, however, that not all the persons applying for employment are without work since many of them are in low-paid employment and wish to improve their situation; they therefore apply to the employment bureau for a better job. Thus the number of unemployed persons is fairly small.

#### *Martinique.*

Statistics are sent every three months to the Central Administration Service, showing the number of placings made for each occupational group as well as the number of applications for employ-

ment and of vacancies notified, whether they were filled or not. During the period under review 2,708 applications for employment were received and 339 vacancies were notified; 260 placings were made.

There is no scheme of unemployment insurance in Martinique; the metropolitan regulations providing for the payment of an allowance to unemployed persons do not apply there. Moreover, in view of the considerable importance of seasonal work in the island, in which the large majority of workers in agricultural and connected industries are employed, such regulations would be almost inapplicable.

#### *New Caledonia.*

During the period under review the municipal employment office in the town of Noumea found jobs for about 50 persons. The official information office and the Inspectorate of Labour and Social Legislation were notified of about 100 vacancies.

#### *Togoland.*

Act No. 52-1322 of 15 December 1952 (sections 174 to 179) (L.S. 1952—Fr. 5).

As there are very few offers of employment and very many applications, workers are at present placed by the Inspectorate of Labour and Social Legislation. During the period under review, out of a total of 250 applications 49 were met, which represents a distinct advance on previous years.

#### *Italy.*

##### *Trust Territory of Somaliland.*

The administration has continued to attack the problem of unemployment by means of adequate public works schemes. In particular, during the year under consideration, it was possible to reduce unemployment considerably by the gradual development of the agricultural district of Afgoi, 30 kilometres from Mogadiscio.

Hundreds of workers from the capital were found suitable employment in the cultivation of virgin land.

#### *Netherlands.*

##### *Netherlands Antilles.*

*Article 1 of the Convention.* Because of the increase in unemployment the Government established in January 1954 an emergency bureau to assist persons seeking work. Since that date about 900 persons have been placed. During the second half of the period under review the number of unemployed persons was about 2,000. This figure reflects in part, however, seasonal unemployment. Policy is being directed to the establishment of new industries.

*Article 3.* No system of unemployment insurance exists as yet.

##### *Netherlands New Guinea.*

The report states that the Convention has only been of slight interest to Netherlands New Guinea in view of the present state of this country's development.

A provisional basis for the preparation of labour legislation for indigenous workers has already been found and will shortly take the form of legislation.

In drafting Bills relating to the provisions to be included in contracts of employment concluded with indigenous workers, both as regards public works and as regards employment in commercial, agricultural or industrial undertakings, and in drafting provisions relating to recruitment, due account has been taken of the provisions of international labour Conventions.

#### *New Zealand.*

##### *Western Samoa.*

See under Convention No. 1.

#### *United Kingdom.*

##### *Bahamas.*

There are no major industries in the Bahamas and only two agricultural undertakings of any magnitude. The Convention has not been applied and, in local circumstances, it appears unlikely that its application would have any efficacy or meaning.

##### *Barbados.*

During the period under review separate registers were established by the Bureau of Employment and Emigration to cover separately applicants for local employment and applicants for employment in the United States of America. Of 2,342 applicants on the latter register, 632 were placed in employment during the year; of 2,065 applicants on the first-mentioned register, 158 were placed in employment. A Juvenile Employment Service has been established under a Youth Employment Officer. A survey of employment, underemployment and unemployment is to be undertaken by an expert, and another expert has undertaken the examination of the possibility of instituting a social security scheme.

##### *Bermuda.*

Labour Act No. 28 of 1953.

Since there is rarely any involuntary unemployment, Article 1 of the Convention is not applicable. At the Employment Bureau established by the Labour Board in Hamilton, all types of employees are dealt with. There are no private employment agencies and no system of unemployment insurance has hitherto been necessary because of the virtual absence of unemployment. The local workers in the sole theatrical undertaking are semi-amateur and fully employed between theatrical seasons; a Musicians' and Entertainers' Union was established in 1953 to protect local interests against external competition.

No observations have been received from either employers or workers and no decisions have been given in the courts.

##### *British Guiana.*

Two Standing Committees—the Standing Committee of the Employment Exchange and the Juvenile Employment Committee—have been set

up to advise and assist the Commissioner of Labour on matters relating to the Employment Exchange Service. During the period under review 4,596 adults and 915 juveniles registered for employment; 4,907 vacancies were notified and 3,903 were filled.

The Government's report is accompanied by a notice from the Colonial Office which reads as follows: "The Committee of Experts will be aware, from earlier reports submitted by the Government of British Guiana, that it had been decided to defer the establishing of a Labour Advisory Board comprising workers' and employers' representatives until after the introduction of the colony's new Constitution in 1953.

"The Constitution was introduced in April but had to be suspended in October. Consideration of the establishment of a Labour Advisory Board has therefore been delayed. Meanwhile no organisations fully representative of the employers and workers exist to whom the reports could usefully be sent.

"It will also be appreciated that during the year under review in these reports circumstances did not favour the introduction of legislation which was anticipated in last year's reports on, for example, Conventions Nos. 12, 17, 19, 42, 50 and 64."

##### *British Honduras.*

In the capital city much of the work available is casual and intermittent, and both underemployment and unemployment exist. There are, however, no statistics available to indicate the numbers involved. No measures for the relief of unemployment were either considered or undertaken during 1953.

##### *Brunei.*

Unemployment is very rare, both among indigenous and immigrant labour. Immigration is strictly controlled; the position now in fact is that the quota of immigrants is insufficient to meet the large demand for labour. For these reasons it is not considered feasible to apply even partially the terms of the Convention.

##### *Cyprus.*

Port Workers (Regulation of Employment) Law, 1952.  
Port Workers (Regulation of Employment) (Amendment) Regulations, 1952 to 1954.

The Convention is partly applied by administrative action. During the last five years the number of employment exchanges has been increased from three (in 1949) to five. The system now covers practically the whole island. The field of activity of employment exchanges has been broadened and employment officers visit centres of work in rural areas, thus bringing the service as near as possible to those concerned.

*Article 1 of the Convention.* No action has been taken to give effect to this Article so far as the three-monthly reporting is concerned. Administrative measures are being taken to combat unemployment by allocating public funds for the execution of public works and development projects, in every case where there is need to relieve unemployment.



*Article 2.* During the period under review the employment exchanges dealt with 32,060 applications for employment. The number of vacancies notified was 29,141, of which 27,841 were filled. The employment offices helped in the transfer to Paphos of about 600 skilled workers from other districts when the local supply was not enough to meet the demand after the earthquake in the autumn of 1953. A new feature of the employment exchange service has been the taking charge of port labour pools at the three main ports and making allocation of port workers as regulated by the Port Workers (Regulation of Employment) Law, 1952, and the regulations made thereunder. In each port a Port Labour Board has been established to administer the provisions of the law. The boards consist of equal numbers of workers' and employers' representatives with an independent chairman. During 1953, 699 port workers were registered; 95,868 vacancies were notified and filled by the three employment offices.

The offices dealt with all types of workers—manual, clerical and technical—without discrimination on grounds of sex, religion or race. So far, no applications have been received from workers seeking employment in theatrical undertakings.

Copies of the above-mentioned legislation are appended to the report.

#### *Falkland Islands.*

The population of the Falkland Islands is non-indigenous and numbers less than 2,300. The administration is small, and there is no Labour Department. The main occupation is sheep-farming, which provides employment for some 500 men. A number of workers are engaged on the maintenance of a refrigerator plant, on government and public services, trading and shipping. There is a general shortage of labour and, in consequence, no unemployment. In the present state of development of the territory the application of many of the Conventions is difficult, and those applied cover only very small numbers of persons.

#### *Gambia.*

The latest figure for the floating population of unemployed skilled and unskilled workers in the colony area is 693.

#### *Gibraltar.*

During the period under review 3,905 applications for employment were received; the number of vacancies notified was 7,776 and 7,061 persons were placed in employment. The average rates of registered unemployment among British subjects were 0.9 per cent. for men and 2.48 per cent. for women.

#### *Gold Coast.*

While a system of free public employment agencies has been established (three labour employment exchanges, two sub-exchanges and certain labour advice centres are in operation), the field of wage-earning employment is still relatively restricted and the majority of the working population is engaged in subsistence and cocoa farming and

fishing on a peasant basis, and in various forms of employment.

The local employment committee, consisting of three panels of representatives of employers, employees and independent members, has been appointed to advise the labour employment exchanges on employment matters.

During the year under review 16,331 applications for employment were received, 15,128 vacancies were notified and 9,378 vacancies were filled.

#### *Grenada.*

It has not been thought necessary to set up a system of public employment agencies in this small territory where employment opportunities are known to everyone as soon as they occur and where employers do not need the help of agencies to supply their manpower requirements. The Labour Department assists in the rare instances of workers being unable to find employment through their own efforts, and it is considered that this is sufficient for the needs of the territory.

#### *Hong Kong.*

There is a surplus of labour in the colony and employers have no need and no desire to depart from the traditional methods of engaging workers. Employment exchanges could be established but they would not be used except by those who could not get work in any other way and who would be resentful when registration failed to produce employment.

#### *Jamaica.*

While there is no system of registration whereby the number of unemployed persons can be accurately determined, it is known from general observation that a high percentage of the working population is unemployed. The Government has taken a number of steps to create new avenues of employment through industrialisation, and encourages and assists the recruitment of workers for employment in the United States of America and in other territories in the Caribbean area. During the period under review 4,640 persons were registered at the Kingston Employment Bureau, 5,944 vacancies were reported, and 3,602 persons were placed in employment by the Bureau.

#### *Kenya.*

Employment (Recruiters and Labour Agents) (Amendment) Rules, in Notice No. 494 of 1952.  
Governor in Council of Ministers' Notices Nos. 854 of 1952 and 922 of 1953, applying the Employment Ordinance.

Employment (Casual Labour) Rules, 1954, in Notice No. 716 of 1954 (repealing the 1949 Rules on this subject).

Notice of application of the above Rules (No. 717 of 1954).

Minister for Labour's appointment of Committees and Appeals Tribunals under the above Rules (Notice No. 718 of 1954).

*Article 1 of the Convention.* Unemployment statistics are not maintained by the Kenya Government, since there is no involuntary unemployment of any significance among the territory's workers. The total numbers in wage

earning employment in the colony are: European males, 11,644; Asian and other non-European males, 27,342; European and other non-African females, 6,441; African males and females, 455,789. This represents a total of 501,000 out of a population of 5½ million. Under present conditions there are in fact more jobs available for all classes of workers than there are applicants for jobs. The only unsuccessful applicants for jobs are those attempting to secure posts above their qualifications, and those above the normal working age who desire further employment to supplement their incomes or pensions.

During 1953 the public employment offices operated by the Government handled the following numbers of work-seekers: number of workers applying: Africans 47,271, Asians 1,247, Europeans 194; vacancies notified: Africans 44,434, Asians 782, Europeans 316; vacancies filled: Africans 36,020, Asians 315, Europeans 95.

The officially sponsored Employment Bureau of the East African Women's League also recorded 1,444 applications, 1,356 vacancies and 849 placings, of European and Asian women.

The above figures indicate that the majority of workers are still finding employment on their own initiative or, to some extent, through labour agents forwarding African workers to the plantations. The excess of applicants over vacancies notified to public employment offices is solely due to workers who seek better-paid jobs through this agency while still in employment, or who have privately secured alternative employment in the meantime.

*Article 2, paragraph 1.* The Kenya Government has established 15 free public employment offices for Africans in the major employment and labour supply centres of the colony. In addition, some officers of the Provincial Administration in areas where there are no labour offices are in close liaison with the nearest employment office and arrange the forwarding of applications for work.

There are also four Asian employment offices dispersed over the territory, and a European employment office in Nairobi, for males.

The Government financially assists the East African Women's League's Employment Bureau, which is situated in Nairobi, but this Bureau charges work-seekers a nominal registration fee of 2s. 6d. per application, whether a post is secured or not.

Provision exists under section 87 (1) (p) of the Employment Ordinance for the Minister for Labour to make Rules for the establishment and administration of "labour exchanges". In practice, however, it has proved adequate for the Government to set up employment offices by administrative action rather than by statute.

It has not yet been decided whether the establishment of committees, representative of employers' and workers' organisations, to advise on the manner of operation of public employment offices would be of real practical value at the present stage. The Labour Department has, however, had the matter in mind during the past two years. In the meantime any matter of general application may be referred to the colony's Labour Advisory Board on which such organisations are represented. In the case, however, of the dockworkers' and inshore casual labourers' "pools", set up in Mombasa under the Employ-

ment (Casual Labour) Rules, 1954, each pool is managed by a labour officer with the advice of a committee consisting of an independent chairman and two representatives each of employers and workers, respectively. These committees were appointed by the Minister for Labour's Notice, No. 718 of 1954; and the employers' and workers' representatives are drawn from the Mombasa Port Employers' Association, the Dockworkers' Joint Industrial Council, the Mombasa and Coast Province Employers' Association, and the Coast Labour Committee. These pools provide for the special registration of dockers and casual labourers, and for the distribution of such workers to daily employment.

Paragraph 2. There is close liaison between the Government and the Women's Employment Bureau mentioned above, since the Government's employment offices only cater for women of African race.

There are also a number of labour agents (distinct from recruiters) operating in the more densely populated tribal areas, for the purpose of forwarding workers who desire employment or return to employment after vacation leave. "Labour agent" is defined in section 2 of the Employment Ordinance as any person who acts as an agent for an employer in respect of the engaging and forwarding of persons voluntarily offering their services at the office of such labour agent. These labour agents are required to be licensed by the Labour Commissioner in accordance with the Employment (Recruiters and Labour Agents) Rules, 1938.

The operations of private labour agents are ancillary to those of the public employment offices, in that they either cover rural areas where it is at present impracticable for the Government to set up branch offices, or they handle the long-distance forwarding of workers which is not yet done by the Government on any appreciable scale. The co-ordination of these agencies is effected by the grant of licences to operate in particular areas only. Private labour agents only charge fees to the employers they serve, but those employers may also use the free government employment offices if they so desire. Currently there are five labour agents so licensed.

Paragraph 3. The need has not arisen for co-ordination by the International Labour Office of the employment services in the East African territories. The interchange of workers is mainly confined to the territories of Kenya, Uganda and Tanganyika; and the Labour Departments of these territories hold biannual conferences to discuss matters of common interest. By mutual agreement there is at present no transfer of workers between the employment offices of these territories. There has also been no occasion, as yet, to conclude agreements with foreign or overseas territories or countries.

*Article 3.* No system of insurance against unemployment has yet been developed in Kenya, so questions of co-ordination with the systems of other countries have not arisen.

The legislation applying this Convention is entrusted to the colony's Labour Department and, in some particulars, to officers of the Provincial Administration. The supervision and inspection of employment offices is carried out by the Officer-in-Charge, Employment Services Organisa-

tion, and also by Senior Labour Officers and Labour Officers in out-stations; whilst the supervision of private labour agents is effected by Labour Officers and District Commissioners in the field.

With the slight exceptions mentioned above, the Convention is adequately applied in Kenya. It is reasonable to anticipate that use of public employment offices by the colony's wage earners will steadily continue to increase; and as the Government provides more widespread facilities it will also handle an increasing number of those workers who currently apply to private labour agents or who travel independently in search of employment. As this development progresses, the setting up of employment advisory committees will serve a useful purpose.

#### *Leeward Islands.*

The Industrial Development Board is at present concerned with introducing machinery for the processing of various agricultural crops and the erection of a plant for the extraction of cotton seed oil and coconut oil. These and other projects will eventually open up further avenues of employment in the territory. Proposals for an unemployment insurance scheme were submitted by a Committee in 1952 in respect of Antigua, but the Government has decided, after receiving actuarial advice, that the introduction of such a scheme would not at present be feasible in the straitened economic and financial circumstances obtaining in Antigua. The Government of Antigua has approved of the establishment, under the control of the Labour Department, of an experimental employment exchange for government work only in the first instance and this will be brought into operation. On 30 June 1954, 436 workers were engaged on agricultural work in the United States. In addition, 213 Antiguan workers were engaged for agricultural employment in St. Croix, in the U.S. Virgin Islands; 60 were still in employment on 30 June 1954. Sixty workers from St. Kitts-Nevis and a number from Montserrat and the British Virgin Islands were similarly employed. An appreciable number of workers from the territory are also employed in Curaçao and Aruba.

#### *Malaya.*

Seven free public employment exchanges were established during 1953 and the first half of 1954. Further progress to complete a federation network of exchanges has been halted indefinitely through lack of funds.

During the first eight months of 1954, 20,838 first applications for employment were received, 4,348 vacancies were notified and 2,982 persons were placed in employment.

#### *Malta.*

Office Order No. 117, issued on 20 August 1954.

The report gives an extract from the Department Report for 1953 with statistics concerning employment for the past few years.

This document indicates the scope of the employment service, its general organisation and its functioning.

#### *Mauritius.*

Statistics are published in the annual report of the Labour Department. A Central Employment Registration Bureau at Port Louis deals with individual cases registered at three urban centres and ten rural subcentres. The staff of the Bureau consists of a manager, two placing officers, four interviewing officers and ten clerks. For the period July 1953 to June 1954, 5,583 unemployed persons were registered and 4,154 placed.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised, 1948).

Industrial Workers (Employment Exchanges) Rules, 1952.

Registered Industrial Workers (Lagos Township, Employment in Scheduled Occupations) Revocation Order, 1952.

Compulsory Registration (Lagos Township) Revocation Order, 1952.

*Article 2 of the Convention.* Public Notice No. 29 of 1948 provided for the establishment of offices to be known as employment exchanges at which industrial workers may attend for registration and may apply for employment and to which employers of labour may notify their vacancies. The law makes no provision in regard to the appointment of committees to advise on matters concerning the carrying on of these employment exchanges. There is, however, a voluntary organisation in Lagos known as the Lagos Juvenile Advisory Committee for Juvenile Employment and After-Care. On the recommendation of this Committee it is proposed to set up in Lagos a juvenile employment bureau on the lines of those operating in the United Kingdom. Prior to 1952 registration in Lagos was restricted only to persons with specific qualifications mainly of a residential character and employers in Lagos were forbidden to employ workers who were not so registered. In 1951 a committee, composed of government representatives, employers and workers, conceded that it was no longer justifiable to retain such restrictive measures with regard to registration and general employment in Lagos. By enactment of the Registered Industrial Workers (Lagos Township, Employment in Scheduled Occupations) (Revocation) Order, 1952, under the Compulsory Registration (Lagos Township) (Revocation) Order, 1952, all such restrictions were removed. The revocation of these Orders called for the establishment of a new method of registration of workers and a new system of registration was therefore made by the enactment of the Industrial Workers (Employment Exchange) Rules, 1952, under the simultaneous repeal of the Industrial Workers (Registration and Employment) Rules, 1948. Under these Rules, registration is now entirely unrestricted and any industrial worker may attend at an employment exchange for registration. In addition, employers are permitted to engage workers irrespective of whether they are registered or not.

During the period under review the number of applicants for employment was 55,818, the number of vacancies notified was 5,914 and the number of persons placed in employment was 2,059.

#### *Northern Rhodesia.*

*Article 2 of the Convention.* The majority of Africans who register at exchanges are domestic

employees and skilled workers; unskilled workers usually find work without the assistance of the labour exchanges. There are ten labour exchanges operating on a voluntary basis.

During the year under review 6,986 Africans registered at the labour exchanges; of these 3,293 were known to have been placed in employment. Employers notified 10,182 vacancies.

Applications by Europeans for employment within the territory are dealt with by labour officers and employers are encouraged to send notifications of vacancies direct to these officers. A method of circularising details of applicants to employers throughout the territory has been adopted.

#### *St. Helena.*

The average number of unemployed persons throughout the period under review has been 130. Applications for employment can be satisfied without the machinery required by the Convention.

#### *St. Lucia.*

Although it has not been found possible to establish employment exchanges in the territory the Labour Department functions as a free labour bureau with the co-operation of organised labour and some employers. No private employment agencies exist and there is no system of insurance against unemployment.

#### *St. Vincent.*

The population of St. Vincent is approximately 71,500. Statistics as regards employment on estates, in factories and in commercial establishments are collected twice a year—in February during the crop season and in July during the out-of-crop season—in view of the seasonal nature of employment.

#### *Seychelles.*

There is no legislation governing unemployment other than the Employment Exchanges Ordinance No. 3 of 1948, which incorporates the provisions of Article 2 of the Convention and provides for the establishment of employment exchanges under the supervision of the labour officer. Administrative measures are taken to enforce the provisions of the Ordinance. Penalties are provided for in case of contravention of these provisions. The Convention cannot generally be applied to the Colony where the majority of the population is engaged in agriculture as labourers on the coconut estates. There is no unemployment and work is always available on coconut plantations. There is a certain amount of seasonal fluctuation in the cinnamon leaf-oil industry, but owing to the mobility of the labour force such fluctuation is never felt.

#### *Sierra Leone.*

The territory's legislation is not yet fully in harmony with the provisions of the Convention, but steps will be taken to make it so as soon as possible. Ratification of the Convention has of itself had no legal effect.

Unemployment statistics have been published monthly in the Sierra Leone *Royal Gazette* during the period under review. The numbers of unemployed persons registered at the five employment exchanges in the Colony and Protectorate were supplied.

There are five public employment exchanges in this territory, but with the exception of the one in Freetown, they are all small. During the 12 months ended 30 June 1954, 5,500 applications for employment were received, 4,600 vacancies were notified and 3,900 workers were placed by all the employment exchanges. The Labour Department controls these exchanges. In addition, 21,000 vacancies were filled by the Maritime Pool and 96,000 casual vacancies by the Port Labour (Harbour) Pool. The desirability of co-ordination of the operations of the various national systems by the International Labour Organisation is appreciated.

There is at present no unemployment insurance scheme in this territory. It is thought that the needs of industry are being met by these employment exchanges. The value of their services is now fully recognised by both workers and employers and the system has become an accepted feature of the industrial life of the territory.

#### *Singapore.*

*Article 1 of the Convention.* Figures for the half-year ending 31 March 1954 show that the number of those in employment has increased slightly—by 6.4 per cent.

During the period under review there were 20,777 applications to the Labour Exchange for employment; 8,380 vacancies were notified and 5,279 persons were placed.

During the period 1 July 1953 to 30 June 1954 the Seamen's Registration Bureau registered 1,033 men made up as follows: Chinese, 563; Malays, 443; Indians, 21; others, 6. The total number of registered seamen on 30 June 1954 was 21,911. Of these, 4,175 have failed to keep in touch with the Seamen's Registration Bureau for over six months and are therefore listed as untraceable. The number of seamen employed through the bureau for the period 1 July 1953 to 30 June 1954, was 7,925 made up as follows: Chinese, 5,308; Malays, 2,497; Indians, 119; others, 1.

#### *Tanganyika.*

Such provisions of this Convention as are relevant to local conditions have been applied in Tanganyika by administrative action as indicated by the answers given below under Article 2. It should be observed, however, that although from time to time there may be small pockets of short-term unemployment among certain categories of skilled workers, unemployment in the generally accepted sense does not exist; on the contrary there are adequate opportunities of employment for those who are willing to work and who seek work for which they have the requisite skill or experience.

During the period under review the position as it relates to unskilled workers is that there has been no unemployment and, generally speaking, the demand for such classes of worker has normally exceeded the supply.

The enactment of legislation has not as yet been necessary.

*Article 1 of the Convention.* During the period under review unemployment in relation to any class of skilled or unskilled worker has never reached any significant proportions such as would justify the preparation and submission of information on this at more frequent intervals than annually. Such information is therefore embodied in the annual reports of the Department of Labour.

*Article 2, paragraph 1.* A system of free public employment exchanges forming part of the Department of Labour was first established in 1945 and this has progressively been developed with the object of providing a service in urban areas for employers seeking workers and workers seeking employment. On 30 June 1954 there were 16 such employment exchanges in operation situated in the main townships in the territory. In 1953 some 8,000 Africans were placed in employment through this system, which figure included 2,280 skilled workmen. The Central Employment Exchange in Dar es Salaam has recently been moved to new and well-equipped premises. When fully developed the facilities afforded, at this exchange are such as to enable the placing of up to 1,000 workers per month. Machinery exists for the interchange of information throughout the system of vacancies for skilled workmen which is collated and circulated through the Central Employment Exchange. The need for the appointment of advisory committees linked with the employment exchange has not yet arisen but the operation of the system is reviewed from time to time by the territorial Labour Board.

Paragraph 2. No private free employment agencies exist.

Paragraph 3. Co-ordination of the employment exchange systems operated by the Labour Departments of the three East African territories is maintained through the aegis of the East African Labour Commissioners' biannual conferences which, when necessary, make recommendations to the governments concerned on policy and operational procedure. During the period under review the need for co-ordination of the East African systems with those of other colonial powers has not become apparent, but it is agreed that this could be effected by the International Labour Office should such measures become necessary.

*Article 3.* There is no established system of insurance against unemployment and, for the reasons stated in the introductory note, no such system is required in the present state of development of the territory. It should also be observed that the overwhelming majority of indigenous African workers hold land to which they can and do return during intervals between employment.

The Labour Commissioner is responsible for the administration of the employment exchange system as a whole, whilst individual employment exchanges are supervised by the labour officers in charge of the areas in which they are situated. All exchanges are subject to regular inspection by the headquarters staff of the Labour Department, normally not more often than once a year.

There are no theatres in the territory but workers in cinemas are eligible to utilise the facilities afforded by the employment exchange system on an equal basis with workers in other occupations.

#### *Trinidad and Tobago.*

It is felt that, at the present stage of development, advisory committees would serve no practical purpose since employment is intermittent in many cases and the worker prefers to seek employment directly with the employer. During the period under review 3,357 applications for employment were received, 2,487 vacancies notified and 1,358 persons placed in employment.

#### *Uganda.*

*Article 1 of the Convention.* The Government transmits an extract from the annual report of the Labour Department for 1953 (paragraph 31), which reads as follows: "With the supply of skilled and unskilled labour unable to meet the demand there is work for everyone who wants it and involuntary unemployment is really unknown, but youths leaving school sometimes experience difficulty in finding the particular type of work which they are seeking. Some will travel to distant parts of the Protectorate and are prepared to remain without work for some time until they find a job which suits them. Others, lacking the necessary academic qualifications and experience do not find it easy to obtain the white-collar jobs to which they aspire."

*Article 2.* Six free public employment agencies have been in operation during the period under review. The number of registrations made during the period are as follows: applications for employment, 7,249; vacancies notified, 6,231; vacancies filled, 4,076. No committees have been set up specially to advise on matters concerning these agencies but it is within the sphere of the Central Labour Advisory Board on which both employers and workers are represented to advise on matters concerning these agencies.

There is an officer in charge of the Central Employment Exchange and Employment Record Service on a full-time basis.

The Government also gives extracts from the same annual report of the Labour Department (paragraphs 32, 33 and 34), as follows: "Employment exchanges can fill only a limited need in conditions where involuntary unemployment is unknown and where the demand for labour exceeds the supply. The employment exchanges attached to all labour offices and the Central Labour Exchange in Kampala continued to do their best to place applicants in employment but, although the total number of applicants rose 57 per cent. to 7,569, vacancies notified by employers fell from 6,124 in 1952 to 4,582, and only 3,728 applicants were submitted to employers compared with 3,982 in 1952.

"Very few unskilled labourers seek employment through the employment exchanges; applicants fall within various specialist categories and those who lack skill or training find difficulty in obtaining employment in the occupations for which they pretend to be qualified. The number of vacancies notified by employers is not a true indication of the demand since most employers prefer to obtain

their requirements by other means as there is a feeling that, with notable exceptions, the employees who register at the labour exchanges are those who have failed to find work for themselves. Apart from unskilled labourers the greatest number of applicants were domestic servants (houseboys) followed by clerks and then cooks. The exchanges assisted with the recruitment of more than 1,300 volunteers for service with the East African Pioneers in the Canal Zone.

"The officer in charge of the Central Labour Exchange is a member of the After-Care of Prisoners Committee which meets in Kampala and

was able to render valuable assistance with the placing of ex-prisoners who wanted employment."

#### *Zanzibar.*

During the year ending 30 June 1954, 712 applications for employment were received, 358 vacancies were notified, and 298 persons were placed in employment.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

### 3. Maternity Protection Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

*France.* Ratification: 16 December 1950. Applicable with modification: Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, Guadeloupe, French Guiana, Martinique, Morocco, Réunion, Tunisia.

*Italy.* Ratification: 22 October 1952. Applicable with modification: Somaliland.

*United Kingdom.* Applicable with modification<sup>2</sup>: Fiji, Nigeria, Southern Rhodesia, Singapore, Solomon Islands. No declaration: British Somaliland, Channel Islands and Isle of Man. Decision reserved<sup>2</sup>: all other British non-metropolitan territories.

<sup>1</sup> This Convention was revised in 1952. See also under Convention No. 103.

<sup>2</sup> Unratified Convention. These declarations were included in the ratification of Convention No. 83 and will only become effective when this Convention comes into force.

#### *France.*

##### *Algeria.*

Decree of 25 May 1953 extending the application of the Decree of 11 March 1936 to Algeria.

During the period June 1952 to July 1953 the cost of benefits granted in conformity with paragraph (c) of Article 3 of the Convention amounted to 87,680,141 francs (this figure includes benefits paid to wage earners in mines, ports and transport undertakings).

##### *Cameroons.*

Order of 3 May 1954 to promulgate in the Cameroons the Decree of 28 January 1954, which extends the provisions of the Convention to the territories under the Ministry for Overseas France.

Order of 27 November 1954 respecting the employment of women and children.

The report states that the above-mentioned Order of 27 November 1954 supplements the provisions of sections 115, 116 and 119 of the Act of 15 December 1952; it also refers to the provisions of sections 24 to 28 of the Order respecting the daily rest granted to nursing mothers, the prohibition to employ women during a certain period before and after confinement and the prohibition to employ pregnant women in certain types of work.

#### *French Equatorial Africa.*

Order of 19 February 1954 to promulgate in French Equatorial Africa Decree No. 54-110 of 28 January 1954 by which the provisions of the Convention are extended to the territories under the Ministry for Overseas France.

#### *French Guiana.*

The report refers to the provisions in the metropolitan Labour Code governing the employment of women before and after childbirth and states that the maximum period of absence is 15 weeks.

#### *French Settlements in Oceania.*

Decree No. 54-110 of 28 January 1954 to extend the provisions of the Conventions to the territories under the Ministry for Overseas France.

It has not been found necessary to specify by Order the line of division between industry and commerce on the one hand and agriculture on the other hand, since this distinction is made in virtue of the local customs or, in the case of a dispute, according to the practice in metropolitan France.

As regards the application of the Convention, the term "women" is defined as any female person whatever her age or nationality, whether married or not, and the term "child" covers any child whether legitimate or not.

The report refers to the provisions of section 116 of the Act of 15 December 1952.

#### *French Somaliland.*

Order of 21 February 1954 to promulgate in French Somaliland Decree No. 54-110 of 28 January 1954 which extends the provisions of the Convention to the territories under the Ministry for Overseas France.

Except in the few cases of the industry for the conditioning of coffee, there are only very few employed women in French Somaliland, which is a Moslem country.

#### *French West Africa.*

Order of 19 February 1954 to promulgate in French West Africa Decree No. 54-110 of 28 January 1954 by which the provisions of the Convention are extended to the territories under the Ministry for Overseas France.

The compensation paid to women workers during absence due to confinement amounts to half their wages.

A general order indicating the conditions in which the new legislation shall apply and indicating in particular the types of work in which women may not be employed was being prepared on 1 July 1954.

#### *Madagascar.*

Order of 5 February 1954 to regulate the conditions of work for women.

The report refers to the provisions of sections 25, 26 and 27 of the above-mentioned Order respecting the employment of pregnant or nursing women.

See also under Cameroons.

#### *Martinique.*

Labour Code, Book I, sections 29 and 29 (a), and Book II, sections 54 (a) to (e).

Decree of 11 March 1926.

Act of 2 September 1941, section 2.

Section 54 (a) of Book II of the Labour Code prohibits the employment of women during a period of eight weeks before and after confinement, including the six weeks following confinement. Section 29 (a) of Book I of the Code provides that pregnant women may cease work without giving any notice. No legal allowance is paid during maternity leave but some collective agreements, particularly in commerce, provide for the payment of allowances by the employer for a period of two months. Section 54 (b) of Book II of the Code provides that nursing mothers may have two rest periods of half an hour each day during the year following confinement.

Section 29 of Book I of the Code provides that the absence of a woman during 12 consecutive weeks in the period prior to and following confinement may not be considered as a cause for annulling a contract of employment. The duration of this period may be increased to 15 weeks in the case of sickness resulting from pregnancy or confinement. In addition, the Act of 2 September 1941 provides for severe penalties in the case of an employer who breaks a contract of employment during the pregnancy or confinement of a woman worker or employee.

The application of the texts, with the exception of section 2 of the Act of 2 September 1941, is entrusted to the Departmental Labour and Manpower Directorate. In the occupations where no maternity benefits are provided for under a collective agreement, or in the absence of such an agreement, women generally return to work before the end of the period of six weeks; this is done in agreement with the employer.

#### *Morocco.*

The line of division between industry and commerce on the one hand and agriculture on the other hand has not been determined. The nature of the activities of undertakings determines whether they are considered as industrial and commercial or as agricultural.

The legal provisions are strictly applied and no contraventions have been reported.

#### *St. Pierre and Miquelon.*

Order of 11 March 1954 to promulgate in the Islands of St. Pierre and Miquelon Decree No. 54-110 of 28 January 1954 by which the provisions of the Convention are extended to the territories under the Ministry for Overseas France.

Order of 14 August 1954 respecting the employment of women and children.

#### *Italy.*

##### *Trust Territory of Somaliland.*

Ordinance No. 4 of 27 February 1954 (came into force on 24 March 1954).

The Convention is now applied by the above Ordinance.

In view of the rudimentary character of agriculture in Somaliland, it was considered unnecessary to define a line of division separating industry and commerce from agriculture. The term "woman worker" was preferred to that of "woman" and it was not considered necessary to specify what is meant by the word "child". Under the above-mentioned Ordinance, a woman worker is entitled, on production of a medical certificate giving the presumed date of confinement, to 12 weeks' maternity leave, including at least six weeks following confinement. A woman worker nursing her child is entitled to two half-hourly rest periods per day for not more than one year following the date of confinement.

A study is being made of a special insurance system. In the meantime the allowance due to a woman worker while absent from her work is payable by the employer and has been fixed on the basis of 50 per cent. of her wage. Medical assistance is provided by the administrative authorities free of charge.

The Ordinance in question provides that a woman worker may not be dismissed during pregnancy, supported by a medical certificate, during her maternity leave or until the child reaches one year of age. This provision does not apply in the following cases: if the woman worker has committed an act which constitutes a good reason for the termination of her contract of employment; if the undertaking closes down; if the task for which a woman worker was engaged is completed; or if the contract of employment expires.

The authorities responsible for the application of the above-mentioned provisions are the Directorate of Economic Development, the Office of Industry, Internal Trade, Labour and Communications and, in particular, the Central Inspectorate of Labour and its regional branch offices.

As the Ordinance concerning maternity protection came into force only on 24 March 1954, no statistical data or reports on its practical application are available.

The reports concerning the other territories either reproduce or refer to the information previously supplied.



4. Night Work (Women) Convention, 1919 <sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.*<sup>2</sup> Ratification: 12 July 1924. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 14 May 1925. Applicable without modification: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland. No declaration: Tunisia.

*Italy.* Ratification: 10 April 1923. Applicable with modification: Somaliland.

*Netherlands.*<sup>3</sup> Ratification: 4 September 1922. No declaration on application.

*Portugal.* Ratification: 10 May 1932. Not applicable to all Portuguese non-metropolitan territories.

*Union of South Africa.*<sup>3</sup> Ratification: 1 November 1921. No declaration on application.

*United Kingdom.*<sup>3</sup> Ratification: 14 July 1921. Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands Isle of Man. No declaration on application for all other British non-metropolitan territories.

<sup>1</sup> This Convention has been revised twice—in 1934 and in 1948. See under Conventions Nos. 41 and 89.

<sup>2</sup> Ratification denounced.

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

#### *France.*

##### *Algeria.*

The total number of persons protected by the legislation during the period under review was 33,098; of this number 19,802 were in Algiers, 9,021 in Oran and 4,275 in Constantine.

The 60 infringements reported relate to the night work of men. In practice there is no night work of women in Algeria.

##### *Cameroons.*

Order No. 981 of 27 February 1954 respecting the employment of women and children.

In accordance with section 7 of the above-mentioned Order women may not be employed on night work between the hours of 8 p.m. and 6 a.m. in industrial undertakings. Women are entitled to a period of nightly rest of at least 11 consecutive hours (section 8 of the Order). Section 9 of the Order provides for temporary exceptions to be made, if notice is given, to the provisions of section 7 prohibiting the night work of adult women in industries where the processing of materials is subject to rapid deterioration. Directors of industrial undertakings or establishments are required to notify the Inspector of Labour and Social Legislation of every such exception.

##### *French Equatorial Africa.*

There are no women wage earners in French Equatorial Africa and no women are employed in industrial undertakings.

##### *French Guiana.*

Labour Code, Book II, Part II, sections 21 to 29.

*Article 1 of the Convention.* Section 21 of Book II of the Labour Code contains a definition which is in conformity with the provisions of this Article of the Convention.

*Article 2, paragraph 1.* This is applied by sections 22 and 23 of the Code. The exceptions provided for in paragraph 2 of Article 2 are not reproduced in French regulations.

*Article 3.* This is applied in full by French regulations.

*Article 4.* Exceptions in cases of *force majeure* are provided for in section 25 of the Code, while section 24 of Book II of the Code and the Decree of 5 May 1928 provide for exceptions in the case of industries where work has to do with materials subject to rapid deterioration. In practice, however, no use is made of the exceptions authorised under the Convention.

*Articles 6 and 7.* The exceptions provided for in these Articles are not reproduced in French legislation.

The labour inspection service is responsible for supervising the application of the Convention.

The provisions of the Convention are not applicable in French Guiana, where there are no continuous industries and where women are rarely employed in industrial work.

No decisions were given by courts of law.

##### *French Settlements in Oceania.*

Order No. 1021/IT of 7 July 1954 regulating wages payable for overtime, night work and work on non-working days.

According to section 2 of this Order the hours during which work is considered as work by day are those between 6 a.m. and 8 p.m. and for night work between 8 p.m. and 6 a.m. This definition only applies in the case of increased rates for overtime in excess of 40 hours.

It was not considered necessary for the competent authority to define the line of division which separates industry from commerce and agriculture, this being already established according to the custom and tradition of the territory. Settlement of any disputes is in accordance with measures existing in metropolitan France.

There was no application of the provision under Article 2, paragraph 2, of the Convention. In accordance with section 114 of the Act of



15 December 1952, women are entitled to a nightly rest of at least 11 consecutive hours. Hours of work must be approved by the Inspector of Labour and Social Legislation, who is entrusted with the supervision of the application of section 114 and of the Convention.

Exceptions provided for in clauses (a) and (b) of Article 4 of the Convention are purposeless in the French Settlements in Oceania. In practice there is no night work of women in industrial undertakings.

In view of the uniformity of the climate and the absence of the seasons, it is not considered necessary to make provision for the exception stipulated in Article 7 of the Convention concerning the duration of the night period.

The application of the laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation or to his legal substitute, the chief administrative officer of the area. The supervision of the practical application is ensured by requiring all employers to submit their time-sheets to the labour inspectorate and to post them up in a conspicuous place, and by means of visits from the labour inspector and by close collaboration between the labour inspector and the trade unions.

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

At the present time there are no women workers in the French Settlements in Oceania coming under the provisions of the Convention.

#### *French Somaliland.*

The report states that the Convention is applied generally and covers not only industry but also commerce and agriculture.

According to sections 113 and 114 of Act No. 52-1322 of 15 December 1952, women are allowed a nightly rest period of at least 11 hours.

No use was made of the provisions of paragraph 2 of Article 2 of the Convention.

The term "women" is used in its widest possible meaning in the territory.

During the period under review no contraventions were reported by the Inspector of Labour and Social Legislation.

No decisions were given by courts of law.

#### *Guadeloupe.*

During the period under review six officials of the Inspectorate of Labour and Manpower were entrusted with supervision and control.

In undertakings covered by the Convention, women are not employed on night work and no exception was requested.

No infringements were reported.

#### *Madagascar.*

Order No. 275-IGT of 5 February 1954 establishing the methods of application of the Act of 15 December 1952 respecting the conditions of work for women and children.

In accordance with section 7 of the above-mentioned Order women may not be employed on night work between the hours of 8 p.m. and 6 a.m. in industrial undertakings. Women are entitled to a period of nightly rest of at least 11 consecutive hours (section 8 of the Order). Sec-

tion 9 of the Order provides for temporary exceptions to be made, if notice is given, to the provisions of section 7 prohibiting the night work of adult women in industries where the processing of materials is subject to rapid deterioration. Directors of industrial undertakings or establishments are required to notify the Inspector of Labour and Social Legislation of every such exception.

#### *Martinique.*

Decree of 5 May 1928, to issue public administrative regulations defining the allowances and exceptions contemplated in sections 17, 24, 25 and 26 of Book II of the Labour Code (L.S. 1928—Fr. 10).

Act of 30 June 1928, to amend sections 1, 2, 3, 21 (first paragraph), 29, 52, 74, 86 and 182 of Book II of the Labour Code (L.S. 1928—Fr. 13).

No exception is provided for as regards the definition of the term "night" given in Article 2 of the Convention.

As regards Article 4 (a), the report states that in case of *force majeure* the legislation authorises the employment of women over 21 years of age provided the employer has duly advised the labour inspection service. This exception may not be utilised for more than 15 nights in the year without a special permit.

The occupations for which an exception is authorised under Article 4 (b) are specified in the Decree of 5 May 1928.

No use has been made of the exception provided for in Article 7 of the Convention.

The Departmental Labour and Manpower Directorate is responsible for the supervision of the application of the legislation.

The Convention is satisfactorily applied. During the sugar-refining period two or three women are often employed at night in sewing up bags filled with sugar.

No decisions were given by courts of law.

#### *Morocco.*

The territory is divided into 16 labour inspection districts, each one having an inspector and one or several labour controllers. The inspection district situated in Casablanca is under a labour inspector, assisted by a woman labour controller.

The labour inspection service consists of 20 inspectors (including two women) and 20 labour controllers (including one woman and two Moroccans). These officials work under the supervision of two deputy divisional inspectors, one for the north of the country and the other for the south. A third deputy divisional inspector is entrusted with manpower questions. The entire service is under a divisional inspector.

There were no decisions by courts of law.

#### *St. Pierre and Miquelon.*

Order No. 444 of 14 August 1954 establishing the hours during which work is to be considered as night work. Order No. 447 of 14 August 1954 concerning the employment of women and pregnant women.

The employment of women at night is regulated by sections 113 and 114 of the Act of 15 December 1952 and by local Orders No. 447 of 14 August 1954 (sections 2, 3 and 4 of Title I) and No. 444 of 14 August 1954.

In practice there is no night work of women in the territory other than in exceptional cir-

cumstances and in case of *force majeure* in industries connected with the processing of fish, in order to prevent deterioration between 1 July and 30 September 1953. From 1 August 1953 to 30 June 1954, women were not employed at night in industrial undertakings.

#### *Italy.*

##### *Trust Territory of Somaliland.*

Ordinance No. 4 of 27 February 1954 (came into force on 24 March 1954).

The subject matter of the Convention is now dealt with in the above Ordinance. No list of industrial undertakings to which the Ordinance applies has been drawn up; it was considered unnecessary to define the line of division separating industry and commerce from agriculture in view of the rudimentary character of agriculture in Somaliland.

The term "night" has been defined as 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. The Ordinance provides that women without distinction of age may not be employed during the night in any industrial undertaking other than an undertaking in which only members of the same family are employed. This prohibition does not apply to women engaged in managerial, health or welfare work and not performing manual tasks.

The prohibition of the employment of women during the night does not apply in cases of *force majeure* duly certified by the Labour Inspectorate, in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the materials from certain loss, or in cases of work essential to the economy of the territory and

performed on a continuous basis, when the permission of the Central Labour Inspectorate has been obtained. The inclusion of the latter exception was considered necessary to allow for the eventuality that Somaliland might have to cover all domestic needs, particularly in the textile field, with the limited industrial equipment at its disposal. It was not considered necessary to provide for any reduction of the night period.

The authorities responsible for the application of the above-mentioned provisions are the Directorate of Economic Development, Office of Industry, Internal Trade, Labour and Communications and, in particular, the Central Labour Inspectorate and its regional branch offices which are under the authority of the above-mentioned office. As the Ordinance under consideration came into force only on 24 March 1954, it was not possible to provide statistical data or reports on its practical application. No comments have been received from workers' or employers' organisations concerning the practical application of the above legislation.

#### *Portugal.*

##### *Cape Verde.*

Legislative Order No. 1103 of 4 October 1952.

The Convention is at present applied by the above Legislative Order, and more particularly by section 7, paragraph 1.

##### *Timor.*

See under Convention No. 1.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 5. Minimum Age (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

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*Belgium.* Ratification: 12 July 1924. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 4 January 1923. Applicable without modification: Faroe Islands. Applicable with modification: Greenland.

*France.* Ratification: 29 April 1939. Applicable without modification: Cameroons, French East Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Japan.* Ratification: 7 August 1926. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 21 July 1928. No declaration on application.

*United Kingdom.* Ratification: 14 July 1921. Applicable *ipso jure* without modification<sup>2</sup> to the Channel Islands and the Isle of Man. No declaration for all other British non-metropolitan territories.

#### *Denmark.*

##### *Faroe Islands.*

The Convention is applicable to the Faroe Islands. At a later date the Government will supply information regarding the manner in which the Convention is applied to the territory.

##### *Greenland.*

Regulation of 20 April 1950, respecting the remuneration of day workers.

As stated in the Declaration of 20 May 1954, the Convention is applicable to Greenland.

The Government states that no rules similar to those contained in the above-mentioned Regulation have been laid down for workers in private industrial undertakings.

*Article 1 of the Convention.* The Regulation of 1950 covers work of any nature in the service of the State.

<sup>1</sup> This Convention was revised in 1937. See Convention No. 59.

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

*Article 2.* The report refers to the Regulation of 1950.

*Article 4.* No provision has been made for registers to be kept of any young workers under 16 years of age.

The competent local authority is responsible for supervising the enforcement of the Regulation of 20 April 1950.

No decisions were given by courts of law as regards the matters dealt with by the Convention.

No documentation is available to give (under point V of the report form) a general appreciation of the manner in which the Convention is applied.

#### *France.*

##### *Algeria.*

The number of children protected by the legislation was 27,449. During the period under review 128 infringements were reported in commercial and industrial establishments. Proceedings were instituted in 24 cases.

##### *Cameroons.*

Order No. 4914 of 5 October 1953 establishing the form of the employer's register.

The Order obliges each employer (without any distinction being made between industrial and agricultural undertakings) to maintain and keep constantly up to date a register of the staff employed including, among other details, the date of birth of workers. In this way, control is assured of the provisions prohibiting the employment of children under 14 in any undertaking (industrial, commercial or agricultural).

##### *French Equatorial Africa.*

General Order No. 609/DPLC-4 of 19 February 1954, promulgating Decree No. 54-115 of 28 January 1954 in French Equatorial Africa and extending the provisions of Convention No. 5 to Overseas Territories.

##### *French Guiana.*

The report refers to the provisions of the metropolitan Labour Code and states that no difficulties have been encountered in applying the Convention either in commerce or in industry; this is attributed to the very small number of industries, to the educational system in Guiana (where there are schools in all towns with industries of any size) and to the interest shown in education by the local population.

##### *French Settlements in Oceania.*

Decree No. 54-115 of 28 January 1954 extending the provisions of Convention No. 5 to the French Settlements in Oceania.

Definition of the line of division which separates industry from commerce and agriculture was not considered necessary, the line of division being sufficiently defined either by local or metropolitan custom. No exceptions were requested to the provisions of section 118 of the Labour Code fixing the minimum age for admission of children to industrial employment at 14 years. All heads of undertakings are obliged to keep a register of the staff employed, to be submitted for inspection to the Inspector of Labour and Social Legislation.

The application of the laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation and to his legal substitute, the chief administrative officer of the area. Supervision of the practical application is ensured by visits from the Labour Inspector and by close collaboration between the Labour Inspector and the trade unions.

No decisions have been given by courts of law relating to questions of principle concerning the application of existing regulations.

No difficulties have been encountered in the application of the Convention.

##### *French Somaliland.*

Decree No. 54-115 of 28 January 1954 extending the provisions of Convention No. 5 to French Somaliland.

The Inspectorate of Labour and Social Legislation is entrusted with the supervision of the application of the above Decree and reported no infringements during the period under review.

No decisions regarding the application of the Convention were given by courts of law.

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

##### *French West Africa.*

Decree No. 54-115 of 28 January 1954 extending the provisions of Convention No. 5 to French West Africa.

General Order No. 1304/SET of 19 February 1954 promulgating the above Decree in French West Africa. General Order No. 6554 of 3 September 1953 establishing an employer's register.

The application of Article 4 of the Convention is enforced by obliging employers to keep a register in which the age of workers is given.

##### *Guadeloupe.*

Decree No. 48-592 of 30 March 1948, to extend and codify in the départements of Guadeloupe, French Guiana, Martinique and Réunion the labour and manpower legislation of metropolitan France.

The scope, as regards the undertakings covered by the legal provisions issued in application of this Convention, is that laid down in the Labour Code of metropolitan France. The registration of applications by children, who are covered by the provisions issued in application of the Convention, is that laid down by the Labour Code of metropolitan France.

When the Labour Inspection and Manpower Service finds that children under 14 years of age are employed in industrial work it sees to it that these children are not employed in dangerous or unhealthy work or work requiring an effort beyond their strength.

##### *Madagascar.*

Order No. 276-IGT of 5 February 1954 fixing the minimum age for admission of children to employment.

Order No. 277-IGT of 5 February 1954 fixing the conditions for the age of admission of children to employment and the type of work and nature of undertaking prohibited.

The report quotes the text of sections 24 and 25 of Order No. 276-IGT mentioned above with regard to the application of Article 4 of the Convention.

In accordance with section 24, a list of all children recruited must be deposited within ten

days at the office of the Inspector of Labour and Social Legislation. In accordance with Article 25, heads of undertakings must likewise deposit with the Inspector of Labour and Social Legislation the birth certificate of each child employed, or a document in lieu thereof, and a medical certificate. These documents must be included in the file of the child concerned in accordance with the provisions of section 172 of the Labour Code.

No decisions concerning the application of the Convention were given by courts of law.

#### *Martinique.*

Labour Code, Book II, sections 2, 4, 5, 88, 89 and 90.

It is sometimes difficult to define the line of division between agricultural and industrial activities; in practice the service responsible for applying the texts refers to the criteria laid down in Article 1 of the Convention.

Section 2 of Book II of the Labour Code provides that the age of admission of children to employment in industrial undertakings shall be the school-leaving age. Section 90 of Book II of the Code provides that the managers of industrial undertakings must keep a register of all young workers or apprentices under 18 years of age, showing their date of birth.

The Convention is strictly applied. No child under 14 years of age is admitted to employment in industrial undertakings.

#### *St. Pierre and Miquelon.*

Order No. 446 of 14 August 1954 providing for exceptions to the age for admission to industrial employment.

Decree No. 54-115 of 28 January 1954 promulgated by Local Order No. 118 of 11 March 1954, applying to the territory Convention No. 5 on minimum age for admission to industrial employment.

The minimum age for admission to industrial employment is established by section 118 of the Act of 15 December 1952 subject to the exceptions as provided by Order No. 446 mentioned above.

Very few exceptions were granted and only in the case of the employment of boys between 13 and 14 years of age in the light work of the processing of fish during the school holidays.

#### *Togoland.*

The two draft local orders which were to be promulgated in 1954 provided on the one hand for the minimum age for the admission of children to employment, which age varies between 14 and 18 years, as well as the types of work which are strictly forbidden because of their nature, and, on the other hand, for exceptions to the age for admission to employment.

The exceptions relate to children over 12 years of age who may be employed in domestic work or light work of a seasonal character, such as picking and sorting carried out in plantations.

The exceptions may not affect the provisions in force with regard to compulsory attendance at school. In centres where schooling facilities are normally available, the minimum age for admission to employment is 14 years unless the Labour Inspector grants an individual authorisation.

No child may be employed unless he has undergone a medical examination. Employers must forward to the Labour Inspector the medical

certificate, as well as a birth certificate or, failing this, the legal document which takes its place.

Children between 12 and 14 years may not be employed without specific authorisation from the parents or guardians, unless they are employed in the same undertaking as the latter.

Children employed in work which is prohibited under the new regulations must be transferred to suitable employment or must be discharged.

The texts provide for penalties in the case of contraventions.

#### *Netherlands.*

##### *Netherlands Antilles.*

It is expected that legislation, enacted in 1952 but not yet in force, under which the minimum age was raised to 14 years, will shortly be brought into effect.

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *United Kingdom.*

##### *Bermuda.*

No legislation or administrative regulations apply the provisions of the Convention. Nevertheless, section 28 of the Education Act, 1954, provides that seven to 13 years of age is the compulsory school age. If therefore any industrial undertaking were established in Bermuda, children under 14 years of age would not be employed therein.

##### *British Guiana.*

See under Convention No. 2, paragraph 2 ff.

##### *British Somaliland.*

Failure to keep a register or the neglect to produce it is an offence for which a fine not exceeding E.A. 450s. can be imposed. There is no method of registration in use.

##### *Brunei.*

Labour legislation has been drafted similar to the Ordinance existing in the colony of Sarawak and forwarded for consideration by the Council of Ministers.

##### *Cyprus.*

Children and Young Workers (Employment) Law, No. 33 of 1953.  
Employment of Children and Young Persons Rules.

Law No. 33 of 1953, which was enacted during the period under review, regulates the employment of children and young persons in both industrial and non-industrial undertakings and gives full effect to Articles 1 to 4 of the Convention. The minimum age of employment generally was raised from 12 to 13 years. The minimum age for industrial employment remained at 14 years.

Registration is made by the employer on production of a medical certificate certifying the fitness of the child for the employment on which he is to be engaged.

The Department of Labour is entrusted with the application of the law but the Director of Medical and Health Services is also responsible

for the application of the Employment of Children and Young Persons Rules. Registers are open to inspection by any medical officer or any peace officer. There are ten inspectors (two of them women) authorised to carry out inspections under the law.

During 1953 the number of prosecutions instituted against employers was 39 and the number of convictions obtained 33.

Copies of the above-mentioned legislation are appended to the report together with a specimen copy of the register of protected persons.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Fiji.*

Inspection of every industrial undertaking in main centres is normally made at regular intervals, but during the period under review no complete inspections were carried out on account of staff shortages. There were no prosecutions. Inspectors have not insisted on the maintenance of the register by undertakings which do not employ such persons unless the undertakings are large or where the future employment of young persons may be anticipated.

#### *Gibraltar.*

Employment of Women, Young Persons and Children (Amendment) Ordinance, 1952, No. 7 of 1952.

The above-mentioned Ordinance ensures the application of the Convention.

#### *Gold Coast.*

During the year seven contraventions of section 77 of the Labour Ordinance, 1948 (Employment of Children), were reported, and fines totalling £30 were imposed.

#### *Hong Kong.*

A certain amount of elementary technical training is given in the boys' and girls' clubs and the Stanley Sea-Training School. Technical training is also provided in approved homes, such as the Po Leung Kuk (Chinese-managed, but government supervised, for girls and women needing assistance), the Salvation Army Homes, the Boys' Home at Castle Peak, and the Stanley Training Centre. During the period under review a total of 12,420 inspections were made.

It is still impracticable to have either compulsory education or a compulsory school-leaving age. Nevertheless, the law prohibiting the employment of children in industrial undertakings is observed on the whole. Registered factories and workshops are regularly and frequently inspected. If any tendency to employ children is noted in other industrial undertakings, these are closely investigated and thereafter regularly visited. During the year under review there were two successful prosecutions for employing children in an industrial undertaking.

#### *Kenya.*

Employment of Women, Young Persons and Children (Amendment) Ordinance, No. 35 of 1950.  
Juveniles (Prescribed Forms) Rules (Notice No. 651 of 1949).

Employment of Juveniles (Arabs and Africans) Rules (Notice No. 835 of 1950).

*Article 1 of the Convention.* Section 2 of the Employment of Women, Young Persons and Children Ordinance, as amended, defines "industrial undertaking" in the same terms as used in this Article.

There is a proviso to this definition. Thus if the Governor considers that an occupation should be excluded from the provisions of the Ordinance relating to industrial occupations, he may, after seeking the advice of his Executive Council, exclude the occupation in question from the Order

Moreover any undertaking of which a part only is an industrial undertaking shall not for that reason alone be deemed to be an industrial undertaking.

This second proviso in part defines the line of division which separates industry from commerce and agriculture, and also empowers the Governor to exclude occupations which form parts of an industry. Furthermore, section 6 of the Ordinance empowers the Governor in Council of Ministers to specify by notice in the *Official Gazette* any "trade" or "undertaking", or any "occupation" which forms part of any trade or undertaking, in which a child shall not be employed.

No decisions or statutory Orders have as yet been made in either of the above respects.

*Article 2.* Section 4 of the Ordinance prohibits the employment of any child in an industrial undertaking; and section 3 exempts from this prohibition an industrial or other undertaking, or trade, in which only members of the same family are employed.

"Child" is defined by section 2 of the Ordinance as any person under the age of 15 years (in terms of Convention No. 59).

Similarly, as in Convention No. 59, the exemption of employments where only members of the same family are employed does not apply, under section 3 of the Ordinance, to any employment which, by its nature or the circumstances in which it is carried on, is dangerous to the life, health or morals of the persons employed therein.

The Ordinance does not specifically state that a child shall not "work" in an industrial undertaking, but section 2 of the Ordinance defines "employment" as meaning "employment in any labour exercised for the purpose of gain whether the gain be to a child . . . or to any other person"; and, in practice, inspecting officers of the Labour Department prevent children performing work of any nature in an industrial undertaking, or the industrial part of an undertaking.

*Article 3.* The Ordinance does not specifically exempt work by children in technical schools, but the definition of "employment", quoted above, precludes the application of the Ordinance in the case of training in technical schools. Most of the colony's technical schools are operated by the Government, but where private persons or institutions operate such schools they are licensed and supervised by the Education Department of the Government.

Section 9 of the Ordinance requires employers to keep registers of young persons (under the age of 18 years, in terms of Convention No. 59) employed in any industrial undertaking. Such

registers must contain particulars of their ages and of the dates on which they enter or leave the service of their employers, and must at all times be open to inspection by any duly authorised officer (meaning a Labour Officer).

Furthermore, section 38 of the Employment Ordinance requires every employer of any juvenile (under the age of 16 years) to keep a register, in the prescribed form, of all juveniles employed by him. The form is prescribed in the Juveniles (Prescribed Forms) Rules, 1949, and requires that the juvenile's name, identity certificate number, dates of engagement and discharge, and nature of work, and the expiry date of the permit to employ the juvenile be recorded. The permit to employ an Arab or African juvenile is required by the Employment of Juveniles (Arabs and Africans) Rules, 1950, and is issued by a Labour Officer or officer of the Government's Provincial Administration in respect of employment in a municipality, township or trading centre.

The application of the above legislation is entrusted to the colony's Labour Department, and regular and frequent inspections by Labour Officers secure its enforcement. Prosecutions are also instituted by such officers in cases of contravention. The Labour Department's staff is now distributed over 15 branch offices in the major employment centres.

In addition, the Factories Inspectorate inspects a wide range of undertakings on a regular basis and, being an integral part of the Labour Department, its officers are able to report to the nearest Labour Officer the discovery of any child employed in an industrial undertaking.

The Convention is applied in Kenya by specific legislation, which is, however, still embodied both in the Employment Ordinance and the Employment of Women, Young Persons and Children Ordinance. This position will be simplified and improved with the enactment of the new legislation mentioned at the beginning of this report.

During 1953 the Labour Department instituted prosecutions against 74 employers for failing to keep a proper written record of employment, some of which cases involved juveniles in respect of whom no record or register was kept. There were also four prosecutions concerning employment of young persons or children in attendance on machinery (in industrial undertakings).

The Labour Department's annual report for 1953 shows that the total number of juveniles in employment (i.e. those below the age of 16 years) was 45,994, an increase of about 1,000 on the 1952 figure. The total number of juveniles in agricultural employment was 40,807; which leaves a balance of 3,187 juveniles in domestic service, commerce and, to a minor extent, in industry.

Further legislation has been drafted consequent on the recommendations made at the end of 1952 by a Committee appointed by the Government to study the colony's laws concerning employment of children and young persons. This legislation, which should be enacted before the end of 1954, will effect fuller compliance with the Convention in Kenya and, in particular, will define "child" as a person under the age of 16 years.

#### *Leeward Islands.*

Under the legislation in force children under the age of 14 years must attend school. During the

period under review 27 persons were prosecuted and 118 warned by the Department of Education in Antigua for the non-attendance at elementary schools of such children. The majority of these cases related to children engaged in supervising animals in connection with the transportation of sugar cane.

#### *Malaya.*

Machinery Ordinance No. 18 of 1953.

By the introduction of the Machinery Ordinance No. 18 of 1953, the states of Trengganu, Kelantan and Perlis were brought within the scope of machinery law for the first time, since this Ordinance applies to the entire Federation. There is at the moment no law in force relating to the employment of children and young persons on or about machines with the exception of section 42 (1) of the Kelantan and Trengganu Labour Codes, where no child under 12 years is allowed to be employed in factories working with power and employing more than ten persons. The Children and Young Persons Ordinance provides in section 8 (3) that no child under the age of 14 years shall be employed in any factory, godown or workshop. Regulations under the Machinery Ordinance No. 18 of 1953 are in course of preparation. Under them, the minimum age for admission of children to industrial employment involving the use of machinery will be fixed.

During the period under review, five prosecutions for offences under the Children and Young Persons Ordinance were instituted. All were successful and fines totalling \$830 were imposed.

#### *Mauritius.*

Inspection is carried out by the Labour and Factory Inspectors of the Labour Department. Employers are more than willing to discharge children inadvertently employed.

#### *Northern Rhodesia.*

Ordinance No. 49 of 1950 (which repealed No. 45 of 1949).  
Government Notice No. 238 of 1953.

*Article 1 of the Convention.* Ordinance No. 49 of 1950 provides that an industrial undertaking shall include cordwood cutting. No young person under the age of 16 years may be employed in an industrial undertaking unless such young person is either an apprentice or is in possession of a certificate signed by a district or labour officer. Every employer in an industrial undertaking shall keep a register of all persons under the age of 16 years.

In addition to the above, Government Notice No. 238 of 1953 exempted tobacco grading establishments and sales floors, for a period of 12 months, from the provisions of section 8, paragraph 1.

*Article 2.* This Article is applied by section 8, paragraph 1, in respect of children under 16 years of age.

*Article 4.* This Article is applied by section 8, paragraph 2.

#### *Nyasaland.*

The Convention has been applied with modifications. Since the processing of tea and tobacco is

a combination of industry and agriculture it is not practicable to define a line of division as required by Article 1 of the Convention; types of work in the industries are interchangeable and daily records of the sort of work performed by each individual are not possible to keep.

Owing to the difficulty in establishing the precise age of children it would not be of practical advantage to modify the law to provide any alteration in the age from 12 to 14. The position now is that no child under 12 years of age may be employed in any public or private industrial undertaking; nor may any young person between the ages of 12 and 14 years be employed in any public or private industrial undertaking other than an undertaking in which only members of the same family are employed. It is at present not practicable to keep registers with dates of birth as required by Article 3 of the Convention, because such information is not available.

During the quinquennial period the Labour Department has been strengthened by three additional labour officers and four African labour assistants, which will enable closer inspection to be maintained than in the past.

#### *St. Lucia.*

The Secretary of Labour is charged with the enforcement of the Ordinance giving effect to the Convention, but the Superintendent of Police, the Harbourmaster, or any officer of the customs may inspect the register kept by the employer. Any justice of the peace may, on complaint by the police that there is reasonable cause to believe that a child is employed in contravention of the Ordinance, empower by warrant such member of the force to enter and examine such place or any child.

#### *Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

The above Ordinance safeguards the rights of the worker for damages for breach of contract in cases where there has been an omission to enter into written contracts, or where there has been an omission to register the contract. Industries are also required to state the age, dates of employment and date of termination of employment of children. Until mid-1954 the Protector of Labour was not a full-time officer.

#### *Sierra Leone.*

The territory's law is not yet wholly in harmony with the provisions of the Convention. No progress has been made with the revision of the Employers and Employed Ordinance. It is hoped that when the revision is effected the new Ordinance will contain as many of the Convention's provisions as possible.

#### *Singapore.*

*Article 2 of the Convention.* Section 9 (2) of the Children and Young Persons' Ordinance is taken from paragraph 18 (1) of the Social Policy in Dependent Territories Recommendation, 1944 (No. 70). The whole Ordinance was drafted in consultation with the Federation of Malaya, as it was considered desirable that the legislation in the two territories should be the same. On further

consideration it is thought that a higher minimum age for all forms of labour is desirable in Singapore and, after consultation with the administration of the Federation of Malaya, draft legislation to effect this change has been prepared for the consideration of the legislature.

#### *Solomon Islands.*

The Governor of the Protectorate has examined the legislation applying this Convention in the light of local conditions during the past five years, and is of the opinion that no modifications are called for at present.

#### *Tanganyika.*

*Article 1, paragraph 2, of the Convention.* Since in certain classes of industrial undertakings, as defined, occupations of a purely agricultural nature do exist, such occupations have been excluded from the relevant provisions of the principal Ordinance by the Employment of Women and Young Persons (Exempted Occupations) Order, 1948 (Government Notice No. 196 of 1948). The schedule to the Order includes such occupations as planting and harvesting operations, hand grading of tobacco, sweeping compounds, pest control not involving the use of chemicals, etc.

The conditions of employment of any child in such undertakings whose employment is permitted under the above Order continue to be governed by the Employment of Children Rules, 1948 (Government Notice No. 187 of 1948), and in particular section 2 (d), which prohibits the entry of any child into a factory or shed or room which contains machinery.

Eighty-eight per cent. of the total of young persons and children known to be in employment throughout the territory at the date of the most recent labour enumeration, i.e. 31 July 1953, are engaged in occupations of an agricultural nature but which form part of undertakings which are both of an industrial and agricultural character.

Of the 13 convictions which were obtained during the period 1 January to 31 December 1953 only one case arose from a contravention of the specific provision of the principal Ordinance prohibiting the employment of children in industrial undertakings.

#### *Uganda.*

Legal Notices Nos. 96 of 1952 and 15 of 1954, under section 2 (2) of the Ordinance of 1938 respecting the employment of children as amended in 1946.

*Article 2 of the Convention.* The proviso to section 2 (1) of the Ordinance allows the employment of children in any undertaking in which only the members of the family of the proprietor or owner are employed.

The number of prosecutions for contraventions of this Ordinance for the period under review was 14; all were convicted.

Since 1949 the number of labour officers and labour inspectors, whose duties include general inspection work for the enforcement of labour legislation, has risen from 20 to 28. It is sometimes difficult to confirm a suspicion that children are illegally employed in an industrial undertaking, as in some cases the children are encouraged to go out to work by their parents, who do not appreciate the reason behind the legislation on the employ-



ment of children, and would in most cases not co-operate in a prosecution regarding the confirmation of the age of the child. Very few Africans are able to provide proof of their age.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 6. Night Work of Young Persons (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.* Ratification: 12 July 1924. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 4 January 1923. Applicable without modification: Faroe Islands, Greenland.

*France.* Ratification: 25 August 1925. Applicable without modification: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, St. Pierre and Miquelon, Réunion, Togoland. No declaration on application: Morocco, Tunisia.

*Italy.* Ratification: 10 April 1923. Applicable with modification: Italian Somaliland.

*Netherlands.* Ratification: 17 March 1924. No declaration on application.

*Portugal.* Ratification: 10 May 1932. Not applicable to all Portuguese non-metropolitan territories.

*United Kingdom.*<sup>2</sup> Ratification: 14 July 1921. Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

<sup>1</sup> This Convention was revised in 1948. See Convention No. 90.

<sup>2</sup> Ratification denounced.

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

### *Denmark.*

#### *Faroe Islands.*

See under Convention No. 5.

#### *Greenland.*

The Convention was made applicable to Greenland by the Declaration of 28 May 1954. There are no regulations relating to night work; in actual fact, however, the provisions of the Convention are observed.

Young persons under 18 years of age are not employed between 10 p.m. and 4 a.m. in any form of industrial undertaking.

The exception provided for in Article 4 of the Convention is not applied.

See under Convention No. 5 for general information relating to supervisory authorities, decisions by courts of law, etc.

### *France.*

#### *Algeria.*

During the period under review the number of persons protected by the legislation regulating the employment of young persons in industry

and commerce was 27,389, of whom 14,812 were in Algiers, 7,837 in Oran and 4,740 in Constantine.

No contraventions have been reported.

#### *Cameroons.*

Order No. 981 of 27 February 1954 concerning the employment of women and children.

In virtue of section 7 of the above-mentioned Order children and apprentices may not be employed on night work in industrial undertakings between the hours of 8 p.m. and 6 a.m. The employment of children at night in work of any kind connected with transport of passengers or goods by road or rail and with loading and unloading of goods is also prohibited. Children are entitled to a period of nightly rest of at least 11 consecutive hours (section 8 of the Order).

In industries where the processing of materials is subject to rapid deterioration, temporary exception may be made, if notice is given, to the provisions of section 7 above in the case of young male persons over 16 years of age in order to prevent accidents or to make repairs after accidents have occurred (section 9 of the Order). Managers of enterprises or undertakings must notify the Inspector of Labour and Social Legislation of any such exception.

Similarly, exception may be made in the case of young male persons over 16 years of age to be employed at night in undertakings where work is required to be carried on continuously (section 10 of the Order).

#### *French Equatorial Africa.*

Orders of 15 November 1953 (Middle Congo), 15 December 1953 (Ubanghi-Shari), 1 February 1954 (Gaboon), 1 March 1954 (Chad), issued in application of section 113 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry of Overseas France (L.S. 1952—Fr. 5).

The above-mentioned Orders were made in order to fix the hours during which work is deemed to be night work in each of the territories in question.

#### *French Settlements in Oceania.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry of Overseas France (L.S. 1952—Fr. 5).

Order No. 106/AA of 24 January 1953 promulgating the Act of 15 December 1952 in Oceania.

Order No. 1021/IT of 7 July 1954 regulating wages payable for overtime, night work and work on non-working days.



By the terms of section 2 of Order No. 1021/IT the hours during which work is considered as work by day are those between 6 a.m. and 8 p.m., and hours of overtime by night between 8 p.m. and 6 a.m.

Definition of the line of division which separates industry from commerce and agriculture was not considered necessary, the line of division being already established according to the custom or tradition of the territory.

Settlement of any disputes is in accordance with measures existing in metropolitan France.

The exceptions provided under paragraphs (a) to (e) of Article 2 of the Convention are purposeless in the territory due to the non-existence of the industries mentioned. The same applies to paragraphs 2, 3 and 4 of Article 3, as there are no coal or lignite mines in the country; the legislation does not prohibit night work in the baking industry for all workers, and no child under 18 is employed at night in industry. The exception provided for under Article 4 does not apply since the only industries operating at night are electrical undertakings which only employ adult workers.

The application of the laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation of the French Settlements in Oceania and to his lawful substitute, the chief administrative officer of the area. Supervision of the application is ensured by requiring employers to submit their timesheets to the labour inspectorate and to post them up in conspicuous places, by means of visits from the labour inspector and by close collaboration between the Labour Inspector and the trade unions.

No decisions concerning the application of the Convention were given by courts of law.

#### *French Guiana.*

Labour Code, Book II, Part II of Title I, Chapter III. Decree of 5 May 1928.

*Article 1, paragraph 1, of the Convention.* French legislation is in complete conformity with the provisions of the Convention.

*Article 1, paragraph 2.* Section 21 of Book II of the Labour Code defines the line of division which separates industry from commerce and agriculture.

*Article 2.* The exceptions provided for in French regulations are less extensive than those allowed under the Convention and are only authorised for a limited number of undertakings listed in section 2 of the Decree of 5 May 1928.

*Article 3, paragraph 1.* The definition of the term "night", which is given in the Convention is reproduced in French legislation.

*Article 3, paragraph 2.* Special exceptions in the case of minors are laid down in section 27 of Book II of the Labour Code.

*Article 3, paragraph 3.* As in metropolitan France, bakeries are not considered as industrial undertakings.

*Article 3, paragraph 4.* The exception provided for as regards tropical countries is not reproduced in French legislation.

*Article 4.* Exceptions in cases of *force majeure* are provided for in section 24 of Book II of the Labour Code.

The labour inspection service is responsible for supervising the application of the Convention.

There are no industrial establishments in the territory which work at night.

No decisions were given by courts of law.

#### *French Somaliland.*

The line of division which separates industry from commerce and agriculture (Article 1, paragraph 2) has not been defined.

No use has been made of the exceptions provided for in Articles 2, 3, 4 and 7 of the Convention.

During the period under review no contraventions were reported by the Labour and Social Legislation Inspection Service.

There were no decisions by courts of law or other courts.

#### *Guadeloupe.*

During the period under review six officials of the Inspectorate of Labour and Manpower were entrusted with supervision and control.

In practice there is little night work except during the harvest period in sugar and rum factories which employ young persons under 18 only during the day.

#### *Madagascar.*

Order No. 275-IGT establishing methods of application of the Act of 15 December 1952 respecting conditions of work for women and children.

In virtue of section 7 of the above-mentioned Order children and apprentices may not be employed at night in industrial undertakings between the hours of 8 p.m. and 6 a.m. The employment of children on night work of any kind connected with transport of passengers or goods by road or rail and loading and unloading operations is likewise prohibited. Children are entitled to a nightly rest of at least 11 consecutive hours (section 8 of the Order). In industries where the processing of materials is subject to rapid deterioration, temporary exception may be made, if notice is given, to the provisions of section 7 above in the case of young male persons over 16 years of age, in order to prevent accidents or to make repairs after accidents have occurred (section 9 of the Order). Managers of undertakings or establishments must notify the Inspector of Labour and Social Legislation of any such exception.

Similarly, exception to Article 7 may be made in the case of young male persons over 16 years of age to be employed at night in undertakings where work is required to be carried on continuously.

No decisions concerning the application of the Convention were given by courts of law.

#### *Martinique.*

For legislation see under Convention No. 4.

The report states that the authorities responsible for the application of the legislation are guided by the criteria laid down in Article 1 of the Convention in making a distinction between industrial and other establishments.

Under Article 2 of the Convention, the report states that section 21 of Book II of the Labour Code prohibits the night work of children under 18 years of age.

The Decree of 5 May 1928 enumerates the employments authorised for children over 16 years of age in paper mills, sugar factories, iron and steel works and glassworks, and gives details regarding the procedure to be followed for the utilisation of these exceptions. In practice, as there are no paper mills, iron and steel or glass works, sugar (unrefined) factories are the only undertakings for which exceptions might be allowed.

The term "night" is defined in section 22 of Book II of the Labour Code as including the period between 10 p.m. and 5 a.m.; section 23 of the Code provides for a nightly rest period of at least 11 consecutive hours. No use has been made of the provisions of paragraph 4 of Article 3 relating to tropical countries.

The prohibition of night work has not been suspended in virtue of the provisions of Article 7 of the Convention.

There were no decisions by courts of law.

The Departmental Labour and Manpower Directorate is responsible for the supervision of the legislation.

The report adds that children under 18 years of age are not employed at night in sugar factories or any other industrial undertakings.

#### *St. Pierre and Miquelon.*

Order No. 445 of 14 August 1954 concerning the employment of children.

There is no night work of children in the territory in conformity with section 114 of the Act of 15 December 1952 and sections 3 and 4 of Order No. 445 mentioned above.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *Portugal.*

##### *Timor.*

See under Convention No. 1.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 7. Minimum Age (Sea) Convention, 1920<sup>1</sup>

*This Convention came into force on 27 September 1921*

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*Australia.* Ratification: 28 June 1935. Not applicable to all Australian non-metropolitan territories.

*Belgium.* Ratification: 2 February 1925. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 12 May 1924. Applicable without modification: Faroe Islands. Applicable with modification: Greenland.

*Italy.* Ratification: 14 July 1932. Applicable with modification: Somaliland.

*Japan.* Ratification: 7 June 1924. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.<sup>2</sup>* Ratification: 26 March 1925. No declaration on application.

*United Kingdom.* Ratification: 14 July 1921. Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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<sup>1</sup> This Convention was revised in 1936. See Convention No. 58.

<sup>2</sup> Ratification denounced.

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

#### *Australia.*

##### *New Guinea.*

Native Labour Ordinance, 1950-1953.  
Native Apprenticeship Ordinance, 1951-1953.  
Imperial Merchant Shipping Acts.

The ratification of this Convention has not been extended to the territory.

There is no legislation in force to govern the employment of children of non-Native residents

but in respect of this category it is most unlikely that there has ever been a transgression of the spirit and intention of the Convention. In so far as the indigenous inhabitants are concerned, the requirements of the Convention are met by the provisions of the Native Labour Ordinance, 1950-1953.

Under section 21 (c) of this Ordinance, employment of a Native "under or apparently under the age of sixteen years" is prohibited, whilst Part XIII of the Ordinance prohibits the removal of Native employees, including seamen, from the territory except with the permission of the Director of the Department of District Services and Native Affairs in the first instance, and then they may be removed only to specified places.

Existing maritime legislation defines "vessels" in terms corresponding closely with those of Article 1 of the Convention. A "ship" is defined in the Native Labour Ordinance, 1950-1953 as "every vessel used in navigation not ordinarily propelled by oars only, but does not include a canoe except a canoe propelled by an engine".

Article 2 of the Convention is applied by section 21 (c) of the Native Labour Ordinance, 1950-1953, which prohibits the engagement of a worker of less than an apparent age of 16 years.

There are at present no school-ships or training-ships in the territory (excluding ships of war). Under the Native Apprenticeship Ordinance, 1951-1953, a person shall not enter into an apprenticeship agreement with a Native who is under the age of 15 years.

No registers have been specified in virtue of Article 4 of the Convention, but the Imperial Merchant Shipping Acts which extend to the territory, require that appropriate records be maintained in testimony of the engagement. The Imperial Merchant Shipping Acts also require the recording of specified personal particulars, including age, and the approved form of agreement requires special entries for young people.

The administration of maritime matters is under the jurisdiction of the Department of Customs and Marine, on the staff of which are qualified seamen. The Director of the Department of District Services and Native Affairs is responsible for the over-all administration of the Native Labour Ordinance, 1950-1953. All registered vessels are subject to regular inspections by maritime, labour and health authorities.

No territorial court of law or other court has given any decision involving questions of principle relating to the application of the Convention.

The Convention is not applied in New Guinea, but there is no record of any contravention of existing legislation in relation to the requirements of the Convention. However, the question of the extension of Australian ratification of the Convention to the territory is under consideration at the present time.

#### *Papua.*

Water Police Act of 1853 (Queensland).

The information supplied for New Guinea applies also to Papua with the following addition under Article 4 of the Convention: the Water Police Act of 1853, which extends to Papua, requires that appropriate records be maintained in testimony of the engagement.

For legislation see also under New Guinea.

#### *Denmark.*

##### *Faroe Islands.*

Seamen's Act of 1 May 1923 (L.S. 1923—Den. 2).  
Act of 22 October 1954 respecting the manning of Faroese ships.

The Act of 22 October 1954 provides for a minimum age of 14 years for employment on board ship. A revised Faroese Seamen's Act raising the minimum age to 15 years is now being prepared.

##### *Greenland.*

As stated in the Declaration of 28 May 1954, the Convention is applicable to Greenland.

For details regarding the application of the Convention the Government refers to its report on Convention No. 5.

#### *United Kingdom.*

##### *Barbados.*

Justices of the peace have power to order inspections and officers of the customs have power to require the production of, and to inspect, registers. All articles of agreement are signed in the office of the Harbour and Shipping Master, under the scrutiny of officers of that department;

documentary proof of age is required before an agreement can be entered into.

##### *Bermuda.*

No legislation or administrative regulations apply the Convention. Nevertheless, since section 28 of the Education Act, 1954, provides that seven to 13 years of age is the compulsory school age, children under 14 years are in practice never employed in vessels.

##### *British Guiana.*

See under Convention No. 2, paragraph 2 ff.

##### *Brunei.*

See under Convention No. 5.

##### *Cyprus.*

Children and Young Persons (Employment) Law No. 33 of 1953.

Full effect was given by the above-mentioned law to Articles 3 and 4 of the Convention.

The law defines a child as a person under the age of 16 years and prohibits the employment of children on any vessel other than a vessel on which only members of the same family are employed. The administration of the law is entrusted to the Commissioner of Labour and its provisions are enforced by the inspectors, the government medical officers and peace officers.

For the method of registration in use and copy of prescribed register, see under Convention No. 5.

Copies of the above-mentioned legislation are appended to the report.

##### *Falkland Islands.*

See under Convention No. 2.

##### *Gibraltar.*

Employment of Women, Young Persons and Children (Amendment) Ordinance, 1952, No. 7 of 1952.

##### *Kenya.*

*Article 1 of the Convention.* Section 2 of the Employment of Women, Young Persons and Children Ordinance defines "ship" as including any vessel or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned but does not include a ship of war.

*Article 2.* Section 2 of the Ordinance defines "child" as a person under the age of 15 years.

Section 11 of the Ordinance prohibits the employment of a child in any ship; but does not apply this prohibition to the employment of a child in a native vessel and under the care of a relative who is a member of the crew of such vessel, and who is, in the opinion of a duly authorised officer, a fit and proper person to have charge of such child.

The term "native vessel" is applied by the Native Vessels Ordinance (Cap. 225 of the Laws of Kenya) to any vessel fulfilling one of the two following conditions: (a) it shall present the outward appearance of native build or rig; (b) it shall be manned by a crew of whom the captain and the majority of the seamen belong to one of the coun-

tries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf. This definition, however, shall not apply to vessels only partially decked, or open boats, having at most a crew of ten men, exclusively used for fishing within the territorial waters of the colony.

The term "duly authorised officer" means, under section 2 of the first-mentioned Ordinance, a labour officer and any officer appointed by the Minister for Labour for the purpose of the Ordinance.

Under section 11 of the Ordinance the Minister for Labour may, however, subject to such conditions as he may think fit to impose, give written approval to the employment of a child over the age of 14 years in a ship, if satisfied, having regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

The above proviso, and the definition of "child" as a person under 15 years, were incorporated in the Ordinance in terms of the Minimum Age (Sea) Convention (Revised), 1936 (No. 58).

*Article 3.* Section 11 of the Ordinance permits children to be employed in a ship approved by the Minister for Labour as a school-ship or a training-ship.

*Article 4.* Section 13 of the Ordinance requires every master of a ship to keep a register of young persons employed therein, containing particulars of their ages and of the dates on which they become or cease to be members of the crew, and the register shall be open to inspection by any duly authorised officer.

"Young person" is defined by section 2 of the Ordinance as being a person under 18 years of age but who has ceased to be a child.

The masters of native vessels are excluded from this requirement, but the same purpose is achieved through section 12 of the Native Vessels Ordinance requiring such masters to keep a crew list which is inscribed, after due interrogation by a port officer of each crew member, with a short description of each such member against his name.

There are as yet no private merchant vessels registered in Kenya, except native vessels; children are not employed on the tug boats and lake steamers operated by the East African Railways and Harbours Administration, which is one of the East African High Commission Services common to the East African territories. The employment of children at sea is therefore only liable to occur on native vessels, under the conditions stipulated by section 11 of the Employment of Women, Young Persons and Children Ordinance. There is no school-ship or training-ship in Kenya.

The application of the above legislation is entrusted to the Labour Department and the port officers of the East African Railways and Harbours Administration. Inspections by these officers in the port of Mombasa (and the lake port of Kisumu) are regular and frequent, to ensure that the law is enforced.

Although specific legislation has been enacted for the purpose of this Convention, the circumstances envisaged by the Convention are hardly encountered in Kenya at its present stage of development. The Labour Department has no record of children being engaged on ships or native vessels during the period of this report.

### *Malaya.*

The Merchant Shipping Ordinance (No. 70 of 1952), which applies to the whole of the Federation, came into force on 1 March 1953, except for Part XII which, other than paragraph (a) of subsection (4) of section 473, came into force on 1 August 1953. The previous maritime laws of the States and Settlements have been repealed under the new Ordinance which takes their place.

### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948), Chap. X.  
Labour Code (Amendment) Ordinance No. 34 of 1950.

*Article 2 of the Convention.* The amending Ordinance raises the minimum age of juveniles who can be employed on vessels from 14 to 15 years of age, thus bringing this section into line with the revision effected by Convention No. 58.

*Article 4.* The register to be kept is required to cover all young persons under the age of 18 years. No standard form of register has been prescribed but registers kept are required to contain dates of birth and the particulars of the dates on which the persons concerned become or cease to become members of the crew.

### *North Borneo.*

On 30 June 1954 there were 168 vessels on the colony's register of shipping, all but 12 of them being under 100 tons, other vessels consisting mainly of junks and local craft engaged on local trade or fishing in addition to a few harbour-based launches and lighters of under 10 tons.

### *St. Lucia.*

The administration of the legislation giving effect to the provisions of this Convention is entrusted to the Secretary of Labour, but the Harbourmaster, the Superintendent of Police or any customs officer can perform the duties of inspectors.

### *Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

See under Convention No. 5.

### *Solomon Islands.*

See under Convention No. 5.

### *Tanganyika.*

*Article 2 of the Convention.* Section 11 of the principal Ordinance prohibits the employment of children on any vessel, except in the company of a relative who is also a member of the crew of the same vessel in which the child is so employed.

The employment of young persons, defined in the principal Ordinance as persons under the age of 18 years, can be said to occur only in native vessels, and under the provisions of section 14 of the Native Vessels Ordinance (Chapter 165 of the Revised Edition of the Laws) the captain of a native vessel must be issued with a crew list by the port officer, who is required to satisfy himself

that each member of the crew has contracted a free engagement.

Provisions for the medical examination of a young person prior to engagement as a member of the crew of any vessel are contained in section 13 of the principal Ordinance.

*Article 3.* The Ordinance does not provide for this exemption which in any case is not required

as there are no school-ships or training-ships on the territorial littoral.

No contravention of the provisions of the Convention have been reported for the period under review.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 8. Unemployment Indemnity (Shipwreck) Convention, 1920

*This Convention came into force on 16 March 1923*

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*Australia.* Ratification: 28 June 1935. Applicable without modification: New Guinea, Papua. Not applicable: Nauru, Norfolk.

*Belgium.* Ratification: 2 February 1925. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 15 February 1938. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 21 March 1929. No declaration on application.

*Italy.* Ratification: 8 September 1924. No declaration on application.

*Netherlands.* Ratification: 15 December 1937. No declaration on application.

*United Kingdom.* Ratification: 12 March 1926. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

### *Australia.*

#### *New Guinea.*

Seamen (Unemployment Indemnity) Ordinance, 1951-1953.

The above Ordinance, as amended in 1953, consolidates previous legislation.

#### *Papua.*

See under New Guinea.

### *Denmark.*

#### *Faroe Islands.*

Seamen's Act of 1 May 1923 (L.S. 1923—Den. 2), as supplemented by Act No. 96 of 7 April 1936 (L.S. 1936—Den. 1).

The above-mentioned legislation is in force for the Faroe Islands. The legislation respecting the rights of seamen to unemployment indemnity in the case of shipwreck is the same in the Faroe Islands as in the metropolitan territory.

#### *Greenland.*

The Government points out that the Convention is inapplicable to Greenland. Unemployment in the territory is not such as to justify the issue of

regulations for unemployment indemnity in the case of loss or foundering of the ship.

### *France.*

#### *Togoland.*

None of the Conventions on maritime employment has any point in Togoland. The report states that no ships are registered in the territory that there is no maritime registration centre and that any inhabitant of Togoland who decides to become a seaman goes to French West Africa, where he is subject to the same regulations as nationals of the Federation.

### *Netherlands.*

#### *Netherlands New Guinea.*

See under Convention No. 2.

### *United Kingdom.*

#### *Bahamas.*

The Convention has not been applied since there are no long-distance ocean-going ships working out of the ports of the territory. Most local small craft are owner-operated; the few larger vessels—none of which exceeds 250 tons—are operated by local firms who look after their crews well. Therefore, no need for the application of the Convention exists or is likely to arise in the future.

#### *British Guiana.*

No vessels were wrecked or otherwise lost during the period under review.

See also under Convention No. 2, paragraph 2 ff.

### *Cyprus.*

Merchant Shipping (Safety Regulation and Seamen) Laws, 1952 and 1953.

Cyprus Registration of Ships (International Labour Conventions) (Repeal) Law, No. 34 of 1953.

The report indicates that Articles 1 to 5 of the Convention are fully applied by the relevant sections of the above-mentioned legislation.

As from 1 October 1953 the Cyprus Registration of Ships (International Labour Conventions) Law,

Cap. 271, was repealed by the Cyprus Registration of Ships (International Labour Conventions) (Repeal) Law, 1953. The Merchant Shipping (Safety Regulation and Seamen) Laws, 1952 and 1953, which came into force on 13 August 1953 repealed the Cyprus Registration of Ships Law, Cap. 270, and thereafter only British ships exist and are registered in Cyprus, to which the provisions of the Merchant Shipping (International Labour Conventions) Act, 1925, as modified by the Merchant Shipping (Colonies) Order, 1927, are applicable.

Copies of the above-mentioned legislation are appended to the report.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Hong Kong.*

The number of workers covered by the relevant legislation is not known. During the year under review there was one case of foundering of ships registered in Hong Kong and the United Kingdom; indemnities were granted under Article 2 of the Convention. There is no jurisdiction over ships of nations which are represented in the colony by consular officers.

#### *Kenya.*

There is no legislation or administrative provision in Kenya relating to this Convention.

The need for the provision of indemnity against the unemployment of persons employed on vessels engaged in maritime navigation, resulting from the loss or foundering of vessels, has not yet arisen to any significant extent in this territory.

The sole maritime port of Kenya is Mombasa, and no private merchant vessels are registered there other than native vessels, and some Arab dhows which ply in the Indian Ocean. The East African Railways and Harbours Administration, which is one of the East African High Commission services common to the East African territories, operates tug boats at Mombasa and lake steamers at the port of Kisumu on Lake Victoria. The crews of these vessels are employed under the conditions common to government servants and are adequately safeguarded for the purposes of this Convention.

#### *Malaya.*

See under Convention No. 7.

#### *North Borneo.*

See under Convention No. 7.

#### *St. Lucia.*

The Harbourmaster is responsible for the administration of the legislation applying the Convention. No decisions involving questions of principle relating to the application of the Convention have been given by local courts of law.

#### *Sarawak.*

A new draft Shipping Ordinance is in process of preparation, and in due course the necessary legislation to comply with the Convention will be introduced.

#### *Seychelles.*

The Local Trading Vessels Ordinance No. 2 of 1951 extends the provisions of the Merchant Shipping Act to vessels of 30 tons net register and over, registered in the colony, engaged in trade or commercial fishing within the colony and between the colony and ports defined in section 2 of the Ordinance.

Section 10 of the Ordinance provides for unemployment indemnity in case of wreck or loss of the ship.

#### *Solomon Islands.*

No vessels were lost during the period under review. At present 723 persons are employed in vessels.

See also under Convention No. 5.

#### *Tanganyika.*

No foreign-going vessels are registered in this territory but administrative directions are in force requiring that if any indigenous seaman is engaged for such a voyage a repatriation clause must be included in his articles of agreement.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 9. Placing of Seamen Convention, 1920

*This Convention came into force on 23 November 1921*

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*Australia.* Ratification: 3 August 1925. Not applicable to all Australian non-metropolitan territories.

*Belgium.* Ratification: 4 February 1925. Decision on application reserved for all non-metropolitan territories.

*Denmark.* Ratification: 23 August 1938. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 25 January 1928. No declaration on application.

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*Italy.* Ratification: 8 September 1924. No declaration on application.

*Japan.* Ratification: 23 November 1922. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 9 January 1948. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

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*Australia.**New Guinea.*

Seamen (Unemployment Indemnity) Ordinance, 1951-53.

See also list of legislation under Convention No. 7.

The ratification of this Convention has not been extended to the territory, and there are no territorial laws or administrative regulations in force specifically applying the provisions of the Convention.

There is no unemployment in the territory and this is especially so in relation to the indigenous population, all of whom are landowners or have an interest in land or the usufruct in land and are under no economic necessity to seek employment. There is a shortage of labour in the territory and for many years to come it will not be a question of finding work for seamen but rather finding seamen for work.

The term "seamen" has been defined in territorial legislation—the above-mentioned Ordinance—as "all persons employed on or engaged in any capacity on board a vessel engaged in maritime navigation, but in the case of a vessel which is a fishing boat does not include a person who is entitled to share in the profits or the gross earnings of the working of the vessel".

The employment of Natives as seamen is regulated by the Native Labour Ordinance, 1950-1953, which stringently controls the engagement of Native employees and workers. Section 19 of the Ordinance prohibits any person from giving, offering or accepting any fee, bonus or commission or consideration of any kind other than salary, wages and expenses in connection with the engagement of any Native. In addition, provisions identical in terms with Article 2 of the Convention are also contained in the Imperial Merchant Shipping Acts, which extend to the territory.

Although there is no specific legislation to prohibit the practice contemplated in Article 3 of the Convention in regard to the employment of non-Native seamen, no instances of any such category of seamen being employed through commercial enterprise for pecuniary gain have been reported. Europeans and non-Natives, if employed, usually work under a contract or agreement.

There is no system in the territory of public employment offices for finding employment for seamen, whether Native or non-Native, as required in Articles 4 and 5 of the Convention.

There is no statutory provision as to choice of ship for the seaman and freedom of choice of and for the shipowner as required in Article 6 of the Convention.

The spirit of Article 8 of the Convention is applied by the authority responsible for the administration and control of maritime affairs in the territory.

As there is no unemployment amongst seamen and no seamen's employment agency functions in this territory, no information can be supplied under Article 10 of the Convention.

For information concerning the authorities responsible for the supervision of maritime matters, and concerning decisions of the courts of law, see under Convention No. 7.

*Papua.*

For legislation see under Convention No. 7.

The information supplied for New Guinea applies also to Papua with the following addition: the Water Police Act of 1853 contains provisions identical with the terms of Article 2 of the Convention.

*Denmark.**Faroe Islands.*

Seamen's Act of 1 May 1923 (L.S. 1923—Den. 2).

Royal Decree of 17 March 1928 respecting the application of the above-mentioned Act to the Faroe Islands. Act No. 66 of 31 March 1937 respecting the engagement and mustering of ships' crews.

The above-mentioned legislation is applicable to the Faroe Islands.

*Greenland.*

The Government points out that this Convention is not applicable to Greenland. In view of the fact that the engagement of seafarers in Greenland is carried out only by the State, no rules have been laid down with regard to the placing of seamen.

*France.**Cameroons.*

An independent seamen's trade union in the Cameroons prepares a list of unemployed seamen according to category (helmsmen, engineers, fishermen) for the Shipping Registration Service. For this purpose, the trade union verifies the occupational category of the seamen concerned and the Shipping Registration Service uses the list to provide captains with crews.

*French Equatorial Africa.*

For legislation see under Convention No. 55.

*French Settlements in Oceania.*

The provisions of Articles 1 and 2 of the Convention and Articles 6 and 9 are observed. There is direct engagement of seamen by shipowners. There is no placing office whose services are free of charge; seamen's articles of agreement are available for inspection at the Shipping Registration Service.

*Togoland.*

See under Convention No. 8.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.**Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 10. Minimum Age (Agriculture) Convention, 1921

*This Convention came into force on 31 August 1923*

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*Belgium.* Ratification: 13 June 1928. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 7 June 1951. No declaration on application.

*Italy.* Ratification: 8 September 1924. Applicable with modification: Somaliland.

*Japan.* Ratification: 19 December 1923. Not applicable: Pacific Islands (League of Nations mandate).

*New Zealand.* Ratification: 8 July 1947. No declaration on application.

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*France.*

*Cameroons.*

Order of 5 October 1953 establishing the form of the employer's register.

The Order of 5 October 1953 requires all employers (without distinction between industrial and agricultural undertakings) to keep up to date an employer's register giving the date of birth of all persons employed by him.

This obligation ensures effective control of the provisions prohibiting the employment of children under 14 years of age in any type of undertaking (industrial, commercial or agricultural).

*French Equatorial Africa.*

Orders to authorise exceptions with regard to the employment of young workers and with regard to the nature and categories of the undertakings in which young persons may not be employed and the age limit to which this prohibition applies: for the Middle Congo, 24 October 1953; for Ubanghi-Shari, 24 December 1953; for Gaboon, 3 December 1953; and for Chad, 3 December 1953.

Section 118 of the Overseas Labour Code provides that children under 14 years may not be employed in any undertaking, even as apprentices, unless an exception has been authorised by order of the chief officer of the territory, after consultation with the employers' and workers' organisations and due account having been taken of local conditions and of the work which may be required.

An order of the chief officer of the territory determines the nature of the work and the categories of undertakings in which young persons may not be employed, and the age limit to which this prohibition applies.

Orders to apply these provisions have been made in each territory of French Equatorial Africa.

*French Guiana.*

Act No. 46-1151 of 22 May 1946 respecting compulsory school attendance.

Metropolitan legislation meets all the requirements of the Convention. The responsibility for

ensuring that children attend school has been entrusted to the police.

*French Settlements in Oceania.*

Act No. 52-1322 of 15 December 1952 establishing 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 Act states that no child may be employed in an undertaking even as an apprentice before the age of 14 years, save where exceptions are authorised by an order made by the chief officer of the territory after receiving the recommendations of the Labour Advisory Board, account being taken of local circumstances and the jobs which the children may be required to do.

The chief officer of the territory specifies by order the nature of the work and categories of undertakings in which young people may not be employed, and the age limit to which the prohibition applies. No exceptions to this provision have been authorised by order of the chief officer of the territory.

Supervision of the application of the legal provisions is ensured by requiring all employers to issue an employment card to all workers, by means of unexpected visits from the labour inspector and by close collaboration between labour inspectors and trade unions.

The prohibition regarding employment of children even as apprentices before the age of 14 years has not given rise to any difficulty due to the small number of agricultural undertakings employing workers. The majority of agricultural undertakings in the French Settlements in Oceania are worked by farming families.

*French West Africa.*

Order of 28 April 1954 establishing on the Ivory Coast the exceptions authorised in respect of employment of young persons, the nature of work and the categories of undertakings prohibited to young persons and the age limit to which the prohibition applies.

Section 118 of the Overseas Labour Code prohibits in principle the employment in an undertaking of children under the age of 14 years unless an exception has been authorised by order of the chief officer of the territory, after consultation of the Labour Advisory Board.

The order for the Ivory Coast authorises exceptions only in the case of children from 12 years of age in the case of light work, such as seasonal picking and sorting on plantations, and subject to compliance with the provisions relating to compulsory school attendance. The Inspector of Labour and Social Legislation, in accordance with section 119 of the Labour Code, may order that children under the age of 14 years shall not be kept on jobs which have been found to be beyond their strength.



*Guadeloupe.*

Decree No. 47-1286 of 27 June 1947 respecting regulations on teaching in primary and secondary schools and respecting technical and vocational education.

This text, which has been extended to the Overseas Territories, provides that the age of admission of children to agricultural employment shall be 14 years, as in metropolitan France.

In view of the lack of space in some schools a relatively large number of children below school-leaving age are employed in agricultural work during the hours fixed for attendance at school.

*Martinique.*

In practice a small number of children are employed in agriculture at certain periods of the year; this is known locally as the system of "small workshops". The children are employed in sowing or in digging-in fertilisers at the foot of sugar-cane plants. This is light work which brings in a small wage to supplement that of the mother or father.

See also under Guadeloupe.

*New Caledonia.*

Act of 15 December 1952, Title V, Chapter III.

There are no administrative regulations. Since the Act of 15 December 1952 was promulgated the position in agriculture in New Caledonia has been such as to preclude any possibility of contraventions. The responsibility for applying the provisions of the Labour Code governing the work of children lies with the Inspector of Labour and Social Legislation.

No decision relating to the application of the Convention has been given by any court of law or other court. The Labour Inspectorate has received no comments from any employers' or workers' organisations.

*Togoland.*

For legislation see under Convention No. 5.

Apart from the Agricultural Service and various semi-administrative agricultural agencies, there are only two private European plantations in the territory. These were inspected in March 1954 and no abuses were observed in the employment of children, whose services are restricted to light work in a single undertaking.

Traditional farming areas are the least influenced by education; children continue to follow family and tribal ways of life and help in farming from an early age.

*New Zealand.**Cook Islands.*

The extension of the application of this Convention is being deferred until it is considered opportune to introduce regulations prohibiting the employment of children of school age, along the lines of those applicable in New Zealand.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 11. Right of Association (Agriculture) Convention, 1921

*This Convention came into force on 11 May 1923*

*Belgium.* Ratification: 19 July 1926. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 20 June 1930. Applicable without modification: Greenland. No declaration: Faroe Islands.

*France.* Ratification: 23 March 1929. No declaration on application.

*Italy.* Ratification: 8 September 1924. No declaration on application.

*Netherlands.* Ratification: 20 August 1926. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. Applicable without modification: Cook Islands. No declaration on application: Tokelau Island, Western Samoa.

*United Kingdom.* Ratification: 6 August 1923. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration for other British non-metropolitan territories.

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

*Denmark.**Faroe Islands.*

The Government states that should an association of agricultural workers be established in the

Faroe Islands their rights of association would be protected in pursuance of article 78 of the Danish Constitution of 5 June 1953, which guarantees full freedom of association to all Danish citizens covered by the Constitution. For the text of article 78 see under Convention No. 87.

The number of agricultural workers in the Faroe Islands is very small and no special legislation exists. Prior to 1953 the rights of association were protected by article 85 of the Constitution of 5 June 1915.

The rights of association guaranteed to agricultural workers would be, if necessary, protected by the courts.

*Greenland.*

The Government reports that, in pursuance of a declaration of 28 May 1954, the Convention is applicable in Greenland.

Article 78 of the Constitution concerning the right of association is also applicable in Greenland.

See also under Convention No. 5 for general information concerning the authorities entrusted with supervision of the application of legislation, decisions by courts of law, etc.

#### *France.*

##### *French Equatorial Africa.*

The Overseas Labour Code, in sections 3 to 27 which deal with trade unions and in section 28 which deals with occupational associations, reaffirms the right of agricultural workers to form associations, as already provided for in the Act of 1884 and the Decree of 7 August 1944.

##### *French Settlements in Oceania.*

Act No. 52-1322 of 15 December 1952 (sections 3 to 28) establishing a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The provisions of the Act apply to agricultural workers. Paragraph (1) of section 28 states that occupational associations may purchase, with a view to hiring out, loaning or distributing to members, anything that is necessary for the trade or occupation, including raw materials, tools, implements, machinery, fertilisers, seeds, plants, animals and feeding stuffs for cattle.

As agricultural workers are very few in number and dispersed throughout the whole of the territory, advantage has not been taken of the right of association and combination afforded by the Act.

#### *Italy.*

##### *Trust Territory of Somaliland.*

Ordinance No. 2 of 20 February 1954.

In accordance with section 1 of the above Ordinance, which came into force on 8 March 1954, freedom of association is guaranteed to all inhabitants of Somaliland. Section 2 stipulates that all institutions and associations (including those of a political nature) and other societies formed in Somaliland must submit to the Resident information regarding the deed of association, the names of the promoters, copies of the statutes of the association, and the addresses of its head and branch offices.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *New Zealand.*

##### *Western Samoa.*

See under Convention No. 1.

#### *United Kingdom.*

##### *Bechuanaland.*

The position is identical with that described in the report on Convention No. 84.

#### *Bermuda.*

Although the Trades Union and Trade Disputes Act, 1946, applies to agricultural workers as well as to other wage earners, none of the farm labourers or gardeners in Bermuda (195 and 355 respectively according to the 1950 census) belongs to any union. Trade unionism is not active in the territory and only three labour disputes of any kind, none of them serious, have taken place since the passage of the Act.

No observations have been received from either employers or workers and no decisions have been given by the courts.

#### *British Guiana.*

See under Convention No. 2, paragraph 2 ff.

#### *Brunei.*

See under Convention No. 84.

#### *Cyprus.*

Trade Unions (Amendment) Law, 1954 (No. 3 of 1954).

Agricultural workers in the colony are taking advantage of the law to organise trade unions. At the end of the year 1953 there were five registered trade unions of agricultural workers with a total paid-up membership of 2,292.

A copy of the above-mentioned law is appended to the report.

#### *Dominica.*

There are two registered trade unions in the territory.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Gold Coast.*

Trade Unions Ordinance, 1941, as amended by Orders No. 19 of 1941, 29 of 1942, 30 of 1948, 19 of 1950 and 19 of 1953.

The Convention is applied by the provisions of the above-mentioned legislative texts.

#### *Hong Kong.*

There is little evidence of a desire among agricultural workers to form trade unions as most of the workers on farms are members of the owner's family. There is only one union of agricultural workers; its 116 members are engaged in dairy farming.

#### *Kenya.*

Trade Union Ordinance No. 23 of 1952.

The same rights of association and combination are guaranteed to agricultural workers as to industrial workers. The Government refers, in this connection, to its report on the application of Convention No. 84.

The Trade Union Ordinance provides for the legal recognition, protection and supervision of trade unions of employers' organisations, employees' associations, and staff associations (including employers' right of association and combi-

nation), irrespective of the industry, trade or occupation. Workers and employers are actively encouraged by the Government to organise, as is explained in the report on Convention No. 84.

The application of the Trade Union Ordinance, as regards statutory obligations, is entrusted to the Registrar of Trade Unions, and to the Labour Department as concerns practical advice and guidance to organisations in their everyday work. For this purpose the Labour Department also employs a specialist staff consisting of an industrial relations officer (who was formerly a trade unionist in the United Kingdom) and two African assistant industrial relations officers.

The Convention is fully applied in Kenya.

There is still no appreciable evidence of a desire on the part of the colony's 223,000 agricultural workers to organise themselves in trade unions or employees' associations. A small group of workers resident in the Nairobi urban area applied in 1953 for registration as an agricultural workers' trade union, with the aim of affiliating to the Kenya Federation of Registered Trade Unions; but these persons did not follow up their application to the Registrar of Trade Unions and the application has lapsed for the time being.

#### *Leeward Islands.*

See under Convention No. 84.

#### *Malaya.*

An amendment enacted on 29 January 1953 to previous legislation gave approval to certain new objects on which the funds of a registered trade union might be expended, as follows: (1) payment of affiliation fees to a federation of trade unions, trade union council and a trade union co-ordinating or advisory body; (2) payment of essential transport, board and lodging expenses and wages lost by reason of attendance of members at meetings related to the promotion of industrial relations; (3) publication of any journal, magazine, news-sheet or other printed literature; (4) affiliation fees to cultural and educational associations; (5) the conduct of social, sporting, educational and charitable activities of the members.

A limit of 40 per cent. of the monthly receipts of the union was prescribed for the last three objects.

#### *Nigeria.*

Trade Unions Ordinance, Cap. 218 of the Laws of Nigeria (Revised, 1948).

The Trade Unions Ordinance legalises any trade union formed and registered under its provisions.

#### *Northern Rhodesia.*

The provisions of this Convention are embodied in the Trade Unions and Trade Disputes Ordinance, Chapter 25 of the Laws of Northern Rhodesia, which came into force in September 1949.

Ordinance No. 7 of 1952 amended section 22 (2) of the principal Ordinance by extending from seven to 14 days the period for the appointment of a conciliator or conciliation board after the date of the notification of a dispute.

Ordinance No. 16 of 1953 amended the principal Ordinance by deleting the word "registered" from sections 15 and 21 and the title of Part III. By this amendment all trade unions, registered or otherwise, are required to prepare annual returns as laid down under section 15 of the principal Ordinance.

Ordinance No. 16 of 1953 also amended section 39 of the principal Ordinance by including a provision that where the number of members of a trade union is less than seven the notice of dissolution shall be signed by all such members.

In addition to the above a notification in the *Government Gazette* by General Notice No. 885 of 1950 advised that any party wishing to notify the Governor that a dispute exists should inform the Commissioner for Labour in writing, giving the name of the party or parties with whom the dispute exists and a brief summary of the nature of the dispute.

#### *Sarawak.*

Trade Union and Trade Disputes (Amendment) Ordinance No. 28 of 1953.

#### *Singapore.*

The Trade Union Adviser's department has from October 1951 become a branch of the Labour Department at Singapore, under the over-all control of the Commissioner for Labour.

#### *Solomon Islands.*

See under Convention No. 5.

#### *Tanganyika.*

*Article 1 of the Convention.* Section 2 of the principal Ordinance makes no distinction as to the right of combination of workers irrespective of the nature of the occupation in which they may be engaged.

The Ordinance is administered by the Head of the Labour Department who is also the Registrar of Trade Unions. In addition, a labour officer attached to the headquarters staff of the Department is responsible under the Labour Commissioner for the subject of industrial relations. Labour officers at field stations tender advice locally to workers and employers, as and when required, as to the organisation and procedure which can appropriately be followed to secure the constitutional formation of trade unions. Although the establishment of trade unions in this territory is not as yet widespread, at the end of the period under review there were six registered trade unions of commercial and industrial workers. No application for the registration of a trade union of agricultural workers has as yet been received.

#### *Uganda.*

Trade Disputes (Arbitration and Settlement), Cap. 90, Revised Edition of Laws of Uganda, 1951.

Legal Notice No. 73 of 1951 under section 12 of the Ordinance.

Trade Unions Ordinance, 1952.

General Notice No. 974 of 1952 under section 5 of the Ordinance.

Trade Unions Regulations, 1953 under section 56 of the Ordinance.

The Attorney-General and the Registrar of Trade Unions are responsible for enforcing and supervising the application of the above-mentioned legislation. The Labour Department also acts in a supervisory and advisory capacity.

There are only four registered trade unions in existence at the present time, none of which have members employed in agriculture.

Encouragement is given to the formation of joint staff committees which provide for regular meetings between elected employees' representatives and their employer. Items discussed

include wages, working conditions and welfare matters. The purpose of these committees is not only to prevent disputes arising but to stimulate interest in collective bargaining and to give the employees knowledge that will help them in forming workers' organisations, if and when they so desire.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 12. Workmen's Compensation (Agriculture) Convention, 1921

*This Convention came into force on 26 February 1923*

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*Belgium.* Ratification: 26 October 1932. Applicable without modification: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 26 February 1923. Not applicable to Greenland. No declaration for the Faroe Islands.

*France.* Ratification: 4 April 1928. No declaration on application.

*Italy.* Ratification: 1 September 1930. Not applicable to Italian Somaliland.

*Netherlands.* Ratification: 20 August 1926. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*United Kingdom.* Ratification: 6 August 1923. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application for other British non-metropolitan territories.

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

### *Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 17.

### *Denmark.*

*Greenland.*

The Government points out that this Convention is inapplicable to Greenland. There is no legislation relating to employment injury insurance.

However, a Bill concerning the adaptation of a scheme equivalent in principle to the Danish employment injury insurance Act has been introduced in the Provincial Council this year.

### *France.*

*Cameroons.*

See under Convention No. 17.

*French Equatorial Africa.*

See under Convention No. 17.

### *French Settlements in Oceania.*

The regulations regarding compensation for industrial injuries, applicable to workers employed in local public works, have now been extended to workers in agriculture and stock farming. A census of agricultural workers is at present being undertaken.

See under Convention No. 17.

### *Guadeloupe.*

The application of the legislation concerning the prevention of and compensation for industrial accidents and occupational diseases is entrusted, in each Overseas Territory, to a general social security fund. In Guadeloupe this fund is under the supervision of the Regional Social Security Directorate for the French Antilles and Guiana. An inspector of this directorate is resident at Pointe-à-Pitre, where the Guadeloupe fund has its headquarters.

### *Madagascar.*

See under Convention No. 17.

### *Martinique.*

No special statistics relating to agricultural workers are compiled.

### *New Caledonia.*

Five accidents were reported during 1953.

### *Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

### *New Zealand.*

### *Cook Islands.*

The drafting of regulations has been suspended until an acceptable formula has been devised covering the compulsory insurance of all employers against the risk of accidents to their employees,

without which the complete coverage desired could not be attained. To date it has not been possible to formulate a scheme which might be regarded as acceptable to insurance companies in New Zealand. Meantime, in practice the administration pays compensation to its employees on the basis of two-thirds of their earnings.

See also under Convention No. 1.

#### *Western Samoa.*

See under Convention No. 1.

#### *United Kingdom.*

##### *Bahamas.*

Some Bahamian workers are recruited for agricultural employment in the United States; they are insured against accident under United States legislation and against sickness under a Bahamas Government contributory scheme.

##### *Basutoland.*

There have been no advances in the law or practice relating to the matters dealt with in this Convention during the five years ending 30 June 1954.

In its report submitted to the 34th Session of the International Labour Conference, the Committee of Experts commented on the fact that the application of this Convention to Basutoland had been under consideration for some time without final action being taken. It expressed hopes that the Government would endeavour to resolve the difficulties which had caused the delay. In reply it may be explained that there are at present no wage-earning agricultural workers in Basutoland, other than those employed by the Government, who can be provided for by section 3 of Chapter 104 of the Laws of Basutoland (the Workmen's Compensation Proclamation) and who are also provided for under the pensions legislation relating to government employees (see report on Convention No. 17). Peasants or their families themselves carry out all farming operations on their land, and no Europeans are permitted to own land or to farm in the territory.

##### *Bechuanaland.*

The Bechuanaland Protectorate Workmen's Compensation Proclamation No. 28 of 1936 has been enacted but, up to the present time, it has only been found necessary to apply the provisions of the proclamation to mineworkers (High Commissioner's Notice No. 80 of 1936), and to employment at or about any timber-felling and timber-sawing undertaking, abattoir, creamery, cheese factory, stone quarry or railway, or in connection with well-sinking or water-boring, or with any vehicle or machine driven by mechanical power.

##### *Bermuda.*

The Social Security (Sickness and Workmen's Accident Benefit) Act, 1949, to which reference has been made in previous reports, has not yet been brought into operation.

##### *British Guiana.*

During the period under review there were 9,122 accidents to agricultural workers involving incapacity for three days or more and notified to the Department of Labour. Legislation to raise compensation rates has been passed by the legislature but is not yet in force.

See also under Convention No. 2, paragraph 2 ff.

##### *British Honduras.*

During the calendar year 1953 there were 16 accidents in agricultural undertakings, all of which resulted in temporary incapacity save one case, where there was permanent incapacity. Ten of the accidents arose through the use of hand tools; a total of 24 man-days of employment were lost. Compensation paid out amounted to \$1,286.

##### *British Somaliland.*

Workmen's Compensation Ordinance, No. 7 of 1953.

This Ordinance gives effect to Article 1 of the Convention. It applies equally to agricultural workers as to other workers. There is no special system applicable to agricultural workers.

The application of the Ordinance is entrusted to the Chief Secretary to the Government. No organised inspection is carried out.

During the period under review no decisions by courts of law were given.

The Convention is of little application in this territory. There is no system of accident insurance and no statistical information is available.

##### *Cyprus.*

Workmen's Compensation (Amendment) Laws No. 22 of 1952 and No. 1 of 1954.

Accidents and Occupational Diseases (Notification) Law, No. 32 of 1953.

Workmen's Compensation Rules.

The legislation applies to agricultural workers only when their work is connected with machinery operated by steam, electricity or internal combustion engines. During the year 1953 28 accidents in agriculture, resulting in temporary incapacity, were notified; £248 was paid out in compensation.

The legislation is enforced through the courts. The Commissioner of Labour advises employers and workers in regard to the provisions of the law, receives notices of all accidents under the Accidents and Occupational Diseases (Notification) Law No. 32 of 1953, and collects annual returns.

Workers' organisations have repeatedly pressed for the provisions of the law to be extended to cover all agricultural wage earners employed by large agricultural enterprises.

Copies of the Workmen's Compensation Rules and of the Workmen's Compensation (Amendment) Law, 1954 are appended to the report for Convention No. 17.

##### *Falkland Islands.*

See under Convention No. 2.

##### *Fiji.*

It is regretted that accident statistics are not available. No case is known of an agricultural worker having been refused compensation to which he is entitled by law.

*Gilbert and Ellice Islands.*

Since the Workmen's Compensation Ordinance (No. 6 of 1949) was enacted, two accidents (involving six victims) have been reported in connection with agricultural workers.

The number of workers in agriculture is small—there were not more than 250 at the beginning of 1954.

*Grenada.*

Workmen's Compensation (Amendment) Ordinance No. 250 of 1954.

Agricultural workers come within the scope of the Ordinance, for the administration of which the Commissioner of Workmen's Compensation is responsible. The injured worker or someone on his behalf, makes application to the Commissioner, the parties are summoned to court, the circumstances of the accident examined and the award made. Workers generally receive compensation without recourse to law; some employers insure their employees against accident risks.

*Hong Kong.*

Workmen's Compensation Ordinance No. 28 of 1953.

Since agriculture is almost entirely in the hands of peasant farmers who work their land on a family basis with very little hired labour, it has not been considered necessary to extend the scope of workmen's compensation to cover workers in agriculture, except in so far as they may be included in employments scheduled in the Workmen's Compensation Ordinance of 1953. If at any future time such workers are engaged on a wage-earning basis to operate, for example, agricultural machinery, the necessary legislation could be enacted or such workers could be included in the Workmen's Compensation Ordinance. Although Ordinance No. 28 of 1953 does not cover agricultural workers, by its provisions workers in any industrial undertaking connected with agriculture (e.g. a rice mill) are covered.

*Jamaica.*

In 1953 a local committee was appointed to consider and recommend, *inter alia*, whether the legislation regarding workmen's compensation should be amended to include agricultural workers, and, if so, with what modifications. The committee's report was submitted during the period under review, and its recommendations are receiving consideration.

*Kenya.*

The laws and regulations in Kenya which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment apply to all agricultural wage earners.

Section 1 of the Workmen's Compensation Ordinance provides that the Ordinance shall apply to any employment, or to any employment in any specified area of the colony, as the Governor by notice in the *Gazette*, may direct. By Notice No. 1001 of 30 September 1949 the Governor directed that the Ordinance shall apply to "all employment".

The definition (in section 2 of the Ordinance) of "workman" covers agricultural workers in the same way as other workers; and the power of exception permitted to the Governor in Council of Ministers has not been exercised so as to affect agricultural workers in any way.

The application of the above legislation is entrusted to the Labour Department. Labour officers are distributed over 15 branch offices in the territory, and undertakings in the farming and plantation areas are regularly and frequently inspected. Labour officers report accident cases to the Registrar of Workmen's Compensation in the Department's headquarters in Nairobi, where claims are assessed and arrangements made for the collection and application of compensation payments.

The Convention is fully applied in Kenya by the workmen's compensation legislation, which covers agricultural workers in the same way as other workers. Out of the territory's total wage-earning population of 500,000 there are 232,000 wage earners in agriculture. In respect of these agricultural workers the following information is given for the year 1953: 35 fatal cases, for which £1,908 was paid as compensation; 1 case of permanent total incapacity and 33 cases of permanent partial incapacity, for which £692 was paid as compensation.

*Leeward Islands.*

During the year under review the number of agricultural workers covered by the legislation applying the Convention was estimated to be 3,500 in Antigua and 7,674 in St. Kitts.

A committee appointed to consider amendments to the existing workmen's compensation legislation reported in 1954 and it is anticipated that legislative effect will be given to the committee's recommendations during the year 1954-55.

*Malaya.*

There are no definite statistics showing the number of agricultural workers covered by the Workmen's Compensation Ordinance, but the figure is estimated to be about 308,000. Separate figures for the number and the nature of accidents to agricultural workers only are not known.

*Malta.*

The report includes an extract from the report of the Department of Labour for 1953. This report deals with insurance matters.

It gives statistics and the financial position of the insurance system in Malta. Several tables show the number of employment accidents in private and state industry by age, sex, occupation, nature and occasion of injury, etc.

*Mauritius.*

Workmen's Compensation (Amendment) Ordinance, No. 15 of 1954.

During the period under review there were 2,670 cases of injury, in respect of which compensation was paid amounting to 52,377 rupees and nine fatal accidents, in respect of which compensation was paid amounting to 19,498 rupees.

*Nigeria.*

For legislation see under Convention No. 17.

The benefits of the Ordinance have been extended to all agricultural workers in the service of an employer normally employing not less than ten workers. By reason of this amendment a very substantial number of agricultural workers are now covered by the benefits of compensation for injury by accidents arising out of and in the course of their employment.

*North Borneo.*

Consideration has been given to the further extension of application of workmen's compensation in agriculture, and the necessary legislation is being drafted.

The number of workers covered at the end of 1953 was 11,192. The accidents to agricultural workers which were reported in 1953 numbered 32 and a total amount of \$14,513 was paid in compensation. There was one fatal case, for which compensation amounting to \$3,200 was paid.

*Northern Rhodesia.*

Government Notice No. 151 of 1949.

Ordinance No. 15 of 1950.

Ordinance No. 35 of 1952.

Workmen's Compensation (Commissioner's Formal Enquiry) Regulations, 1953 (General Notice No. 8 of 1953).

General Notice No. 46 of 1953 (Scale of Medical Fees).

Organisations representative of workers in the mining industry have requested that the legislation be amended to increase compensation payments by 50 per cent.

Representative employers' and workers' organisations have been consulted but, as there is a divergence of view as to the basis on which compensation should be calculated, a Select Committee of the Legislature has been appointed to make recommendations.

*Nyasaland.*

Government Notice No. 8 of 1953.

Ratification of a Convention and its application to Nyasaland has no legal effect unless and until legislation is passed covering the provisions of the Convention.

The above-mentioned Notice has extended the Workmen's Compensation Ordinance to every form of employment in the Protectorate with the exception of domestic workers employed otherwise than in the service of an hotel, boarding-house, club or similar undertaking. Workers in agriculture are therefore covered by the Ordinance.

*St. Lucia.*

There are approximately 11,000 persons covered by the legislation. In the sugar industry these workers are covered by insurance; in cases where small employers are unable to insure against accidents, the injured worker is paid his wages as though he were employed.

*Sarawak.*

The Workmen's Compensation Ordinance has been in force since 1 April 1950 but is not yet applied to agricultural workers.

*Seychelles.*

Boiler Explosion Ordinance No. 5 of 1913.

Boiler Explosion (Amendment) Ordinance No. 19 of 1914.

Employment of Servants Ordinance No. 25 of 1945.

Employment of Servants (Outlying Islands) Ordinance No. 26 of 1945.

The introduction of a Workmen's Compensation Ordinance is under consideration. The present position regarding compensation and notification of injury or death is that under the two Ordinances of 1913 and 1914 an employer is required to report injuries or death and to make adequate compensation.

The two Ordinances respecting the employment of servants mentioned above require accidents involving more than three days' incapacity or death to be reported. Both Ordinances are silent as regards compensation but, so far, the labour officer in consultation with the employers has reached agreement as to the percentage of disability in awarding compensation. The few who received minor injuries were well compensated by the employers both by the provision of medical care and by money grants during the period of unemployment.

Copies of the Boiler Explosion Ordinances of 1913 and 1914 are appended to the report.

*Sierra Leone.*

The legislation of this territory is not fully in harmony with the provisions of the Convention, as the Workmen's Compensation Ordinance does not cover all agricultural wage earners. Those covered are specified in section 2 (u) of Public Notice No. 79 of 1940, that is, workers in plantations where not less than 25 persons are employed. New legislation is in the process of enactment but no date has been fixed for it to come into force. This will be dealt with fully in next year's report.

So far the Convention is of little practical effect in the territory as the few agricultural wage earners are confined almost wholly to government employment, and the bulk of agricultural production is still in the hands of peasant farmers who do not employ workers other than the members of their own families.

*Singapore.*

Accurate figures cannot be given of the actual number of agricultural wage earners. From the returns made by employers twice yearly the number would appear to be in the neighbourhood of 2,014, of which the rubber and pineapple plantations account for about 1,200.

*Solomon Islands.*

About 2,250 agricultural workers were covered by the Workmen's Compensation Regulations of 1952. No accidents were reported during the period under review except minor abrasions, cuts, etc., which were treated at the places of employment; and no worker suffered loss of earnings as a result of such minor accidents.

See also under Convention No. 5.

*Swaziland.*

The question of extending the Swaziland Workmen's Compensation Proclamation (Cap. 124

of the Laws of Swaziland) to cover agricultural workers is at present under consideration.

### *Tanganyika.*

Workmen's Compensation (Rules of Court) Rules, 1949 (Government Notice No. 80 of 1949).

Workmen's Compensation Regulations (Government Notice No. 110 of 1949) as amended by the Workmen's Compensation (Amendment) Regulations, 1951 (Government Notice No. 332 of 1951).

The labour enumeration which was carried out by the Labour Department on 31 August 1953 produced the undermentioned statistics in respect of the employment of the indigenous population in concerns of an agricultural nature, excluding employment in the Government Agricultural Department and its ancillary services.

TABLE I

	Adult males	Adult females	Juven-iles	Totals
Sisal . . . . .	126,666	13,702	11,432	151,800
Other agricultural undertakings .	55,690	5,649	12,241	73,580
	182,356	19,351	23,673	225,380

For the purposes of the labour enumeration, agriculture corresponds to Group 01 "Agriculture and livestock production", of the United Nations International Standard Industrial Classification of All Economic Activities.

Since the above table contains particulars of all workers employed in this group on the enumeration date, irrespective of trade, the following table contains particulars of only those workers whose employment is considered to be of a purely agricultural nature, that is, "headman" and "unskilled workers" and excludes tradesmen and clerical workers.

TABLE II

	Adult males: headmen and unskilled workers	Adult females: unskilled	Juven-iles: unskilled	Totals
Sisal . . . . .	116,014	13,702	11,432	141,148
Other agricultural undertakings .	49,670	5,649	12,241	67,560
	165,684	19,351	23,673	208,708

In table III figures are given for the calendar year 1953 in respect of injuries to agricultural workers (the figures in brackets denote the corresponding injuries for the calendar year 1952). It should be noted that these figures refer to the number of injuries reported in respect of all workers employed in undertakings of an agricultural nature, irrespective of trade.

TABLE III

	Total No. of injuries	Fatal injuries	Permanent incapacity		Temporary incapacity
			Total	Partial	
Sisal . . . . .	820 (576)	18 (17)	2 (1)	182 (166)	618 (392)
Other agricultural undertakings . .	136 (237)	10 (10)	— (—)	37 (55)	89 (172)

No instances of deliberate failure to pay compensation assessed by the Labour Department have been reported.

### *Trinidad and Tobago.*

The Government has under consideration the report of a local committee appointed by the Government to consider and make recommendations for the revision of existing legislation governing workmen's compensation in the light of present-day conditions, with due regard to any principles and provisions laid down in current international labour Conventions and Recommendations dealing with the subject.

### *Uganda.*

General Notice No. 978 of 1952, under section 41 of the Workmen's Compensation Ordinance.

Workmen's Compensation (Regulations) under section 42 of the Workmen's Compensation Ordinance (Legal Notice No. 224 of 1949).

Workmen's Compensation (Rules of Court) under section 43 of the Workmen's Compensation Ordinance (Legal Notice No. 94 of 1950).

Section 1 of Cap. 91 of the Workmen's Compensation Ordinance provides for the application of the Ordinance to employment of every kind throughout the Protectorate. The Ordinance does not discriminate between agricultural and other types of employment.

Government medical staff have instructions to report to the Labour Officer of the district every case of injury, etc., which is the result of an accident and considered likely to be compensable. A clerk employed by the Labour Department is stationed at each of the two main African hospitals at Kampala and Jinja, whose sole duty is to note and report all cases which might be compensable.

The superintendents in charge of mission hospitals are familiar with the Ordinance and report to the nearest labour officer or District Commissioner cases which they consider are compensable.

No statistics are available showing the number of accidents reported, etc., for the period covered by this report, but figures for the year 1953 are reproduced in Appendix XIV of the annual report of the Labour Department for 1953, which will be communicated to the I.L.O.

### *Zanzibar.*

Labour Decree No. 10 of 1952.

The reports concerning the other territories reproduce or refer to the information previously supplied.



## 13. White Lead (Painting) Convention, 1921

*This Convention came into force on 31 August 1923*

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*Belgium.* Ratification: 19 July 1926. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 19 February 1926. Applicable without modification: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon, Réunion, Togoland, Tunisia.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 15 December 1939. No declaration on application.

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*France.*

*Morocco.*

Order of the Vizier of 9 September 1953 to establish hygiene measures to be applied in undertakings for the extraction of lead and in industries where workers are exposed to lead poisoning.

White lead, sulphate of lead or products containing these pigments may not be used in painting operations except in the form of paste or paint ready for use.

An Order of 10 September 1953 in application of the Vizierial Order mentioned above establishes the text of a warning notice indicating the dangers of lead poisoning as well as the precautions to be taken to prevent such poisoning and avoid its recurrence. This notice is required to be posted up in workplaces.

*St. Pierre and Miquelon.*

The report states that an order to prohibit entirely the use of white lead and sulphate of lead in painting will be issued very soon and that no use of these products has been reported during the period under review.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 14. Weekly Rest (Industry) Convention, 1921

*This Convention came into force on 19 June 1923*

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*Belgium.* Ratification: 19 July 1926. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 30 August 1935. Applicable without modification to the Faroe Islands and to Greenland.

*France.* Ratification: 3 September 1926. Applicable without modification: Cameroons, French East Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Italy.* Ratification: 8 September 1924. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. Applicable without modification: Cook Islands, Western Samoa. No declaration on application: Tokelau Island.

*Portugal.* Ratification: 3 July 1928. Decision on application to non-metropolitan territories reserved.

*United Kingdom.*<sup>1</sup> Applicable without modification: Bahamas, Basutoland, Bechuanaland, Dominica, Falkland Islands, Gambia, Grenada, Kenya, Leeward Islands, Malta, Mauritius, St. Helena, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda. Decision on application reserved: Aden, Barbados, Ber-

muda, North Borneo, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Gold Coast, British Guiana, British Honduras, Hong Kong, Jamaica, Malaya, Nigeria, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Zanzibar. No declaration on application: British Somaliland.

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

*Denmark.*

*Faroe Islands.*

The Convention is applicable to the Faroe Islands. The Government will supply at a later date information on the manner in which it is applied in these Islands.

*Greenland.*

Regulations of 15 February 1954 respecting unskilled workers.

Regulations of 15 February 1954 respecting skilled workers (handicraftsmen).

The above regulations provide in section 1 that the normal hours of work shall be 48 in the week

(six days a week and eight hours a day) in the case of casual skilled and unskilled labour. No rules have been laid down for workers engaged in private industry. In this connection it should be noted that the question presents no problem in Greenland since similar rules are maintained by the few private employers.

*Article 1 of the Convention.* No provision is made for any distinction between industry on the one hand and commerce and agriculture on the other hand.

*Article 4.* There are no rules on this subject.

*Article 5.* The Regulations of 15 February 1954 provide for the payment of overtime for work carried out on Sundays, in the case of skilled and unskilled workers in the service of the State. No such rules have been laid down for workers employed in private industry.

*Articles 6 and 7.* No exceptions have been made under these articles.

The report refers to the information supplied under Convention No. 5.

#### *France.*

##### *Algeria.*

During the year 1953, 384 infringements were reported. Proceedings were instituted in 130 cases.

Application of the regulations concerning weekly rest require strict supervision by the labour inspectors. The number of contraventions is still high despite the real progress which has been made. In certain commercial and handicraft establishments the application of the Sunday rest interferes with religious customs.

##### *French Equatorial Africa.*

General Order No. 609/DPLC-4 of 19 February 1954, to promulgate Act No. 54-111 of 28 January 1954.

The above-mentioned Act and Order made the Convention applicable in the territory.

##### *French West Africa.*

Decree No. 54-111 of 28 January 1954 to apply the Convention in French West Africa.  
General Order No. 1304 S.E.T. of 19 February 1954.

Rules have been issued to apply the provisions concerning weekly rest in Senegal, Sudan, Guinea, Ivory Coast, Upper Volta, Dahomey, Nigeria and Mauritania. The provisions of these rules are in conformity with those already indicated in the previous report.

##### *French Guiana.*

Labour Code, Book II, Title I, Chapter IV.

Commercial undertakings are included within the scope of metropolitan legislation.

There are a number of permanent, temporary or exceptional derogations to the general regulations governing holidays with pay. A single text of local application has been drawn up to cover bakeries.

Provision has been made for compensatory rest periods to be granted in all cases.

The list of exceptions mentioned in Article 6 of the Convention is the same as for metropolitan France.

The regulations are applied.

##### *French Settlements in Oceania.*

Consular Order of 29 Germinal Year X to provide for the Sunday rest.

Decree No. 54-111 of 28 January 1954 to apply the Convention to the French Settlements in Oceania.

Order No. 1030/IT of 9 July 1954 respecting the posting of notices and keeping of records of timetables of daily hours of work.

*Article 1 of the Convention.* In view of the local and metropolitan traditions it has not been necessary to determine the line of division between industry on the one hand and commerce and agriculture on the other hand.

*Article 4.* In accordance with the second paragraph of section 120 of the Labour Code, a draft Order has been submitted for examination to the trade union organisations.

*Article 5.* The above-mentioned draft Order includes provisions concerning periods of rest in compensation for suspensions or diminutions granted in virtue of Article 4.

*Article 6.* This is inapplicable pending the proclamation of the Order now being prepared.

*Article 7.* The Order of 9 July 1954, which determines how hours of work in non-agricultural occupations should be applied and lays down the system of exceptions to be granted in virtue of section 112 of the Labour Code, stipulates in section 5 that the hours of work and any changes in the hours of work must be posted up in the workplace or noted in a special register. The staff of undertakings can only be employed during the hours so indicated.

The application of the above-mentioned laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation of the French Settlements in Oceania and to his legal substitute, the chief officer of the administrative district. The supervision of this application is carried out through unexpected visits by the labour inspector and by close contact between the labour inspector and the trade union organisations. The Inspector of Labour and Social Legislation has at his disposal a secretariat and personal means of transport. He is fully independent as regards his rounds and inquiries.

##### *French Somaliland.*

Order No. 1545 of 23 December 1953.

Decree No. 54-111 of 28 January 1954 to apply the Convention in French Somaliland.

The methods of application of the provisions concerning weekly rest were laid down in detail during the period under review through the above-mentioned texts, which are of general application.

##### *Madagascar.*

Orders Nos. 2247-IGT and 2248-IGT of 16 November 1953 to fix detailed rules concerning the application of weekly rest provisions.

The above-mentioned Orders were made after consultation with the Joint Central Labour Advisory Board for the territory, which was set up in accordance with sections 162 and 163 of the Labour Code for Overseas Territories of 15 December 1952.

The Government states that these Orders ensure the application of all the provisions of the Convention. They do not, however, apply to persons employed in sea or air transport undertakings; and special regulations apply as regards persons employed in railways.

#### *Martinique.*

Between 15,000 and 20,000 wage earners are protected by the Convention. Employers' and workers' associations in the bakery trade have made observations relating to the application of the weekly day of rest in small bakeries. An agreement was concluded between these organisations with a view to requesting the Prefect to provide for the compulsory closing of bakeries on Sundays throughout the territory.

#### *Morocco.*

Order of the Vizier of 8 May 1931, to supplement the lists of undertakings in which the day of weekly rest may be granted in rotation.

Order of the Vizier of 25 July 1947, to regulate the supervision of the application of the Dahir of 21 July 1947.

Order of the Vizier of 25 August 1947, to list the undertakings in which the day of weekly rest may be suspended.

The day of rest must be granted simultaneously to the whole staff of any given undertaking unless an exception has been authorised under the Dahir of 21 July 1947. The rest must be granted on Friday, Saturday, Sunday or on the day of *souk* (market day).

The provisions of the Dahir of 21 July 1947 do not apply to undertakings in which only the members of one family are employed. The weekly day of rest may be granted in rotation in the undertakings mentioned in section 6 of the Dahir of 21 July 1947 and in the Order of the Vizier of 8 May 1931. The weekly day of rest may be suspended either six times, or 15 times per annum in certain branches of activity, but never more than twice a month.

The employer must inform the labour inspector of the day which he has selected for the weekly rest; this must be posted up in the undertaking. If the day is changed the employer must notify the labour inspector and rectify the notice accordingly. When the day of weekly rest is not granted to the whole of the staff simultaneously the employer must inform the labour inspector of the method by which he is granting the weekly rest; in addition, he must indicate on a notice posted up in the undertaking the names of each wage earner and the day or half day chosen for the weekly rest.

Between 1 January and 31 December 1953, 117 reports were made, in accordance with the Dahir of 21 July 1947, which related to 1,627 contraventions of the legislation respecting the day of weekly rest. It is believed that there were as many contraventions as there were persons to whom the legislative provisions were not applied.

#### *New Caledonia.*

Order No. 1373 of 7 November 1953, to apply section 120 of 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 detailed provisions of the Order are in accordance with all the provisions of the Convention.

All workers in industry and commercial establishments must be granted a weekly rest of at least 24 consecutive hours. The establishments which may grant the weekly rest by rotation are specified in the Order. It also lays down the compensatory periods of rest which must be granted when exceptions from the normal system have been authorised by the competent authorities.

There is provision for consultation with employers' and workers' associations where necessary in the case of temporary exceptions which allow a choice of alternative weekly rest systems.

Overtime may be worked during the weekly rest periods in certain cases on a limited number of occasions during the year; in exceptional cases (rescue work or work to prevent accidents or repair damage caused by accidents). The weekly rest provisions may be suspended without compensatory rest being granted.

All the necessary measures to ensure the application for the weekly rest provisions are provided for in the Order.

#### *St. Pierre and Miquelon.*

Decree No. 54-111 of 28 January 1954, promulgated in the territory by Order No. 118 of 11 March 1954.

Order No. 240 of 13 May 1954, respecting the application of the weekly rest provisions.

The provisions of the Convention were made applicable to this territory by the Decree of 28 January 1954 which was promulgated by Order No. 118.

Weekly rest is regulated under section 120 of the Labour Code for Overseas Territories. The Order of 13 May 1954 indicates how these provisions are to be applied.

#### *Togoland.*

Order No. 278-54/ITLS of 19 March 1954.

This Order applies section 120 of 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.

#### *New Zealand.*

##### *Western Samoa.*

The report states that in general there has been little significant change in the laws and practices of Western Samoa as described in the report for the period 1952-53.

#### *Portugal.*

##### *Cape Verde.*

Legislative Order No. 1103 of 4 October 1952.

The Convention is applied by the above Legislative Order; no difficulties have been experienced in practice.

#### *Timor.*

See under Convention No. 1.

The reports concerning the other territories either reproduce or refer to the information previously supplied.

## 15. Minimum Age (Trimmers and Stokers) Convention, 1921

*This Convention came into force on 20 November 1922*

*Australia.* Ratification: 28 June 1935. Not applicable to all Australian non-metropolitan territories.

*Belgium.* Ratification: 19 July 1926. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 12 May 1924. Applicable without modification to the Faroe Islands and to Greenland.

*France.* Ratification: 16 January 1928. No declaration on application.

*Italy.* Ratification: 8 September 1924. Applicable with modification: Somaliland.

*Japan.* Ratification: 4 December 1930. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 17 June 1931. No declaration on application.

*United Kingdom.* Ratification: 8 March 1926. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man.

Applicable without modification<sup>2</sup>: Aden, Bermuda, North Borneo, Cyprus, Dominica, Gambia, Gibraltar, Gold Coast, Grenada, British Guiana, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Nigeria, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.

Applicable with modification<sup>2</sup>: Fiji, Malaya, Nyasaland, Solomon Islands.

Not applicable<sup>2</sup>: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.<sup>1</sup>

Decision on application reserved: Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Honduras, Leeward Islands.<sup>2</sup>

No declaration on application: British Somaliland.

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

<sup>2</sup> The declarations on the application of this Convention were included in the ratification of Convention No. 83 and will become effective when this Convention comes into force.

### *Australia.*

#### *New Guinea.*

For legislation see under Convention No. 7.

The ratification of the Convention has not been extended to the territory and there is no legislation in force specifically adopting its provisions. All vessels registered in the territory are propelled by means other than steam.

The Statutes of the territory have adopted a variety of definitions of the terms "vessel" and "ship" which conform closely to the definition of "vessel" in Article 1 of the Convention, except that ships of war are not excluded.

Section 21 of the Native Labour Ordinance, 1950-53, provides that a Native shall not be engaged for employment under an agreement if he is under or apparently under the age of 16 years and is not in good health. The same restrictions apply to the employment of casual workers (section 63). In addition, under section 86 of this Ordinance any Native employee or casual worker may not be removed beyond the territorial limits of the territory except with the

permission of the Director of the Department of District Services and Native Affairs and then only to specified places. There is no statutory provision to control the employment or work of non-Native people but it is unlikely that residents of the territory in this category would be engaged for employment or work on vessels as trimmers and/or stokers. So far as Natives are concerned, therefore, the Convention is applied in a practical way.

Article 5 of the Convention is applied through legislation in force which requires that every vessel except vessels under 80 tons trading between different ports of the territory shall maintain in an approved form a record of all persons employed on board. The form of records has special provisions for the recording of particulars of young persons employed.

As regards the authorities entrusted with the application of the legislative provisions giving effect to the Convention, see under Convention No. 7.

#### *Papua.*

See under *New Guinea*.

### *Denmark.*

#### *Faroe Islands.*

Seamen's Act of 1 May 1923 (L.S. 1923—Den. 2). Faroese Act of 22 October 1954 respecting the manning of Faroese ships.

The Seamen's Act of 1923, which fixes at 18 years the minimum age for the employment of young persons as trimmers and stokers, is still in force in the Faroe Islands. The Faroese Act of 1954 also fixes this minimum age at 18 years.

The local Faroese authorities are responsible for insuring compliance with the provisions of the Convention and the regulations.

#### *Greenland.*

As stated in the Declaration of 20 May 1954, the Convention is applicable to Greenland.

The report states that the Regulation of 20 April 1950 also covers employment at sea and adds that the Convention is of no practical importance as there are no vessels of over 200 tons registered in Greenland.

See also under Convention No. 5 for information regarding supervisory authorities, decisions by courts of law, etc.

### *France.*

#### *Cameroons.*

This Convention is purposeless in the territory, since all registered vessels in the Cameroons are equipped with diesel or petrol engines.

*French Equatorial Africa.*

Order of 24 October 1953 concerning the employment of children in the Middle Congo.

Order of 22 November 1953 concerning the employment of children in Ubanghi-Shari.

Order of 24 December 1953 concerning the employment of children in Gaboon.

Order of 3 December 1953 concerning the employment of children in the Chad.

The orders issued in virtue of the provisions of sections 118 and 119 of the Overseas Labour Code, with respect to the employment of children, have been made in respect of each of the territories of French Equatorial Africa.

*French West Africa.*

Local orders issued between 1 July 1953 and 30 June 1954 in application of section 118 (see reports relating to Conventions Nos. 5 and 33) prohibit the employment of children under 18 years of age on board ships as trimmers or stokers.

*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 (section 118) (L.S. 1952—Fr. 5).

Local Order of 5 February 1954 respecting the employment of children.

Children under 18 years of age may not be employed as trimmers or stokers on board ships, and no exception to this rule is authorised; moreover, it is confirmed by the provisions of section 225 of the Act of 15 December 1952.

The supervision of these provisions is ensured by the Inspector of Labour and Social Legislation and by the Maritime Registration Administration.

*Togoland.*

See under Convention No. 8.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*United Kingdom.**Bahamas.*

All local shipping is oil-burning; the ships concerned do not have stokeholds in the accepted sense of the term. The longest journey undertaken does not exceed 400 miles. No need for the application of this Convention has arisen or is likely to arise in the future.

*Barbados.*

Documentary proof of age is required before articles of agreement, necessary for all seamen, can be entered into. The Harbour and Shipping Master does not permit a young person under the age of 18 to enter into articles of agreement in contravention of the provisions of the Convention.

*Bermuda.*

This Convention is of no practical importance in Bermuda, where there are only nine steamships

of local registry and these rarely, if ever, visit the territory.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Brunei.*

See under Convention No. 5.

*Cyprus.*

See under Convention No. 8.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

All vessels excepting two engaged in the coastal trade are powered by means other than steam and no trimmers or stokers are employed. Of the two vessels referred to above, one is an oil-burner but does not employ trimmers and stokers as such. The other is a coal-burner, but is not at present in commission and is not likely to remain in the colony. No young persons under 18 years of age are employed on these vessels.

*Gibraltar.*

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 7 of 1952.

The above-mentioned text gives effect to the Convention.

*Hong Kong.*

The Marine Department has no knowledge of any infringement of the law. No special reports are prepared by the registering authorities, nor do statistics of contraventions or attempted contraventions exist. There were no prosecutions for infringements of the Ordinance during the year under review.

*Kenya.*

*Article 1 of the Convention.* Section 2 of the Employment of Women, Young Persons and Children Ordinance of 1948, as amended in 1950, defines "ship" as including any vessel or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but does not include a ship of war.

*Article 2.* Section 12 of the Ordinance, as amended by Ordinance No. 35 of 1950, prohibits the employment of any young person on work as a trimmer or stoker in any ship.

Section 2 of the Ordinance defines "young person" as a person under the age of 18 years but who has ceased to be a child.

*Article 3.* Section 12 of the Ordinance, as amended, allows young persons to be employed as trimmers or stokers with the approval of the Minister for Labour, on a school-ship or training-ship if such work is supervised by such authority as the Minister may approve.

No exemption has been allowed in respect of vessels mainly propelled by other means than steam.

*Article 4.* No specific provision has been made in accordance with this Article. The position

remains that the prohibition under section 12 of the Ordinance would prevent the employment of any young persons as trimmers or stokers.

*Article 5.* Section 13 of the Ordinance requires every master of a ship to keep a register of young persons employed therein, containing particulars of their ages and of the dates on which they become or cease to be members of the crew; the register shall be open to inspection by any duly authorised officer.

"Duly authorised officer" means, under section 2 of the Ordinance, a labour officer and any officer appointed by the Minister for Labour for the purposes of the Ordinance.

No form of register has been specified for this purpose.

*Article 6.* British articles of agreement made under the United Kingdom Merchant Shipping Acts contain a summary of the provisions of this Convention.

The application of this legislation is entrusted to the Labour Department and the port officers of the East African Railways and Harbours Administration, which is one of the East African High Commission services common to the East African territories. The legislation is enforced by regular and frequent inspections by such government officers.

There is a labour officer specially attached to the harbour and docks in Mombasa.

The Convention is fully applied in Kenya, but there is only one maritime port, Mombasa, in the territory; the other port, Kisumu, is situated on Lake Victoria. In practice, there would be no demand for young persons as trimmers or stokers in either of these ports, nor have there been any contraventions of the prohibition on their employment for such work.

The United Kingdom Government made a declaration in 1950 applying this Convention to Kenya without modification, in terms of Convention No. 83.

*Malaya.*

See under Convention No. 7.

*Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

Labour Code (Amendment) Ordinance No. 34 of 1950.

*Article 5 of the Convention.* The register to be kept is required to contain particulars of dates of birth and of the dates on which the persons concerned become or cease to become members of the crew. No standard form of register has ever been prescribed.

*North Borneo.*

See under Convention No. 7.

*Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

See under Convention No. 5.

*Solomon Islands.*

The Governor of the Protectorate has reviewed the application of this Convention in the light of local conditions, and as no workers are at present engaged as trimmers or stokers, nor is it envisaged that young persons will be so employed in the future, he considers that no modifications or amendments to existing legislation are necessary.

*Tanganyika.*

The Convention has been fully applied. It should be observed, however, that the employment of young persons is normally confined to native vessels in which there is no mechanical means of propulsion and hence there is no need to employ persons as trimmers or stokers.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 16. Medical Examination of Young Persons (Sea) Convention, 1921

*This Convention came into force on 20 November 1922*

*Australia.* Ratification: 28 June 1935. Not applicable to all Australian non-metropolitan territories.

*Belgium.* Ratification: 19 July 1926. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 23 April 1938. Applicable without modification to the Faroe Islands and to Greenland.

*France.* Ratification: 22 March 1928. No declaration on application.

*Italy.* Ratification: 8 September 1924. Applicable without modification: Somaliland.

*Japan.* Ratification: 7 June 1924. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 9 March 1928. No declaration on application.

*United Kingdom.* Ratification: 8 March 1926. Applicable *ipso jure* without modification <sup>1</sup>: Channel Islands and Isle of Man.

Applicable without modification <sup>2</sup>: Aden, Bermuda, North Borneo, Cyprus, Dominica, Gambia, Gibraltar, Gold Coast, Grenada, Hong Kong, Jamaica, Malta, Mauritius, Nigeria, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.

Applicable with modification <sup>2</sup>: Fiji, Kenya, Malaya. Not applicable <sup>2</sup>: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.

Decision reserved <sup>2</sup>: Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Guiana, British Honduras, Nyasaland, Leeward Islands.

No declaration on application: British Somaliland.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*Australia.**New Guinea.*

For legislation see under Convention No. 7.

The ratification of the Convention has not been extended to this territory.

The employment of Europeans, Asians and people of mixed race under the age of 18 years is not regulated by statute but it is most unlikely that a person from those categories would be employed on vessels in the territory. Natives employed under agreement on board ship must not be less than 16 years of age and must be medically examined before entering into the agreement. In relation to these employees the laws of the territory thus are in conformity with the provisions of the Convention.

With regard to casual workers no medical examination is specifically required but, by virtue of section 63 of the Native Labour Ordinance 1950-1953, no worker may be employed unless he is at least 16 years of age and in good health.

Administratively it would be very difficult to apply the provisions of the Convention in respect of casual workers on native-owned craft in remote places.

The legislation in force defines "vessel" in very similar terms to those used in Article 1 of the Convention.

As regards the authorities entrusted with the application of the legislative provisions giving effect to the Convention, see under Convention No. 7.

*Papua.*

See under *New Guinea*.

*Denmark.**Faroe Islands.*

Seamen's Act of 1 May 1923 (L.S. 1923—Den. 2).  
Notification of 23 September 1942 concerning the medical examination of ships' crews.

The report states that the Convention continues to be applied in the Faroe Islands under the provisions of the Seamen's Act of 1 May 1923 as well as the regulations contained in the Notification of 23 September 1942 and, in the case of compulsory tuberculosis examination of fishermen, under the Acts of 21 November 1939 and 10 May 1950 respectively.

The relevant provisions are administered by the local Faroese authorities.

*Greenland.*

The Convention is of no practical importance to Greenland, no vessels of over 200 tons being registered in the territory.

*France.**Cameroons.*

A regulation which is being prepared will provide for the compulsory medical examination of all seamen engaged on local vessels.

*French Equatorial Africa.*

See under Convention No. 15.

*French Settlements in Oceania.*

There are very few young persons employed on ships; they at present number three.

*French West Africa.*

According to the provisions of section 119 of the Labour Code, the Inspector of Labour and Social Legislation may order women and children to be examined by an approved medical practitioner in order to ascertain that the work which they are given is not beyond their strength. Such order must be given if the woman or child so requests.

The woman or child may not be kept on any job which has been found to be beyond her or its strength, and must be given more suitable work. If this is impossible, the contract is terminated with payment of compensation in lieu of notice.

*Togoland.*

See under Convention No. 8.

*Italy.**Trust Territory of Somaliland.*

Ordinance No. 12 of 28 June 1953 concerning the employment of young persons.

The Government reports that the Convention is being applied in accordance with Ordinance No. 12 of 28 June 1953.

During the period under review no infringement was reported by the Labour Inspectorate and no decisions were given by courts of law.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*United Kingdom.**Aden.*

Employment of Women, Young Persons and Children Ordinance (Cap. 47 of the Laws of Aden).  
Ordinance No. 1 of 1951 (Amendment).

*Article 1 of the Convention.* Article 1 is applied by section 2 of the Employment of Women, Young Persons and Children Ordinance.

*Articles 2 to 4.* These articles are covered by section 6 of the Employment of Women, Young Persons and Children Ordinance.

The persons holding the posts of Labour Commissioner and Labour and Welfare Officer are the duly authorised officers.

No decisions of courts of law have been reported during the period under review.

The Labour Commissioner is satisfied that the Convention is observed in detail and that as a general practice no persons under 18 years of age are engaged in Aden for employment on ships.

No observations have been received from employers or workers concerning the operation of this Convention.

There are two representative organisations of workers in Aden, but none of employers.

*Bahamas.*

No Bahamian children or young persons are employed at sea. Inter-island shipping is mostly a family concern and the owner may take his family with him; in this case they may do odd jobs at sea but are not employed at sea. No need for the application of the Convention has arisen or is likely to arise in the future.

*Barbados.*

In practice all persons signing articles of agreement on ships within the scope of the Convention as applied to Barbados are medically examined, including young persons.

*Bermuda.*

See under Convention No. 15.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Brunei.*

See under Convention No. 5.

*Cyprus.*

See under Convention No. 8.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

Statistics are not available as the staff of the Labour Department is stationed on the main island only and is not able to inspect vessels at the many small islands at which they may call. It may be said generally, however, that there is no tendency to employ young persons on vessels and that vessels which do not call regularly at the main ports do not employ regular crews.

*Gibraltar.*

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 7 of 1952.

The above-mentioned text gives effect to the Convention.

*Hong Kong.*

No statistics are available of persons under 18 years of age engaged during the period under review.

No contraventions of the laws applying the Convention have been reported.

*Kenya.*

Apprenticeship Rules, 1952 (Notice No. 759 of 1952).

In 1950 the United Kingdom Government made a declaration that this Convention (in terms of Convention No. 83) was only capable of partial application in Kenya, owing to lack of medical facilities.

*Article 1 of the Convention.* Section 2 of the Employment of Women, Young Persons and

Children Ordinance of 1948, as amended in 1950, defines "ship" as including any vessel or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but does not include a ship of war.

*Article 2.* This Article is only partly complied with by Kenya legislation, and no administrative provision has yet been made to secure fuller compliance.

Section 2 of the Ordinance defines a "child" as a person under the age of 15 years and a "young person" as one who is under the age of 18 years but has ceased to be a child.

The Minister for Labour is required by section 11 of the Ordinance to have regard to the health and physical condition of a "child", if the Minister's special written approval is sought for the employment of such child, over the age of 14 years, in a ship. This requirement would in effect necessitate medical examination of the child by an approved doctor, but it would only apply to a "child" above the age of 14 and under the age of 15 years. Under the same section, children may also be employed on approved training-ships.

Similar provision has not been made, except in the case of ship apprentices, for "young persons", i.e. up to the age of 18 years.

In the case of apprentices generally, Rule 3 of the Apprenticeship Rules, 1952, requires that the apprentice must have been certified fit by a medical practitioner to undertake the tasks required to be performed during the apprenticeship. All deeds of apprenticeship have to be in accordance with these Rules and duly approved by the Labour Commissioner under section 26 of the Employment Ordinance.

As regards exemption from these provisions in the case of employment on a ship in which only members of the same family are employed, section 3 of the Employment of Women, Young Persons and Children Ordinance provides, *inter alia*, such exemption.

Apart from indentured apprentices, therefore, there is no specific legal requirement for the production of a medical certificate attesting fitness of a child or young person for employment on a ship.

*Articles 3 and 4.* There is no specific legal provision to ensure compliance with the terms of these Articles.

The application of the above-mentioned legislation is entrusted to the Labour Department. In so far as it meets the requirements of the Convention, the legislation is enforced by regular and frequent inspections by officers of the Department, and by prosecution in cases of contravention. The Department has a Labour Officer specially posted to the harbour and docks of Mombasa, the sole maritime port in Kenya; Kisumu, the other port of Kenya, is situated on Lake Victoria.

As indicated above, the Convention is not yet fully applied in Kenya.

There is at present no demand for the employment of children or young persons at sea except on native vessels, in which such persons are employed with their families.

During the year under review the Labour Department has received no notification of any such medical examination being required.



*Malaya.*

See under Convention No. 7.

*Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

The Convention is applied by the above-mentioned legislation (Chapter X).

*North Borneo.*

See under Convention No. 7.

*Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

See under Convention No. 5.

*Sierra Leone.*

The provisions of the Convention are not in complete harmony with the legislation in this territory. The provisions of Articles 1, 2 and 4 are included in this territory's laws.

Realising the nature of sea-going employment and the possibility of obtaining easier and lighter

work ashore, children and young persons under 18 years of age had not in the past sought such employment and the provisions of Article 3 have not therefore been embodied so far in any legislation. Consideration is being given to the incorporation of the provisions of this Article in a revised Employers and Employed Ordinance.

*Solomon Islands.*

See under Convention No. 5.

*Tanganyika.*

*Article 2 of the Convention.* In accordance with section 13 (1) of the Employment of Women and Young Persons Ordinance No. 5 of 1940, as amended in 1946, the employment of "young persons" on any vessel is conditional on the production of a medical certificate to the effect that such "young person" is fit for such work. "Young person" is defined in section 2 of the Ordinance as a person under the age of 18 years.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 17. Workmen's Compensation (Accidents) Convention, 1925

*This Convention came into force on 1 April 1927*

*Belgium.* Ratification: 3 October 1927. Applicable without modification: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 17 May 1948. No declaration on application.

*Italy.*<sup>1</sup> Applicable without modification: Italian Somaliland.

*Netherlands.* Ratification: 13 September 1927. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Portugal.* Ratification: 27 March 1929. Decision on application to non-metropolitan territories reserved.

*United Kingdom.* Ratification: 28 June 1949. Application *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man.

Application without modification<sup>3</sup>: Kenya, Malaya, Mauritius, Northern Rhodesia, Tanganyika.

Decision on application reserved<sup>3</sup>: Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Sarawak, Seychelles, Solomon Islands, Zanzibar.

No declaration on application: British Somaliland.

Applicable with modification<sup>3</sup>: all other British non-metropolitan territories.

Order No. 23/434 of 19 December 1953. Amendments and supplements to the Annex to Order No. 23/156 of 12 May 1950 fixing the scale of rates for cases of permanent incapacity. [System applicable to indigenous workers.]

Order No. 23/434 concerns the application of the scales of permanent incapacity, particularly as regards the evaluation of the proportion of such incapacity.

According to the figures on 30 June 1953, there were 535,285 persons insured under the Colonial Invalidity Fund (6,339 employers), 210,810 under the Mutual Fund of the Employers of the Belgian Congo and Ruanda-Urundi (161 employers), 38,181 under the Common Union Fund (8 employers) and 58,326 under the Social Solidarity Fund of the Belgian Congo and Ruanda-Urundi (124 employers).

The amount of benefits in cash was as follows: Colonial Invalidity Fund, 2,500,000 francs; Mutual Fund of the Employers of the Belgian Congo and Ruanda-Urundi, 531,014 francs; Common Union Fund, 106,837 francs; and Social Solidarity Fund of the Belgian Congo and Ruanda-Urundi, 103,067 francs.

The total cost of application was as follows: Colonial Invalidity Fund, 6,935,000 francs; Mutual Fund of Employers, 8,540,300 francs; Common Union Fund, 948,927 francs. (There is no information available concerning the Social Solidarity Fund of the Belgian Congo and Ruanda-Urundi.)

In 1953, 4,974 industrial accidents occurred to indigenous workers and were notified; and compensation was granted in 2,708 cases. There were

<sup>1</sup> Unratified Convention. Italy forwarded a declaration accepting, in the name of the Italian Trust Territory of Somaliland, the application of this Convention.

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

<sup>3</sup> See footnote 2 to Convention No. 15.

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

Royal Order of 3 April 1954 to amend the Order of 7 May 1953 by which the pensions and benefits paid as compensation for industrial accidents and occupational diseases in the case of non-indigenous persons were increased. [System applicable to non-indigenous employees.]

1,896 cases of temporary incapacity of 15 days or more in which compensation was given; 363 cases of permanent incapacity in which compensation was given and 449 cases of death in which compensation was given. Amongst non-indigenous workers, 1,059 accidents were notified, of which 323 were cases of temporary incapacity in which compensation was given, 66 were cases of permanent incapacity in which compensation was given and 17 were cases of death in which compensation was given. Accidents have been classified according to the nature of the work, the amount of harm done and the number of working days lost.

The workers' organisations requested an increase in the wage maximum serving as a basis for the calculation of compensation, as well as full compensation for injury instead of a fixed lump-sum compensation.

The employers' organisations requested a reduction in the waiting period (now 60 days as from the beginning of the incapacity, compensation for incapacity of less than 60 days being charged to the employer).

#### *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 (section 137) (L.S. 1952—Fr. 5).  
Local Order of 30 June 1954.

The Act provides that the employer shall be required to notify the Inspector of Labour and Social Legislation within 48 hours of every employment accident or case of occupational disease in the undertaking. This notification, in a form prescribed by an order made by the chief officer of the group of territories, ungrouped territory or trusteeship territory, after receiving the recommendations of the Technical Advisory Committee, indicates the place, the cause, circumstances and probable consequences of the accident; surname, Christian name, age, sex and occupational category of the victim; the names and addresses of witnesses; and the name and address of the undertaking.

The declaration may be made by the worker or by his representatives up to the expiry of the second year following the date of the accident or first medical certification of occupational disease.

In regard to occupational diseases, the date of the first medical certification of the disease shall be treated as the date of the accident.

The Act is applicable without distinction in agriculture and industry.

##### *French Equatorial Africa.*

Circular of 22 September 1954.

Pending general legislation respecting industrial accidents in the French Overseas Territories, the circular of 30 September 1951 has been replaced by a circular of 22 September 1954. The latter deals with compensation for industrial accidents (daily allowance in the case of unavailability, partial or total incapacity, or death) as well as the manner in which the pensions allocated as compensation will be determined and granted

(fixing of the annual wage to be taken into consideration, redemption of pensions, conditions in which pensions will be paid, possibility of reviewing the rates of the compensation granted).

##### *French Guiana.*

See under *Guadeloupe*.

##### *French Settlements in Oceania.*

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 (section 137) (L.S. 1952—Fr. 5).

Order of 8 October 1951 making compulsory the declaration of industrial accidents.

The report states that a draft law regarding compensation for industrial accidents is at present under examination by the National Assembly; it gives a detailed analysis of the provisions of the Order of 29 May 1950 establishing conditions of labour for workers employed in local public works. The report also states that the application of the Order of 29 May 1950 has been extended to various administrative services and notably to agriculture and stock farming.

The majority of employers have insured their employees with private insurance companies and grant the following benefits to victims of occupational diseases or industrial injuries: in the case of death and permanent total incapacity, two years' wages; in the case of partial permanent incapacity, a lump sum calculated according to the degree of invalidity, taking two years' wages as equivalent to 100 per cent. invalidity; in the case of temporary incapacity, two-thirds of wages for a period of 26 weeks and one-third for a further 26 weeks.

Casual workers are covered in the same way as permanent workers. Registered local seamen or registered seamen from the home country are compulsorily insured with a compensation fund for industrial accidents and occupational diseases.

The total number of employed workers is about 6,000; the number of registered seamen entitled to benefits from the compensation fund is about 1,100; the number of persons coming under the scheme of the Order of 29 May 1950 is about 500.

Eighty-two industrial accidents were reported for the year 1953. The principal causes of accidents were: falls and slipping, 12; fall of various objects, 4; handling of goods, 11; hand tools, 10.

##### *French Somaliland.*

Order of 12 February 1954 in application of the Provisions of Article 137 of the Overseas Labour Code.

This Order establishes the form for notification of employment injuries.

##### *Guadeloupe.*

Act No. 54-1806 of 13 August 1954, to extend the social insurance scheme to the territories of Guadeloupe, French Guiana, Martinique and Réunion and respecting the scheme of industrial accidents and occupational diseases in these territories.

See under Convention No. 35, paragraph 1.

##### *Madagascar.*

During 1953 a total of 1,694 industrial accidents were reported. The main causes were as follows: falls and slipping, 252; fall of various objects, 288;

handling of goods, 229; hand tools, 119; burns, 65; transmission gear and fixed machinery, 98; machine tools, 43; saws, 38; land vehicles, 201; and various types of machinery, 106.

The principal results of these accidents were as follows: temporary incapacity, 1,186; permanent incapacity of less than 50 per cent., 139; permanent incapacity of more than 50 per cent., 12; permanent total incapacity, 1; deaths, 114; results unknown at the time of the compilation of the statistics, 242.

*Martinique.*

See under *Guadeloupe*.

*Morocco.*

Dahir of 17 January 1945.

The Dahir of 25 June 1927 applies to all wage earners in commerce, industry, the liberal professions and forestry work. This legislation applies to homeworkers. The members of the employer's family as well as the employer himself may be covered by the Dahir of 1927 if they take out an insurance policy in which is noted the wage to serve as a basis when calculating accident compensation. Casual work outside the employer's undertaking is not excluded from the scope of the Dahir of 1927; moreover, this text does not provide for a maximum income in view of the determination of its scope.

If the permanent incapacity is less than 10 per cent. the injured person may, after the expiry of the period for revision, which is five years from the date when the degree of incapacity can be considered as stabilised, ask that his pension be converted into a lump-sum payment. The injured person must make this request to the person who is obliged to pay the pension. In the case of a temporary incapacity, the daily allowance is granted to the injured person as from the day following the accident. Injured persons who require the constant assistance of another person are entitled to an increased allowance amounting to one-quarter of their pension but this increase may not be less than 104,000 francs per annum. Pensions may be revised at the request either of the injured persons, or of the employer or his insurer, within the five years from the date when the degree of incapacity can be considered as stabilised. The request for a revision may be made in the course of the last two years if the person concerned thinks it desirable; after this period of two years, a further period of one year must pass before another revision may take place.

Persons injured as a result of industrial accidents are entitled to the supply, repair and renewal of artificial limbs and surgical appliances after having proved their need for these objects before the court of the locality where the accident took place. They are then registered at the Casablanca centre for artificial limbs which ensures the supply, renewal and repair of such apparatus, as well as a control in order to avoid any abuses. No supplementary cash benefits are granted.

*New Caledonia.*

In 1953, 507 industrial accidents were reported.

*Réunion.*

See under *Guadeloupe*.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.*

*Cook Islands.*

See under Conventions Nos. 1 and 12.

*Western Samoa.*

See under Convention No. 1.

*Portugal.*

*Angola.*

Five industrial accidents were reported during the period under review. No difficulties were encountered in applying the principles of the Convention.

*Cape Verde.*

Legislative Order No. 1175 of 19 June 1954.

The above Legislative Order was issued to ensure a more effective application of industrial accident legislation. A schedule of physical disability rates has been approved. A few cases of industrial accidents were settled by agreement between the parties, without legal proceedings having to be instituted.

*Portuguese Guinea.*

Industrial accidents involving members of the indigenous population led to 53 lawsuits being filed under the Indigenous Labour Code; 51 resulted in the award of pensions and two are still pending.

*S. Tomé and Príncipe.*

During the period under review 80 cases of industrial accidents were brought before the courts with a view to fixing pensions and indemnities; 57 of them were settled. The amount paid out in pensions and indemnities was 97,555 escudos.

*Timor.*

See under Convention No. 1.

*United Kingdom.*

*Aden.*

This Convention is covered by the provisions of the Workmen's Compensation Ordinance (Cap. 143 of the Laws of Aden). This text has been amended recently by Ordinance No. 6 of 1953 by which provision is made (1) to bring within the scope of the Ordinance persons who are "workmen" within the meaning of the Ordinance employed on ships registered in the colony and ships of which the owner or manager resides or has his principal place of business in the colony,

where such persons are killed or injured during the course of their employment while outside the territorial jurisdiction of the colony courts; (2) to allow an officer of the Labour and Welfare Department to represent a workman in court proceedings arising out of a claim by such workman or his dependants for compensation under the Ordinance. It is considered desirable that a workman should be represented by an officer of the Labour and Welfare Department, in such proceedings, the majority of which, although not calling for legal argument, do require to be instituted by an educated person familiar with the provisions of the Ordinance as a whole.

#### *Barbados.*

Consideration is being given to amending the workmen's compensation legislation to cover provisions of the Convention which are not at present implemented. While there is no legal provision giving effect to Article 9, in practice insurers have agreed among themselves to pay medical fees, etc., incurred by an injured worker up to a maximum of \$24.00 B.W.I. It is estimated that 61,000 out of an estimated labour force of 76,000 are covered by the legislation. The total number of accidents reported was 426, three of which were fatal.

#### *Basutoland.*

Basutoland Pensions Proclamation (No. 1 of 1950).

*Article 2, paragraph 1, of the Convention.* Under section 1 (3) of the Workmen's Compensation Proclamation (Chapter 104 of the Laws of Basutoland) the High Commissioner may apply the provisions of the Proclamation to any employment or to any employment in any specified part of Basutoland. Section 3 of the Proclamation permits its application to servants of the Crown.

The total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments was estimated in the 1946 census to be approximately 7,400. About another 6,400 are engaged in miscellaneous occupations, including those conducting their own trades or businesses.

Approximately, 1,000 government employees are covered by the special schemes provided by the Basutoland Pensions Proclamation. The Workmen's Compensation Proclamation has not yet been applied by the High Commissioner to the remainder under the powers granted by section 1 (3) and section 3 of the Proclamation.

With the exception of the Basutoland Government there are no employers of labour on a large scale, most other concerns being small family businesses.

Advances in the law and practice relating to the matters dealt with in this Convention during the five years ended 30 June 1954 are as follows:

(1) The promulgation in 1950 of the Basutoland Pensions Proclamation (No. 1 of 1950), which provides for the granting under certain circumstances of compensation to officers serving in pensionable posts in the government service (see Article 3 (2) of the Convention). A copy of this proclamation was transmitted with the report for 1949-50.

(2) A statement of policy in 1950 in respect of government employees, which provides that where a person is not entitled to compensation under the Basutoland Pensions Proclamation the High Commissioner may authorise the payment of an *ex gratia* award calculated on the lines of the Workmen's Compensation Proclamation (Chapter 104 of the Laws of Basutoland), a copy of which is appended to the report on Convention No. 12, notwithstanding the fact that the Workmen's Compensation Proclamation has not yet been applied to any type of employment under the power granted by section 1 (3) of the Proclamation. Furthermore, compensation calculated according to the Workmen's Compensation Proclamation may be granted to government employees who are entitled to be compensated under the Pensions Proclamation if in the opinion of the Government the benefits allowed by the Workmen's Compensation Proclamation would be to the greater advantage of the beneficiary.

#### *Bechuanaland.*

High Commissioner's Notice No. 170 of 1952.

So far the Proclamation has been applied only to employment at or about a mine (High Commissioner's Notice No. 80 of 1936) and to employment at or about any timber felling and timber sawing undertaking, abattoir, creamery, cheese factory, stone quarry, railway, or work in connection with well-sinking or water-boring and any vehicle or machine driven by mechanical power.

Pensionable employees of the Government are not subject to the Proclamation.

The total number of employees, excluding agricultural workers, is 5,000, made up as follows: trade and industry, 1,800; building, 300; domestic service, 2,000; government service, 1,500.

#### *Bermuda.*

See under Convention No. 12.

#### *British Guiana.*

There are approximately 75,000 workers covered by the provisions of the workmen's compensation laws; the total number of workers gainfully employed is estimated at 100,000. During the period under review 15,829 accidents were reported to the Department of Labour.

See also under Convention No. 2, paragraph 2 ff.

#### *British Honduras.*

During the calendar year 1953 the number of accidents reported was 314, of which six were fatal and five resulted in permanent partial incapacity. A total sum of \$14,688 was paid out in compensation.

#### *British Somaliland.*

Workmen's Compensation Ordinance No. 7 of 1953.

No regulations have been made under this Ordinance.

*Article 1 of the Convention.* This Article is applied by the provisions of Part II of the Ordinance.

*Article 2, paragraph 1.* Under section 2 (1) of the Ordinance the following classes of persons are exempted from the definition of "workman": (a) any person employed otherwise than by way of manual labour whose earnings exceed 10,000 shillings a year; (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business not being a person employed for the purposes of any game or recreation and engaged or paid through a club; (c) an out-worker; (d) a tributer; (e) a member of the employer's family dwelling in his house or curtilage; or (f) any class of persons whom the Governor may, by order, declare not to be workmen for the purposes of the Ordinance.

In Government Notice No. 75 of 1953 domestic servants have been declared not to be "workmen" under section 2 (1) (f) of the Ordinance.

Paragraph 2, subparagraph (a). There is no definition of employment of a casual nature.

Subparagraph (b). The definition of out-workers is as follows: "'Out-worker' means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles".

Subparagraph (c). Members of the employer's family are defined as follows: "'Member of the family' means: (a) when used in relation to a Native, any one of those persons mentioned in the First Schedule hereto, according as the family is based on the paternal or maternal system<sup>1</sup>; (b) when used in relation to any person not being a Native, the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister".

Subparagraph (d). A non-manual worker whose annual income exceeds 10,000 shillings a year is deemed not to be a workman.

*Article 3.* No special scheme in respect of seamen and fishermen exists or has been designated.

*Article 4.* Specific legislation has not been enacted.

*Article 5.* In regard to accidents resulting in permanent incapacity, section 9 (1) of the Ordinance provides for payment of compensation either by periodical instalments or in a lump sum.

In regard to accidents resulting in death, section 12 (1) of the Ordinance provides that compensation shall be payable as the court may direct. The court is the authority to decide whether payment shall be in a lump sum or by instalments and has a discretion as to what guarantee it may exact as to the proper utilisation of the compensation.

*Article 6.* In the case of incapacity compensation is payable from the time of the accident, unless the incapacity lasts less than four weeks, in

which case no compensation is payable in respect of the first three days (see section 9 (1) (a) of the Ordinance).

Under section 5 (1) of the Ordinance compensation is payable by the employer unless otherwise ordered by the Governor under section 26 (1).

*Article 7.* Section 7 (2) of the Ordinance provides as follows: "Where an injury results in permanent total incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be paid amounting to one-quarter of the amount which is otherwise payable under this section".

*Article 8.* Provisions relating to supervision and review are contained in section 18 of the Ordinance.

*Article 9.* Provisions regarding medical aid, etc., are contained in sections 31 to 33 of the Ordinance. There is no provision to enable the supply of artificial limbs, etc., to be replaced by a cash payment.

*Article 11.* Provisions regarding insolvency of an employer are contained in section 27 of the Ordinance.

The application of the Ordinance is entrusted to the Chief Secretary to the Government. No organised inspection is carried out.

No decisions by courts of law have been given.

The Convention is of little application in this territory. There is no system of accident insurance and no statistical information is available.

#### *Brunei.*

The terms of the Workmen's Compensation Enactment, 1950, do not quite correspond to those of the Convention as regards Article 1, but draft legislation is being prepared to remedy this. With regard to Article 2, section 2 (1) of the Enactment excepts certain classes of casual workers, out-workers, members of the employer's family dwelling in his house and any class of persons whom the Resident may by public notification declare not to be workmen for the purpose of the Enactment. Compensation payable in the case of an accident resulting in permanent incapacity or death is paid to the injured person or his dependants as a sum, but compensation in the case of the death of a workman is paid into court and may be distributed, paid, invested, applied or otherwise dealt with for the benefits of the dependant as the court thinks fit. It is provided that the employer shall not be liable in respect of any injury which does not prevent the workman for a period of at least one week from earning full wages at the work at which he is employed; steps are at present being taken to amend this provision to bring it into line with the Convention. Additional compensation is payable in cases where an injury results in permanent total incapacity of such a nature that the injured workman must have the constant help of another person.

Early in 1955 legal provision will be made to ensure that injured workmen are entitled to hospital accommodation, equipment, medical attendance and treatment, including diet whilst in hospital.

<sup>1</sup> Paternal system: mother, father, wives, son, daughter, brother, sister, father's brother, father's father.

Maternal system: mother, father, wives, son, daughter, brother, sister, mother's mother, mother's brother, mother's sister, sister's son, sister's daughter, mother's sister's son, mother's sister's daughter.

The possibility of applying this Convention fully or with modifications will be examined. No advisory board has yet assembled.

The Controller of Labour is responsible for general supervision.

#### *Cyprus.*

Workmen's Compensation (Amendment) Law No. 1 of 1954.

Workmen's Compensation Rules.

Amending legislation enacted during the period under review provided for the payment of compensation in cases where the death of a worker was caused by one of the diseases specified and the disease was due to the nature of the employment in which the worker was employed at any time within 12 months previous to the date of the incapacity, whether under one or more employers. Tuberculosis is not one of the diseases specified unless it is contracted by a workman employed in a hospital or sanatorium on the date of incapacity or within 12 months previous to the date of incapacity and engaged in an occupation bringing him into close and frequent contact with persons undergoing treatment for tuberculosis.

In 1953 benefits in cash to the amount of £17,102 were paid in compensation, representing an estimated 4 shillings and 6 piales per person covered by the legislation. During the same period 1,053 accidents were reported, five resulting in death, eight in permanent total incapacity, 24 in permanent partial incapacity and 1,026 in temporary disablement. Eighty-seven cases which occurred in 1953 had not been settled by the end of the year and are not included in the above figures.

Copies of the above-mentioned legislation are appended to the report.

#### *Falkland Islands.*

One death was reported during the period under review.

See also under Convention No. 2.

#### *Fiji.*

Workmen's Compensation (Amendment) Ordinance No. 20 of 1953.

*Articles 1, 2, 3, 4 and 8 of the Convention.* These Articles are substantially applied.

*Article 5.* Lump-sum payments are always made in the event of permanent incapacity or death. There is no legal provision to permit the compensation to be paid in the form of a pension nor is this considered necessary. There is likewise no legal enactment to ensure that compensation paid will be properly utilised.

*Article 6.* Accident compensation is payable as from the first day provided the incapacity lasts more than four days.

*Article 7.* This Article is not applied.

*Article 9.* The employer is responsible for such aid up to a cost of £12. Thereafter free treatment is available at government hospitals to all Indians and Fijians and to workmen of other races who are unable to pay fees.

*Articles 10 and 11.* These Articles are not applied. However, no case is known where compensation payable to a worker was not made on account of the insolvency of the employer.

During the year 1953 the total number of workers, excluding seamen, fishermen and agricultural workers, was approximately 17,000. All these workers are covered by the legislation. Figures of the amounts payable in compensation are not available as most cases are settled directly between employer and employed without recourse to the courts. The total number of accidents reported during the year 1953 was 307, five of which were fatal, 13 involved permanent, total or partial incapacity, whilst 289 persons suffered temporary incapacity. No figures are available of the total cost of the application of legislation respecting workmen's compensation.

#### *Gambia.*

A draft Bill to amend the Workmen's Compensation Ordinance No. 18 of 1940 is under consideration by the Government. The approximate number of workmen covered is 4,570. The total amount paid in compensation was £10,533. Six accidents were reported, two of which were fatal.

#### *Gibraltar.*

Employment Injuries Insurance (Amendment) Ordinance No. 1 of 1954.

During the period under review amending legislation made injury benefit payable as from the first day of incapacity, regardless of the length of such incapacity (Article 6 of the Convention).

Out of a total labour force of 21,000 about 20,500 are covered by the Employment Injuries Insurance scheme and 170 by other arrangements. Benefits in cash totalled £7,978 5s. 8d. being an average cost per person of 7s. 9d.; the cost of benefits in kind (mostly for hospital treatment) was £2,893 10s. 9d. giving an average of 2s. 10d. per insured person. The number of industrial injuries reported was 1,048, the majority being minor accidents. Further amendments to the legislation are envisaged, the most important of which will revise procedures in respect of claims.

#### *Gilbert and Ellice Islands.*

At the end of 1953 the British Phosphate Commissioners employed at Ocean Island and Nauru 1,286 colony Natives, 62 Europeans and 57 Chinese skilled and unskilled workers.

The Cable Company at Fanning Island employed 13 Europeans, one Chinese, three Fiji Indians and 27 colony Natives. Pan American Airways at Canton Island employed about 50 Europeans and other races and 50 colony Natives. Although the copra plantations in the Line Islands employed a large number of men, the great majority of these are occupied on fishing and agricultural work. The Native government senior officials number 216 and there are also 300 subordinate officials. Excluding casual labourers, full-time government employees number about 450.

Of these, all the Native staff come under the provisions of the Workmen's Compensation Ordin-

ance (No. 6 of 1949), as do the Chinese at Ocean Island.

A government labourer who injured three of his fingers on 7 September 1953 was paid £A.29 3s. 2d. compensation. The sum of £A.175 10s. was paid, in respect of a man who was killed in the Line Islands on 6 June 1953, to his next of kin who were partially dependent on his earnings. The same employers, Fanning Island Plantation Limited, paid £A.909 in June 1953 in compensation to the next of kin of five men who were lost at sea when fishing. No other accidents coming under the provisions of the Ordinance were reported during the period under review.

#### *Gold Coast.*

Article 11 of the Convention is applied by section 26 of the Workmen's Compensation Ordinance, 1940, which protects the claims of a workman for workmen's compensation in the event of the insolvency of an employer, being a company incorporated under the Companies Ordinance and having entered into a contract with an insurer in respect of liability under this Ordinance.

Returns rendered by employment exchanges as at 31 December 1952 indicated that at least 215,000 persons were engaged in wage-earning employment, of whom it is estimated that approximately 169,000 are covered by the Workmen's Compensation Ordinance of 1940. A total of £21,563 was paid in cash, i.e. an average of 2.51 shillings per person. Seventy-three fatal and 3,436 non-fatal cases were reported.

#### *Grenada.*

Workmen's Compensation (Amendment) Ordinance No. 250 of 1954.

In respect of Article 2 of the Convention, the legislation provides that persons employed otherwise than by way of manual labour whose remuneration exceeds 1,920 dollars per year, or such sum as may from time to time be fixed by order of the Governor in Council, shall not be regarded as workmen.

The 1954 amendment to the Workmen's Compensation Ordinance makes provision for the payment of certain medical expenses by the employer.

The average number of persons employed during 1953 in the undermentioned services and falling within the scope of the local laws and regulations was as follows: government employees (artisans, apprentices, etc.), 1,140; persons employed in offices, shops, etc. (porters, etc.), 265.

There were two cases involving the payment of compensation totalling \$573.32 during the year ended 30 June 1954.

#### *Hong Kong.*

Workmen's Compensation Ordinance No. 28 of 1953.

Workmen's Compensation Regulations, 1953.

Workmen's Compensation (Rules of Court) Rules, 1953.

Workmen's Compensation (Amendment) Ordinance No. 50 of 1954.

The enactment of the above legislation has given statutory effect to what had for some years been provided through voluntary agreements.

*Article 1 of the Convention.* At present the 1954 Ordinance does not in some respects (sections 7 and 10) go as far as the Convention as,

in local circumstances, it is of greater importance to get a minimum practicable enforcement of the principle that injuries sustained in the course of employment should, *ipso facto*, be subject to compensation payments. It will remain an aim of policy to secure, at the earliest possible opportunity, full compliance in those respects in which the current legislation falls short of the Convention.

*Article 2.* The 1954 Ordinance not only includes industrial establishments as such but applies to workmen, employees and apprentices in a wide variety of employments in which there is likely to be a danger of incurring injury. In due course it is hoped to do away with the schedule of employments and to include all contracts of service, with the few generally recognised exceptions.

Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business are excluded from the provisions of the Ordinance by section 2 (1) (b). No definition of casual employment is given in the Ordinance. An out-worker is defined in the Ordinance in section 3 as a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles.

Members of the employer's family dwelling in his house are excluded by section 2 (i) (d) and are defined by section 3 as meaning not only lineal ascendants and collaterals but also such persons to whom relationship is created by blood or by any adoption recognised as valid by the law of the colony, provided that in the case of a lawful Chinese customary marriage, "wife" shall mean the "kit fat" or "tin fong" wife. For manual workers, the limit of remuneration is fixed at \$700 per month.

*Article 3.* The Ordinance does not take advantage of this exception as it is considered more in accord with local circumstances that local seamen and fishermen should in fact be included.

*Article 4.* The Ordinance does not apply to agriculture or any agricultural operation as such.

*Article 5.* It has been considered advisable, and the principle has been incorporated in the Ordinance, that compensation in cases of death or serious injury shall be by way of lump-sum payments. In cases of permanent injury, however, the Ordinance allows periodical payments for temporary incapacity at the earliest possible date after the injury has been incurred, with a lump-sum payment payable when the degree of permanent incapacity has been medically determined with some expectation of finality. Similarly, where death results from injury, the court may, though making an order for a lump-sum payment, provide that this lump sum shall be paid out by instalments, if it appears in the best interests of the payees that this should be so. Since the enactment of the Ordinance it has become a matter of administrative practice that the court shall have the advice of the



Social Welfare Officer as to the appropriate order in the case of dependants of a deceased workman.

*Article 6.* Compensation is payable on the fourth day after an accident, i.e. it is not payable for the first three days unless the incapacity lasts for 14 days or more, when compensation is payable for the whole period of incapacity. In all cases, compensation is payable by the employer. He may, if he wishes, take out insurance cover, but this in no way affects his primary liability under the Ordinance.

*Article 7.* The Ordinance does not, as yet, make provision for such additional compensation.

*Article 8.* Section 18 of the Ordinance deals with the question of review of periodical payments. This review can be either of agreements between the parties or orders of the courts, the court being the reviewing authority. So long as periodical payments are being made there is no limitation of time under section 18, though there is a limitation in the amounts payable by virtue of section 9 (1) (c). Provision is made for appeals.

*Article 9.* The injured workman is given free medical examination and treatment at the employer's expense. In practice nearly all cases are sent to government hospitals, where the amount to be paid on behalf of the injured workman is determined by the almoner of the hospital concerned. Furthermore, this aid to the injured workman includes surgical and pharmaceutical aid. If he refuses the treatment prescribed or nullifies it by his own deliberate act, the responsibility of the employer may be proportionately decreased, as also may be the amount of compensation due. In such cases it may become the responsibility of the injured person himself to pay for any necessary treatment. There is no limit of time for treatment.

*Article 10.* The Ordinance does not impose any legal liability on employers for the provision of orthopaedic aids. In practice, however, it has been found that many employers have voluntarily provided artificial limbs, while a well-known manufacturer of such aids quotes specially low prices for workers.

*Article 11.* Instances of an employer entering into a contract with an insurer (voluntary insurance) are increasing rapidly. The Ordinance provides in section 27 that in the event of an employer becoming bankrupt, his rights against the insurers shall be transferred to and vested in the workmen. In every case where the employer has not taken out insurance, provision is made by section 27 (3) for the inclusion of compensation payments as priority payments in bankruptcy proceedings, or in the compulsory winding up of a business, as the case may be.

Reports of all accidents involving absence from work of three days or more must be made through the Labour Department. Agreements in respect of permanent injuries can not only continue to be made with the approval of the Commissioner of Labour but they do not any longer require payment through the courts as

a result of amendments to the Ordinance of 17 December 1954. Fatal and disputed cases after the preliminary investigations have been carried out are transferred to the district courts which were established in 1953. At all stages and in all cases the inspectors of the Labour Department may be required to make further investigations.

Since the Ordinance came into force there has been a great increase in the number of cases reported, since minor accidents resulting in temporary disability which might previously have been considered not sufficiently important are now freely reported and the compensation agreed. An increasing number of Chinese firms are taking out workmen's compensation insurance with local insurance companies. Some difficulty has been experienced in connection with the fishing industry, but it is hoped that an acceptable solution will soon be found.

No decisions involving questions of principle have as yet been given by the local courts.

#### *Jamaica.*

Insurance in respect of the employer's liability under workmen's compensation legislation is not compulsory but is voluntarily contracted by a substantial number of employers in the territory. No statistical information is available for the period under review.

#### *Kenya.*

Workmen's Compensation (Rules of Court) Rules (Notice No. 1139 of 1950).

Workmen's Compensation (Excepted Persons) Order (Notice No. 1163 of 1951).

Workmen's Compensation Regulations (Notice No. 1065 of 1949).

Workmen's Compensation (Amendment) Regulations (Notice No. 1219 of 1951).

Workmen's Compensation (Medical Aid Fees and Charges) Regulations (Notice No. 1893 of 1953, replacing the former Regulations of 1949).

Guide to Procedure for Employers and Workmen on Claims for Compensation (Labour Department Pamphlet, 1950).

Labour Department Circular No. 6 of 1952, on procedure for labour officers handling claims.

Government (Establishment) Circular No. 18 of 1952, laying down procedure for claiming compensation on behalf of government workmen.

*Article 1 of the Convention.* The Kenya Workmen's Compensation Ordinance ensures that workmen who suffer personal injury due to an industrial accident, or their dependants, are compensated on virtually the same terms as those provided by the Convention. The discrepancies, as shown below, concern the payment of compensation in pension form and the maximum limits to the value of medical aid and artificial limbs supplied.

*Article 2, paragraph 1.* The Ordinance applies to all workers defined in section 2 of the Ordinance (subject to the exceptions mentioned hereunder) as including any person under a contract of service or apprenticeship with an employer, whether by way of manual labour or otherwise, whether the contract is express or implied, is oral or in writing, whether the remuneration is calculated by time or by work done, and whether by the day, week, month or any longer period.



Section 1 of the Ordinance empowers the Governor to apply the Ordinance, by notice in the *Gazette*, to any employment or to any employment in any specified area. Notice No. 1001 of 1949 in fact applied the Ordinance to "all employment", regardless of the industry or the nature of the undertaking or establishment.

Paragraph 2. The exceptions from the definition of "workman" under section 2 of the Ordinance are as follows:

(a) A person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club. There is no further definition of casual employment. In practice, the definition of "casual labour" in section 2 of the Employment Ordinance, as meaning any person the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than 24 hours at a time, does not exclude such labourers, since they are almost without exception deemed to be engaged for the purposes of the employer's trade or business.

(b) An out-worker, who is defined in section 3 of the Ordinance as a person to whom articles or materials are given out to be made up, cleaned washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles.

(c) A member of the employer's family dwelling in his house or curtilage. Section 3 of the Ordinance defines a member of the family as meaning (i) when used in relation to an African, any one of the persons listed, respectively, under either the paternal or the maternal family systems in the First Schedule to the Ordinance, according as the family is based on the paternal or the maternal system; (ii) when used in relation to any person not being an African, the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister.

(d) Any person employed otherwise than by way of manual labour whose earnings exceed £500 per year.

(e) A tributer, who is defined in the Ordinance as a person who is granted permission to win minerals, receiving a proportion of the minerals won by him or the value thereof.

(f) Any class of person whom the Governor in Council of Ministers may, by Order, declare not to be workmen for the purposes of the Ordinance. By Notice No. 1163 of 1951, the Governor so declared to be excluded from the Ordinance civil servants of the Kenya Government and East African High Commission in receipt of injury pensions or gratuities under other arrangements (see under Article 3 below). Section 4 of the Ordinance also applies its provisions to workmen employed by or under the Crown, as if the employer were a private person, but *excludes* persons in the naval, military or air services of the Crown (other than locally engaged civilian employees) and also persons in the civil employment of the Crown (otherwise than in the governments of

British East Africa). In this connection see Article 3 below.

Article 3. Although seamen and fishermen are excluded from the scope of this Convention, they are in fact covered by section 28 of the Kenya Workmen's Compensation Ordinance.

The persons excluded from the scope of the Workmen's Compensation Ordinance on account of their being covered by some special scheme, the terms of which are not less favourable than those of this Convention, are—(a) persons in the civil employment of the Crown otherwise than in the British East African Governments, and military, naval and air service personnel; (b) civil servants of the Kenya Government and the East African High Commission, who elect to receive an injury pension or gratuity under other legislation, in lieu of compensation under the Workmen's Compensation Ordinance.

In the case of (a) above, the regulations are those of the United Kingdom Civil Service.

In the case of (b), civil servants who were in the employ of the Kenya Government (or the East African High Commission) before 13 June 1950 have the option, in certain circumstances, of accepting benefits under the Workmen's Compensation Ordinance or benefits under the Kenya Pensions Ordinance (No. 31 of 1950), or the High Commission Pensions Act (No. 5 of 1950), as the case may be, whichever benefits are more advantageous to him (or his dependants).

Two copies of each of the above enactments are appended to the report.

Article 4. Although this Convention does not apply to agriculture, the above legislation covers agricultural workers in the same way as other workers.

Article 5. Section 9 (1) of the Ordinance provides for the payment of periodical (monthly) payments pending assessment of the degree of permanent incapacity (if any). Such payment may in certain cases be converted into a lump sum either by agreement or by court order.

Under section 12 the final compensation sum payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, has normally been paid up to the present in a lump sum. More extensive use is now being made, however, of the Post Office Savings Bank, into which the compensation is paid and arrangements are made for the workman, or his dependants, to make periodical, limited withdrawals from the account. Payments are not yet made in the form of pensions.

Every effort is made by officers of the Provincial Administration to see that lump-sum payments are properly utilised. It is the responsibility of the labour officers or the courts, as the case may be, to decide whether payments shall be in whole or in part by lump sum.

Article 6. In accordance with section 5 compensation is payable in respect of any injury which incapacitates the workman for a period of more than four consecutive days from earning full wages at the work at which he was employed. Section 9 provides that if the incapacity lasts less than four weeks no compensation is payable in respect of the first three days. The compensation is payable by the employer himself, but an increasing number of employers are covering their liability by taking out a policy of insurance.

*Article 7.* Section 7 ensures that in cases where a medical officer certifies that the injury has resulted in incapacity of such a nature that the injured workman must have the constant help of another person, 25 per cent. additional compensation to that laid down in section 7 (1) of the Ordinance is payable.

*Article 8.* Section 18 of the Ordinance makes provision for compensation to be reviewed by the court on the application of the employer or the workman. Labour officers and medical officers of the Government keep the more difficult cases under observation, and ensure that deserving cases are brought before the courts. If the application is based on the changed physical condition of the workman, the application, must be supported by a certificate of a medical practitioner. Any periodical payments may, on review under section 18, be continued, increased, diminished or converted into a lump sum. In its review of any periodical payments the court has regard only to the capacity for work of the workman as affected by the accident.

*Article 9.* Under section 32, the workman is entitled to all reasonable medical, surgical and hospital treatment, skilled nursing services, and the supply of medicines, up to a maximum value not exceeding £100. The cost of medical aid is due from the employer.

The maximum charges for medical and surgical aid are laid down in the Workmen's Compensation (Medical Aid Fees and Charges) Regulations, 1953.

*Article 10.* On a certificate being issued by a medical practitioner under section 32 of the Ordinance, the workman is entitled to the supply and renewal of non-articulated artificial limbs and apparatus, up to an aggregate value not exceeding £50. As at present worded the Ordinance does not specifically refer to other surgical appliances. There is no legal provision for the supply and renewal of such artificial limbs and appliances to be substituted by the award of additional compensation in cash. The supply and maintenance of artificial limbs and apparatus is undertaken by a Government Orthopaedic Centre, and payment is made direct by the employer to the Government and not to the workman.

*Article 11.* Under section 27 (1), when an employer who is insured becomes bankrupt, the rights of the employer against the insurers as respects the liability for compensation are vested in the workman. If the employer is not insured, the workman's claim for compensation is included amongst the debts which receive priority over all other debts, under the provisions of section 35 of the Bankruptcy Ordinance, 1930, or under the provisions of section 259 of the Companies Ordinance, 1933.

The application of the above-mentioned legislation and administrative provisions is entrusted to the colony's Labour Department. There is a Registrar of Workmen's Compensation at the Department's headquarters in Nairobi, who records all accident cases dealt with under this legislation, assesses claims for compensation, arranges the collection and application of compensation payments, and institutes legal proceedings for the

recovery of compensation if necessary. There are labour officers posted to 15 branch offices of the Department throughout the territory; these offices assist in the enforcement of the legislation, and take up compensation claims which are discovered in the course of labour inspections.

Section 14 of the Workmen's Compensation Ordinance requires all accident cases to be reported by employers, without delay, to the nearest labour officer, or failing that, to the local representative of the Government's Provincial Administration.

The Convention is fully applied in Kenya except for compulsory payment by way of periodical payments or pensions, in fatal or permanent incapacity cases. Payment in this manner cannot be enforced until compulsory insurance against industrial accidents has been introduced.

There is as yet no compulsory insurance against accidents, though powers exist under section 28 of the Ordinance for the Governor in Council of Ministers to require any employer or class of employers to insure and keep himself or themselves insured, with such insurers as may be approved by the Governor, in respect of any liability, which they may incur under the Ordinance. In practice, the Labour Department has hitherto encouraged employers to insure, and an increasing number of employers are now taking out insurance policies in respect of their labour forces. Returns submitted by insurance companies show that their premium income in this respect has increased from £32,908 in 1948 to £141,214 in 1952 (the most recent year for which figures are available).

The statistical information available is as follows:

*Scope of application.* The total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments in Kenya, but excluding fishermen and agricultural workers, is approximately 269,000. All except 43,810 of these are Africans.

The total number of workers covered by the Workmen's Compensation Ordinance is only slightly less than the above total. No exact figure is available, but scarcely any Africans earn more than the prescribed maximum of £500 per year; a little over 17 per cent. of Asian males earn more than that figure, while more than 90 per cent. of European males have higher earnings. Only a small proportion of the Asian and European males above that earning level are manual workers covered by the Ordinance.

The number of persons covered by special schemes is negligible.

*Benefits in cash.* The total cost of benefits in cash in respect of death or permanent disability was £26,388 in 1953. The average cost of such benefits in cash was £39 18s. 0d. per person.

*Benefits in kind.* No record is kept of the cost of benefits in kind.

*Number and nature of accidents reported in 1953.* In 1953, 2,914 accidents were reported, made up as follows: 129 were fatal; 2 caused permanent total disablement; 530 caused permanent partial disablement; and 2,253 caused temporary disablement.

*Cost of application.* The cost of application of Kenya's Workmen's Compensation legislation is part of the normal commitments of the Labour Department in its estimates of expenditure, and a separate figure cannot be calculated at present.

Having previously ratified the Convention, the United Kingdom Government made a declaration in 1950, in terms of Convention No. 83, applying the Convention to Kenya without modification.

Kenya's new Workmen's Compensation Ordinance of 1948 actually came into force on 1 October, 1949, replacing the previous legislation of 1946.

Subsidiary legislation, as listed above, was subsequently made and during the past two years there have been discussions at the East African Labour Commissioners' Conferences with a view to extending the scope of the Ordinance and effecting certain adjustments in common with other East African territories.

During the past five years the total number of wage earners in the colony has increased considerably, all of whom are covered by this legislation, and the number of accident cases dealt with under this legislation has quadrupled.

#### *Leeward Islands.*

In Antigua, 6,200 workers, the great majority of the wage-earning population, were covered in 1954 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 \$2,357 in respect of 64 claims by its employees. In Antigua, 30 accidents, one of which was fatal, were reported. In St. Kitts-Nevis-Anguilla, 224 accidents occurred, involving total compensation payments of \$6,582 in 1953.

#### *Malaya.*

There are no complete or reliable statistics to show the total number of workmen, employees and apprentices covered by the existing Workmen's Compensation Ordinance. During the period under review the total cost of benefits in cash paid in respect of fatal accidents and of accidents resulting in permanent disability, whether total or partial, was \$1,110,677. The number of accidents reported was 8,034, of which 173 were fatal, 487 resulted in permanent disability and 7,379 in temporary disability.

#### *Malta.*

In Malta there are about 60,000 workmen in employment, as defined in the Ordinance. Of this number, about 19,000 are employed by the United Kingdom government departments in Malta and are not subject to insurance. The number of local government employees excepted from insurance by virtue of the retirement rights attached to their post is less than 1,000. The number of persons who were in insurable employment in 1953 was approximately 37,000. In the financial year 1953-54, £5,917 was paid out in benefit, including £2,568 for the payment of pensions.

#### *Mauritius.*

Workmen's Compensation (Amendment) Ordinance No. 15 of 1954.

The amending Ordinance of 1954, *inter alia*, excludes from the coverage of the legislation members of the armed forces of the Crown and persons in the civil employment of the Crown, otherwise than in the government of the territory, who have been engaged in a place outside the territory. During the period under review, out of a total insurable labour force of 32,500, the number of persons covered was 30,000. Total benefits in cash amounted to 62,683 rupees, the average cost per insured person being 22.04 rupees. Total compensation paid in respect of injuries was 62,683 rupees and in respect of deaths 48,296 rupees.

#### *Nigeria.*

Workmen's Compensation Ordinance, Cap. 234 of the Laws of Nigeria (Revised 1948).

Workmen's Compensation (Amendment) Ordinance No. 23 of 1950.

Casual workers are no longer excluded from the benefits provided under workmen's compensation. The Ordinance gives a definition of "out-worker" and of "member of the family". It provides for increased compensation in the case of permanent total incapacity for which the minimum amount payable has been raised. Additional compensation of 25 per cent. has been provided for where an injury results in permanent total incapacity of such a nature that the injured workman must have the constant help of another person. The duration of periodical payments may not exceed 96 months. The legislation also provides that the Governor in Council may by order extend the provisions of the principal Ordinance in case of incapacity or of death which is certified as caused by any disease specified in such Order and shall be payable as if any disease so specified was a personal injury by accident arising out of and in the course of employment.

Reliable statistical information as to the total number of workmen covered is still not available. Figures obtained from returns rendered by employers employing more than ten persons give an approximate figure of 330,000 workers so covered. During the year under review a total of £12,856 was paid out as compensation to 157 workers in government service, giving an average cost per beneficiary in government service of more than £81; of these cases 33 were fatal.

#### *North Borneo.*

Workmen's Compensation (Amendment) Ordinance, 1953.

Consideration has been given to the further extension of application of workmen's compensation in agriculture and the necessary legislation is being prepared. The Workmen's Compensation (Amendment) Ordinance, 1953 extends the application of the Workmen's Compensation Ordinance, 1950, to locally recruited civil employees of the armed forces. No provision is at present made in the legislation in force regarding medical, surgical or pharmaceutical aid or the provision of artificial limbs or surgical appliances. Legislation providing for this is being considered.

Statistics for the calendar year 1953 estimate the total number of persons covered by the legislation as approximately 13,500.

Total costs of benefit in cash amounted to \$73,111 or an average cost of \$5.42 per person covered; 198 accidents were reported, nine of which were fatal.

#### *Northern Rhodesia.*

Government Notice No. 151 of 1949.

Ordinance No. 15 of 1950.

Ordinance No. 35 of 1952.

Workmen's Compensation (Commissioner's Formal Enquiry) Regulations, 1953 (Government Notice No. 8 of 1953).

Government Notice No. 46 of 1953 (Scale of Medical Fees).

The Workmen's Compensation Ordinance (Chapter 188 of the Laws of Northern Rhodesia) has been amended as follows: by Government Notice No. 151 of 1949, which added to the Second Schedule of the principal Ordinance "telegraphists' cramp" as a scheduled disease; by Ordinance No. 15 of 1950, which provided for the raising of the ceiling basic rate of pay to qualify as a workman from £950 per annum to £1,200 per annum, increases in rates of compensation, the payment of pensions to Africans disabled to degrees greater than 35 per cent., and the granting to the Commissioner of powers to hold formal inquiries and to make awards; by Ordinance No. 35 of 1952, which repealed section 89 of the principal Ordinance; this section laid down that "no costs shall be awarded against an African workman or his dependants or the officer in any proceedings brought before a magistrate for the recovery of compensation".

The Workmen's Compensation (Commissioner's Formal Enquiry) Regulations, 1953, laid down the procedure for the holding of formal inquiries under section 2 (1) of the principal Ordinance.

The benefits actually paid during the insurance year, that is, from 1 March 1953 to 28 February 1954, were £76,552, together with ex gratia payments of £3,840. This figure does not include the cost of medical aid furnished by these employers who have approved medical aid schemes. There were 4,643 compensable accidents reported during the insurance year; of these 69 were fatal and 445 resulted in permanent incapacity.

Insurance premiums paid for the year 1952-53 amounted to about £191,500. The insurers are required to pay 1 per cent. of this amount to revenue.

The administrative expenses of insurers, including commission to agents, but excluding the 1 per cent. to revenue, amounted to 17.3 per cent. for the year 1952-53.

Organisations representing workers in the mining industry have requested that the legislation be amended to increase compensation payments by 50 per cent. The representative employers' and workers' organisations have been consulted but, as there is a divergence of view as to the basis on which compensation should be calculated, a Select Committee of the Legislature has been appointed to make recommendations.

#### *Nyasaland.*

See under Convention No. 12.

Three modifications remain outstanding: under Article 6 of the Convention compensation shall be paid not later than as from the fifth day after

the accident, while under the legislation an employer is not liable in respect of any injury until the workman has been incapacitated for at least one week.

Article 7 of the Convention provides for additional compensation for workmen who must have the constant help of another person. The additional compensation is included in the higher percentage award set out in Schedule 2 of the Ordinance.

Finally, Article 10 of the Convention is applied in that there is a free medical service to all African workmen in Nyasaland which would include the provision of such artificial limbs as may be practical.

In 1953 a total of 70 accidents were reported (against 118 in 1952, 83 in 1951, 47 in 1950 and 46 in 1949). Of these 15 were fatal, 24 resulted in permanent incapacity for work and 31 in a temporary incapacity. The total amount of compensation paid in 1953 was £1,538 against £1,260 in 1952.

#### *St. Lucia.*

Approximately 19,000 persons are employed by all enterprises, undertakings and establishments covered by the legislation applying the Convention. During the period under review, there were 104 cases of temporary incapacity and three cases of partial permanent incapacity.

#### *Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

See under Convention No. 5.

The terms of the existing legislation are not quite the same as those of the Convention in respect of sections 1 and 6 (a), and steps are being taken to remedy this by draft legislation.

The possibility of applying this Convention fully or with modifications will be examined.

The number of workmen, employees and apprentices covered by the general provisions regarding workmen's compensation is not known. There are, however, 19,250 workers employed in government service, oil extraction, sawmills, rubber estates, mines and other principal industries and services. During the period under review there were 10 accidents, five of which were fatal. The total amount paid in compensation was \$14,521.15, that is an average cost of \$1,452.15 in benefits per person.

#### *Seychelles.*

See under Convention No. 12.

#### *Sierra Leone.*

The legislation of this territory is not fully in harmony with the provisions of this Convention, but ratification of the Convention has not itself had any legal effect. A new Ordinance which is at present in course of enactment will embody a number of conditions which will bring the legislation more into line with the Convention. No date has yet been fixed for it to come into force. It will be dealt with fully in next year's report.

The number of workers, employees and apprentices, excluding articulated seamen, fishermen and agricultural workers, is approximately 80,000.

About 65,000 of these workers are covered by the Ordinance. The number of persons covered by some special scheme, i.e. those persons in Her Majesty's service who are not in the Government of Sierra Leone, is about 1,300. Cash compensation paid during the year ended 31 December 1953 amounted to £2,678 (figures for the period up to 30 June 1954 are not yet available), giving an average per person injured during the same period of £8 10s. 6d.

There were no benefits paid in kind.

During 1953, 314 accidents were reported, six of which were fatal.

No figures for the cost of application can be quoted. A certain amount of time is taken by officers of the Labour Department in dealing with compensation cases, and also by the staffs of other government departments and commercial employers. The number of cases brought before the courts is small, and no case has, during the past year, involved lengthy proceedings. No decisions are known to have been given by courts of law or other courts regarding the application of this Convention. The only cases brought before the courts were straightforward claims for settlement in conformity with the Ordinance.

In this territory there is general observance of the provisions of the Ordinance by all the reputable employers in Sierra Leone, including of course the Government, which is the largest employer. There may be instances in which smaller employers, particularly those whose places of business are in the remoter parts of the country, do not observe their obligations, but very little information is available. Labour officers now pay frequent visits to all parts of the territory and it may be expected that the number of such cases will decrease.

#### *Singapore.*

Out of a total number of 123,585 workers (excluding seamen, fishermen and agricultural workers) the number of workers covered by the Workmen's Compensation Ordinance was 120,909 during the period under review. The total amount of benefits paid in cash was \$201,761, which corresponded to an average cost of \$1.67 per person. No benefit in kind was given. A total number of 3,292 accidents were reported, of which 35 were fatal, 95 resulted in permanent partial disablement and 3,162 in temporary disablement.

#### *Solomon Islands.*

The Workmen's Compensation Regulation No. 5 of 1952 applies to approximately 1,239 workmen, employees, etc., apart from seamen, fishermen and agricultural workers.

There was one serious accident; the total compensation paid was £75.

See also under Convention No. 5.

#### *Southern Rhodesia.*

*Article 2, paragraph 2 (a) of the Convention.* The definition of the persons covered by this paragraph of the Convention is as follows: "Any person employed casually by an employer and not in connection with his employer's trade or business, or any person employed casually for the

purpose of any game or recreation unless so employed by a club or association of persons."

*Article 8.* If the Commissioner for Workmen's Compensation considers that any workman was not entitled to compensation in terms of the Act he shall notify the parties to the settlement of his opinion and any such settlement shall become void. The workman may then make application to the magistrate to enforce his claim.

If the Commissioner considers that the compensation fixed by the settlement is in terms of the Act excessive or inadequate, he shall notify the parties to the settlement of the grounds for his opinion and of the alterations which he considers should be made to the settlement to bring it into conformity with the provisions of the Act.

If the parties agree to such alterations the Commissioner shall amend the settlement accordingly and the amended settlement shall be binding on both parties.

If the parties do not agree to the proposed alterations the matter must be submitted to the magistrate who may order as he thinks fit, and any such order may be enforced as if it were a judgment of the magistrate's court.

Where the payment of compensation in the form of a monthly pension or children's allowance has been awarded or agreed upon in terms of the Workmen's Compensation Act the magistrate may, upon the application of the workman or of the employer made at any time or times within a period not exceeding *five* years from the date of the award or agreement, revise such award or agreement and make an order confirming discontinuing, suspending, reducing or increasing such monthly pension or allowance.

*Article 9.* The employer must defray, up to an amount not exceeding £250, any expenses reasonably and necessarily incurred by a workman as the result of an accident arising out of and in the course of his employment (a) in respect of: dental, medical, surgical or hospital treatment; skilled nursing services; the supply of medicines and surgical dressings; travelling and subsistence in connection with the workman's journey to and detention in a place either within or outside the colony where he was directed by his medical practitioner to go for treatment, provided that where the injury was of an extremely serious nature the Commissioner may direct that the employer shall pay an additional amount to the £250; (b) in respect of the supply, maintenance, repair and renewal of artificial limbs and apparatus to an amount not exceeding £100.

*Article 11.* The amount of any compensation due to any workman or his dependants by an employer: (a) at the date of the sequestration or assignment of such employer's estate under any law relating to insolvency, or (b) at the date of the commencement of the winding up under the law of companies, if the employer is a company which is being wound up, has priority over all debts whatsoever other than debts secured by mortgage, tacit hypothec, pledge or right of retention and the costs of winding up. As compensation is payable from the Workmen's Compensation Insurance Fund, which is state controlled, the question of an insured employer's insolvency does not arise.

The reply to point V of the questionnaire states that the insurance of workmen is compulsory but

the business arising from such insurance was, because of the lack of trained staff and other difficulties, placed in the hands of certain insurance companies operating in the colony. It is expected that in the coming year this business will no longer be handled by these companies but will be entrusted to the Workmen's Compensation Commissioner and his staff.

The total cost of benefits in cash was £233,500; the number of accidents was 3,866. For the period 1 April 1953 to 31 March 1954 the cost of application of legislation on workmen's compensation was £360,000. This cost is covered by the collection of premiums from employers throughout the colony.

### *Tanganyika.*

Accidents and Occupational Diseases (Notification) Ordinance No. 25 of 1953 (to be brought into force on a date to be fixed).

An out-worker is defined in section 3 (1) of the above-mentioned Ordinance as "a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles".

A member of the family as defined in section 3 (1) of the Ordinance means (a) when used in relation to a Native, anyone of those persons mentioned in the first schedule according as to whether the family is based on the paternal or maternal system;

(b) when used in relation to any person not being a Native, the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, grand-daughter, stepson, stepdaughter, brother, sister, half-brother or half-sister.

*Article 5 of the Convention.* Under section 12 (2) of the principal Ordinance, where compensation is required to be paid in the first instance into court, such court is empowered to invest or otherwise apply the compensation payment in the manner which it considers is in the best interests of the injured person or his dependants.

*Statistical information* given in the report refers to the calendar year 1953 and is as follows:

*Scope of application.* The figures are based on the labour enumeration of all African workers which was carried out by the Labour Department on 31 August 1953.

No enumeration of non-Natives was carried out during the calendar year 1953, but even if such figures were available, it would not be possible to assess the number of non-Natives who come within the scope of the ordinance, since the majority of such persons being employed otherwise than by way of manual labour, particulars of individual salaries would be required in order to estimate the number of such persons excluded from the definition of "workman" by virtue of the proviso to section 2 (1), paragraph (a).

The total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments (excluding seamen, fishermen and agricultural workers) was 222,891.

The total number of persons employed in all enterprises was 448,271.

The increase of 4,674 in the total employment as compared with that shown in the report for 1952-53 is considered to be due to the fluctuations in the working population.

No special scheme exists in accordance with the provisions of Article 3 of the Convention, all workers being equally covered by the general provisions of the Workmen's Compensation Ordinance.

*Benefits in cash.* The following cash benefits were paid as compensation for industrial injuries, including mining accidents:

Type of injury	No. of cases	Compensation paid (in East African shillings)
Fatal . . . . .	108	144,961
Permanent disability:		
Total . . . . .	7	205,372
Partial . . . . .	472	
Temporary disability .	1,768	89,260
	2,355	439,593

The average cost of benefits in cash per person covered by the legislation is as follows:

Type of injury	No. of cases	Average benefit paid (in East African shillings)
Fatal . . . . .	108	1,342.23
Permanent disability .	479	428.75
Temporary disability .	1,768	50.48
	2,355	

If the total cost of benefits in cash is averaged over the total 448,271 employees who are covered by the legislation, the average value of benefits per person is 98 cents (100 cents = 1 East African shilling).

*Benefits in kind.* No information is available as to the total or average cost of benefits in kind.

*The number and nature of accidents reported.* The 2,355 accidents reported were divided as follows: machinery, 351; transport, 650; explosions and/or fire, 33; poisonous, hot or corrosive substances, 23; electricity, 2; falls of persons, 207; stepping on or striking against objects, 208; falling objects, 390; falls of ground, 16; handling without machinery, 204; hand tools not power driven, 158; miscellaneous, 113.

Since the enactment of the Workmen's Compensation Ordinance, the matters contained therein have been constantly under review, both by the Inter-Territorial Conference of Labour Commissioners, since similar legislation exists in the neighbouring territories of Kenya and Uganda, and by the Labour Board, the members of which represent the Government, employers and workers, and as a result of which an amending ordinance is shortly to be enacted which will both widen the scope of the principal Ordinance and remedy certain anomalies which have been found to exist.

*Trinidad and Tobago.*

See report on Convention No. 12.

*Uganda.*

General Notice No. 978 of 1953, under section 41 of the Ordinance.

Workmen's Compensation (Regulations) under section 42 of the Ordinance (Legal Notice No. 224 of 1949).

Workmen's Compensation (Rules of Court) Rules under section 43 of the Ordinance (Legal Notice No. 94 of 1950).

*Article 2 of the Convention.* Section 2 (1) of the Ordinance applies paragraph 1 of this Article. With regard to paragraph 2 the following exceptions have been provided for in the same section of the Ordinance: (a) a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's trade or business, not being a person employed for the purpose of any game or recreation and engaged through a club; (b) an out-worker or tributer; (c) a member of the employer's family dwelling in his house or curtilage; (d) any person employed otherwise than by way of manual labour whose earnings exceed 10,000 shillings a year.

*Article 5.* Generally speaking, payments in respect of permanent incapacity and death are made by lump sum. However, provision is made for cases where earnings exceed an amount prescribed by the Governor (section 12 (2), paragraph 1); and for cases where earnings do not exceed an amount prescribed by the Governor (section 29 (1), (i) and (ii)).

*Article 6.* Payment is due from the fifth day of incapacity. When incapacity lasts for 28 days or more, payment is due from the first day of incapacity. If the duration of the incapacity is less than 28 days but more than five days, payment becomes due with effect from the fourth day of incapacity.

The Ordinance calls for the notification by employers of industrial accidents and provides penalties for non-compliance with this regulation (section 14 of the Ordinance).

Inspection of places of employment is part of the duties of the staff of the Labour Department. Government medical staff have instructions to report to the labour officer of the district every case of injury, etc., which is the result of an accident and considered likely to be compensable. A clerk employed by the Labour Department is stationed at each of the two main African hospitals at Kampala and Jinja, whose sole duty

is to note and report all cases which might be compensable.

The provisions of the Workmen's Compensation Ordinance are fairly well known throughout the Protectorate, but a considerable number of agricultural workers are employed by small peasant cultivators who are themselves frequently illiterate and live in isolated districts. However, the superintendents in charge of mission hospitals are familiar with the Ordinance and report cases that they consider are compensable to the nearest labour officer or district commissioner.

The total amount paid out in cash benefits was 374,553 shillings. In the absence of statistical information regarding the number of persons covered by this legislation it is not possible to give the average cost of benefits in cash per person. No information is available concerning the total cost of benefits in kind.

The number of reported accidents during the period under review was 2,647. It is not possible to give a schedule of these accidents according to their nature, but appendices Nos. XIV, XV, XVI and XVII to the annual report of the Labour Department for 1953 contain various tables showing accidents analysed by occupations, causes, trades, resultant incapacities and age and racial groups.

The application of the legislation is part of the duties of the Labour Department and to a lesser extent the Provincial Administration and the courts. No details of total costs are available, as this item is not the subject of separate costing.

*Zanzibar.*

Labour Decree No. 10 of 1952.

*Article 6 of the Convention.* Accident and sickness insurance do not exist in the territory.

There is no system of accident insurance for workers. The total number of persons employed in the category mentioned in the question is estimated at about 31,500; but no information is available of the number of accidents which have occurred. During the year 1953, nine accidents were reported within the township of Zanzibar, out of a total working population (other than persons engaged in work of a clerical nature) of approximately 23,000. The persons injured in these accidents were five stevedores (one fatal injury, three limb injuries, one case of shock), three carpenters (two limb injuries, one spine fracture) and one factory worker (limb injury).

The reports concerning the other territories reproduce or refer to the information previously supplied.



18. Workmen's Compensation (Occupational Diseases) Convention, 1925<sup>1</sup>

*This Convention came into force on 1 April 1927*

*Belgium.* Ratification: 3 October 1927. Applicable without modification: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 18 June 1934. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 13 August 1931. No declaration on application.

*Italy.* Ratification: 22 January 1934. Decision on application to non-metropolitan territories reserved.

*Japan.* Ratification: 8 October 1928. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.*<sup>2</sup> Ratification: 1 November 1928. No declaration on application.

*Portugal.* Ratification: 27 March 1929. Decision on application to non-metropolitan territories reserved.

*United Kingdom.*<sup>3</sup> Ratification: 6 October 1926. Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man. No declaration for other non-metropolitan territories.

<sup>1</sup> This Convention was revised in 1934. See Convention No. 42.

<sup>2</sup> Ratification denounced.

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

*Denmark.*

*Faroe Islands.*

The Government states that the Convention is applied and refers to the information supplied in the report for Denmark concerning Convention No. 18.

*Greenland.*

See under Convention No. 12.

*France.*

*Cameroons.*

See under Convention No. 17.

*French Equatorial Africa.*

See under Convention No. 17.

*French Guiana.*

See under *Guadeloupe*.

*French Settlements in Oceania.*

The regulations applicable to industrial accidents also cover occupational diseases.

The workers' organisations and, in particular, the Union of Christian Trade Unions, have submitted a request for the promulgation of the Act respecting compensation for industrial accidents and occupational diseases which is now being examined by the National Assembly.

See also under Convention No. 17.

*French Somaliland.*

See under Convention No. 17.

*Guadeloupe.*

See under Convention No. 17.

*Martinique.*

See under Convention No. 17.

*Réunion.*

See under *Guadeloupe*.

*Italy.*

*Trust Territory of Somaliland.*

Ordinance No. 7 of 9 April 1954.

Decree No. 51 of 3 May 1954.

Under the above-mentioned Ordinance which came into force on 15 April 1954, the social insurance scheme against industrial accidents already in operation is extended to occupational diseases.

The insurance covers all the occupational diseases and poisonings mentioned in the Convention, with the exception of silicosis (the inclusion of which is not considered justified having regard to the present economic activities of the country) and anthrax infection, which is classified as an industrial accident under Ordinance No. 27 of 7 December 1951. On the other hand, the insurance scheme covers 12 other diseases which are not mentioned in the Convention.

The Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications) and in particular the Central and Regional Inspectorate of Labour, are responsible for the enforcement of these provisions.

As the Ordinance in question came into force only on 15 April 1954, no statistical data or reports on its practical implementation could be supplied.

No observations have been received from workers' or employers' organisations concerning the practical application of the provisions under consideration.

*Portugal.*

*Cape Verde.*

Legislative Order No. 1175 of 19 June 1954.

The above Legislative Order was promulgated in order to ensure a more effective application of existing legislation.

*Timor.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.



## 19. Equality of Treatment (Accident Compensation) Convention, 1925

*This Convention came into force on 8 September 1926*

*Belgium.* Ratification: 3 October 1927. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 31 March 1928. Applicable without modification: Faroe Islands, Greenland.

*France.* Ratification: 4 April 1928. Applicable without modification: Morocco, Tunisia. No declaration on application for all other non-metropolitan territories.

*Italy.* Ratification: 15 March 1928. Applicable without modification: Italian Somaliland.

*Japan.* Ratification: 8 October 1928. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 13 September 1927. Applicable without modification: Surinam. No declaration: Netherlands Antilles, New Guinea.

*Portugal.* Ratification: 27 March 1929. Decision on application to non-metropolitan territories reserved.

*Union of South Africa.* Ratification: 30 March 1926. Applicable without modification: South-West Africa.

*United Kingdom.* Ratification: 6 October 1926. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

No declaration on application: British Somaliland. Decision on application reserved<sup>2</sup>: Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Sarawak, Seychelles, Solomon Islands.

Applicable with modification<sup>2</sup>: North Borneo, Nyasaland.

Applicable without modification<sup>2</sup>: all other British non-metropolitan territories.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

#### *Denmark.*

##### *Greenland.*

The Convention is applicable to Greenland but there exist no rules on the subject nor have any such problems been raised. As regards persons on state service who meet with an industrial accident, notification is made to the Directorate of Employment Injury Insurance, irrespective of whether the person concerned is a Dane or a foreigner.

#### *France.*

##### *French Guiana.*

See under *Guadeloupe*.

##### *Guadeloupe.*

See under Convention No. 17.

##### *Martinique.*

See under Convention No. 17.

##### *Morocco.*

Dahir of 25 June 1927.

*Article 1 of the Convention.* Foreign workers of countries applying the Convention who are victims of an occupational accident in the French Zone of Morocco receive benefits in accordance with the above Dahir; dependants not resident in Morocco at the time of the accident are entitled to benefits calculated on the basis of the Dahir; benefits continue to be payable in the event of the foreign worker and his dependants leaving Morocco. Similarly, benefits continue to be paid to French or Moroccan workers or their dependants ceasing to reside in Morocco.

For each decision in respect of occupational accidents given by the courts of law, a form is submitted to the Directorate of Labour and Social Affairs. If the Directorate reports an unfavourable decision by the court of law in the case of a foreign worker from a country applying the Convention, or in the case of his dependants, the Directorate institutes proceedings for rectification of the decision by the courts of law.

#### *New Caledonia.*

It is clear from two recent cases involving industrial accidents, in which two Italians were killed, that the courts in New Caledonia adhered strictly to the Decree of 9 October 1951 and did not take account of the Convention, which has been ratified by France and Italy, but without the reciprocity agreement applying outside the metropolitan territory of either country.

#### *Réunion.*

See under *Guadeloupe*.

#### *Tunisia.*

Decree of the Bey of 15 March 1921 (extending to Tunisia the last four paragraphs, which refer to foreigners, of article 3 of the Act of 9 April 1898, and reserving special rights deriving from international agreements).

Decree of 21 January 1954 amending the legislation respecting compensation for industrial accidents.

Decree of 4 February 1954 prescribing the compulsory redemption of pensions granted to victims of industrial accidents or to their dependants, the amount of which does not exceed 1,000 francs.

Decree of 18 February 1954 amending legislation on industrial accidents.

Decree of 18 February 1954 completing legislation on industrial accidents.

Decree of 18 February 1954 concerning the fitting of disabled workers with artificial limbs.

No difficulties were encountered in the application of the legislative measures.

#### *Italy.*

##### *Trust Territory of Somaliland.*

About 10,000 workers are regularly insured against industrial accidents, 652 of them being Europeans.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*Portugal.**Timor.*

See under Convention No. 1.

*Union of South Africa.**South-West Africa.*

Five foreign Natives were killed during the year; there were seven cases of injury which were serious enough to be reported.

*Bermuda.*

See report on Convention No. 12.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*British Somaliland.*

Compensation for personal injuries by accident arising out of employment is payable under the Workmen's Compensation Ordinance No. 7 of 1953 and the Employer's Liability Ordinance No. 7 of 1927. Neither Ordinance makes any distinction between the treatment to be accorded to indigenous and foreign workers.

*Brunei.*

There is no legislation which would tend to distinguish between the treatment for national and foreign workers as regards workmen's compensation for accidents, and no measures have been taken or are contemplated with a view to making any such distinction.

*Cyprus.*

Accident and Occupational Diseases (Notification) Law No. 32 of 1953.

Workmen's Compensation (Amendment) Law No. 1 of 1954.

Workmen's Compensation Rules.

Foreign workers in the colony enjoy the same privileges afforded under the law to indigenous workers, and no cases have been brought to the knowledge of the Government of any foreign worker or workers' dependants meeting with any difficulty in obtaining the compensation due to them. Although no statistics are available regarding foreign workers employed in Cyprus and coming within the scope of the Workmen's Compensation Law, it may be stated that their number is comparatively small.

The Commissioner of Labour advises employers and workmen with regard to the provisions of the law, receives notices of all accidents under the Accident and Occupational Diseases (Notification) Law No. 32 of 1953, and collects annual returns.

*Dominica.*

No special arrangements have been necessary; workers are entitled to and receive compensation

on the basis of injury sustained, without any reference to nationality.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

Detailed statistics are not available. There are approximately 2,000 foreign nationals resident in Fiji.

*Gibraltar.*

Employment Injuries Insurance (Amendment) Ordinance No. 1 of 1954.

The number of foreign workers to whom the provisions of the legislation apply is approximately 13,800; these are almost without exception Spanish frontier workers who enter Gibraltar daily from Spain. During the period under review there were 772 industrial accidents involving foreign workers, the majority of these accidents being of a minor character.

*Gilbert and Ellice Islands.*

The British Phosphate Commissioners at Ocean Island employ about 57 Chinese skilled and semi-skilled workers, who are covered by the colony's Workmen's Compensation Ordinance (No. 6 of 1949), and who are eligible for exactly the same rates of compensation as the colony natives. Nevertheless, the employer has asked whether compensation may be paid at the Hong Kong workmen's compensation rates if they are more favourable to the workman than those of the colony. As the colony Ordinance specifies only minimum rates, this was approved.

*Hong Kong.*

Workmen's Compensation Ordinance No. 28 of 1953.

Workmen's Compensation Regulations, 1953.

Workmen's Compensation (Rules of Court) Rules, 1953.

Workmen's Compensation (Amendment) Ordinance No. 50 of 1954.

All workmen who come within the definition in section 2 of the Ordinance are entitled to compensation without distinction. This definition includes all persons engaged in a very wide schedule of employment where there is apprehended risk of injury.

*Article 1 of the Convention.* Compensation in respect of industrial accidents is payable in Hong Kong irrespective of nationality but having regard to the nature of employment and, in the case of non-manual workers, to the level of remuneration. There have been five cases of payments of workmen's compensation to the dependants (in Hong Kong or on the mainland of China) of workmen fatally injured in countries within the British Commonwealth. Compensation paid in the two cases completed amounted to \$4,800; the remaining three cases are still under investigation. In none of these cases has it been necessary to make any special arrangements.

*Article 2.* No special agreements have been made, but in the conditions of employment drawn up for workers going overseas provision is invariably made for them to receive compensation

payments for industrial accidents in accordance with the law in force in the territory of employment or, if there is no such law, in accordance with the Hong Kong Workmen's Compensation Ordinance of 1953.

*Article 3.* Legislative provision has been made for compensation for industrial accidents by the Workmen's Compensation Ordinance of 1953.

The administration of the Ordinance is entrusted to the Labour Department. In fatal cases the Social Welfare Department makes further inquiries with a view to advising the district courts on what would seem to be the most appropriate methods of investing or managing payments ordered by the court.

There have been no decisions by courts of law or other courts regarding the application of the Convention.

#### *Kenya.*

*Article 1 of the Convention.* There is no discrimination in the definition of "workman" in section 2 of the Workmen's Compensation Ordinance between national workers and foreign workers, and the same remarks apply to the dependants of national and foreign workers.

There is no provision for the payment of compensation to local residents injured outside the colony and no special arrangements have been made with other Members concerned.

*Article 2.* No special agreements have been made with other territories or countries regarding Kenya workers employed in those countries, or workers of those countries employed in Kenya.

*Article 3.* The Workmen's Compensation Ordinance makes provision for all "workmen" injured in the course of their employment within the colony to be paid compensation for industrial accidents.

The provisions of this Article are embodied in the above-mentioned Ordinance.

The application of the Workmen's Compensation Ordinance is entrusted to the colony's Labour Department. There is a Registrar for Workmen's Compensation at the Department's headquarters in Nairobi, who records all accidents dealt with under this legislation. There are labour officers posted to the 15 branch offices of the Department throughout the territory; these officers assist in the enforcement of the legislation and take up compensation claims which come to light in the course of labour inspections. Section 14 of the Workmen's Compensation Ordinance requires accidents to all workmen to be reported by the employer, without delay, to the nearest labour officer.

No accidents to foreign workmen covered by the provisions of the Ordinance have been reported.

#### *Nigeria.*

See under Convention No. 17.

#### *Nyasaland.*

See under Conventions Nos. 12 and 17.

#### *Seychelles.*

See under Convention No. 12.

#### *Sierra Leone.*

The legislation of this territory is not fully in harmony with the provisions of the Convention, but new legislative measures are in process of enactment. No date has yet been fixed for these measures to come into force. This question will be dealt with fully in next year's report.

No cases of discrimination against foreign workers have been reported, and the number of accidents involving foreign workers is not known. There are about 2,000 Liberian citizens resident in Freetown, where they obtain employment as stevedores. Small numbers of other Africans from neighbouring territories (e.g. French Guinea) seek employment in this territory in a variety of occupations.

#### *Singapore.*

*Article 4 of the Convention.* The Government of Singapore has completed a new Workmen's Compensation Ordinance during the period under review and it is expected to enter into force early in 1955. It is designed to extend the benefits of workmen's compensation to all manual workers and to all non-manual workers receiving a salary of less than \$400 per month, subject to a few exceptions. The schedule of industrial diseases will be considerably extended and the procedure for obtaining compensation improved. The rates of compensation will be increased.

It is not possible to give accurate statistics of the number of foreign workers employed in Singapore. Twice a year employers of labour make a return of those in their employment. The return made on 31 March 1953 provides the following figures for labourers, i.e. skilled or unskilled manual workers but not including clerks, shop assistants, domestic servants, and self-employed workers: Chinese, 70,475; Indians, 25,747; Malaysians (Malays, Sumatrans, Javanese, etc.), 18,315; and others, 1,093. Many of the workers of non-Malaysian race were however born in Singapore, and are not therefore "foreign" workers.

#### *Solomon Islands.*

During the period under review approximately 50 foreign workers of Chinese, Indian and Fiji nationality were employed in the Protectorate as carpenters, mechanics, plumbers, electricians, shipwrights, and in related occupations. No accidents to foreign workers have been reported.

See also under Convention No. 5.

#### *Tanganyika.*

Workmen's Compensation Regulations (Government Notice No. 110 of 1949) as amended by the Workmen's Compensation (Amendment) Regulations 1951 (Government Notice No. 332 of 1951).  
Accidents and Occupational Diseases (Notification) Ordinance No. 25 of 1953 (to be brought into force on a date to be fixed).

The following figures show the countries of origin of 46,791 foreign workers of class (a), i.e. African workers not normally resident in Tangan-

yika who were known to be in employment on 31 August 1953: Kenya, 6,672; Uganda, 562; Zanzibar, 376; Northern Rhodesia, 6,988; Nyasaland, 4,051; Belgian Congo and Ruanda-Urundi, 12,718; Portuguese East Africa, 14,545; other countries, 879.

#### *Trinidad and Tobago.*

Provision has been made for the transfer of any money paid to Commissioners, under the Workmen's Compensation Ordinance, for the benefit of any person resident in or about to reside in any part of the British Commonwealth with which a reciprocal arrangement has been made, and for the receipt and administration by Commissioners of any money which under any such arrangement has been transmitted from that part of the British Commonwealth for the benefit of any person resident or about to reside in the territory.

#### *Uganda.*

The Chief Factories Inspector and his staff inquire into all serious industrial accidents. Part IV of the annual report of the Labour Department for 1953 provides figures showing the number of visits made by the staff of the Factories

Inspectorate and analyses accidents which have occurred.

The 1948 census shows that the total number of non-indigenous Africans in Uganda was about 600,000. Of these probably some 240,000 are adult males of working age, although accurate figures are not available at present. The annual enumeration of employees, which covered the staff of all known employers of five or more employees, showed that at 30 September 1953 some 56,000 non-indigenous Africans were employed. It is estimated that in addition, at the height of the cotton ginning season (January to June), a further 6,000 were employed. The balance of non-indigenous adult males is composed of persons resting between periods of employment, persons cultivating land rented from other Africans and persons employed in domestic service and small industries.

Table 8 of Appendix XVII of the annual report of the Labour Department for 1953 shows the distribution of accidents by races, but no separate statistics are available concerning the number and nature of accidents to non-indigenous Africans.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 21. Inspection of Emigrants Convention, 1926

*This Convention came into force on 29 December 1927*

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*Australia.* Ratification: 18 April 1931. No declaration on application.

*Belgium.* Ratification: 15 February 1928. Decision on application to non-metropolitan territories reserved.

*France.*<sup>1</sup> Ratification: 13 January 1932. No declaration on application.

*Japan.* Ratification: 8 October 1928. Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 13 September 1927. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*United Kingdom.*<sup>1</sup> Ratification: 16 September 1927. Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man. No declaration for other British non-metropolitan territories.

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<sup>1</sup> Conditional ratification.

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

#### *Australia.*

##### *New Guinea.*

The ratification of the Convention has not been extended to the territory as its provisions are inapplicable at the present time.

Ships registered in the territory do not engage in the emigrant trade and emigration as envisaged under the terms of the Convention does not take place. No indigenous inhabitant may permanently emigrate from the territory. There is no legislation in force which could be construed as

applying the provisions of the Convention. The terms "emigrant vessel" and "emigrant" have not been defined in the legislation of the territory. The question of placing observers on board vessels has not arisen and the territory has no official emigrant inspection service; no agreements have been made with other governments respecting the appointment of official inspectors.

#### *Papua.*

See under *New Guinea*.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *New Zealand.*

##### *Cook Islands.*

Application of the Convention is not being considered as the type of emigration envisaged by the Convention does not exist in the territory.

See also under Convention No. 1.

#### *Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 22. Seamen's Articles of Agreement Convention, 1926

*This Convention came into force on 4 April 1928*

*Australia.* Ratification: 1 April 1935. Not applicable to all Australian non-metropolitan territories.

*Belgium.* Ratification: 3 October 1927. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 4 April 1928. No declaration on application.

*Italy.* Ratification: 10 October 1929. Applicable without modification: Italian Somaliland.

*Netherlands.* Ratification: 15 December 1937. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*United Kingdom.* Ratification: 14 June 1929. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. No declaration for other British non-metropolitan territories.

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

### *Australia.*

#### *New Guinea.*

As regards legislation see under Convention No. 7.

The provisions of the Convention have not been extended to the territory but present legislation is almost identical with that of the Convention.

The application of the provision of Article 1 of the Convention is ensured by the legislation. There is no law regulating home trade and consequently there is no specification of tonnage limits for vessels so engaged.

The existing legislation parallels the definitions contained in Article 2 (a) (b) and (c) of the Convention.

The provisions of Articles 3 and 4 of the Convention are applied by the legislation and in particular by the provisions of the Imperial Merchant Shipping Acts, which are widely known. At the present time seamen are not issued with the document provided for in Article 5 of the Convention. The articles of agreement now made comply with Article 6 of the Convention except that agreements for an indefinite period are not permitted. It is not compulsory to carry on board a list of the crew when articles of agreement are taken out. In accordance with Article 8 of the Convention the conditions of agreement must be posted in a place on board the vessel accessible to all members of the crew. An agreement may be terminated for the reasons indicated in Article 10 of the Convention. In addition the Native Labour Ordinance, 1950-1953, in sections 30, 47, 48 and 49, makes specific provision for the termination of agreements involving Native seamen. Appropriate provision is made in the Native Labour Ordinance to give effect to Articles 11 and 12 of the Convention. The provisions of Article 13 of the Convention are invariably followed. In case of termination or rescission of the agreement,

appropriate entries are endorsed by a public authority in the agreement. A seaman has the right, as provided for in Article 14, paragraph 2, to obtain a certificate of discharge. In accordance with Article 15 national law does substantially provide machinery for the enforcement of the requirements of the Convention.

As regards the authorities entrusted with the application of the legislation giving effect to the Convention see under Convention No. 7. In addition seamen are signed on and discharged before shipping masters who are also responsible for inspections under the legislation in force. During the period under review 50 seamen were signed on; no contraventions were reported.

### *Papua.*

As regards legislation see under Convention No. 7.

As regards application see under *New Guinea*. In addition, under the legislation in force, vessels of 80 tons and over engaged in the coasting trade are not exempt from the obligation to take out articles of agreement.

### *France.*

#### *Cameroons.*

The text regulating conditions of employment of indigenous seamen on board vessels registered in the Cameroons is still being prepared. Nevertheless, several of its provisions, in particular conditions of engagement, notice, leave, weekly rest, fishing bonus, have already been voluntarily applied by local shipowners.

#### *French Equatorial Africa.*

See legislation under Convention No. 55.

The provisions of sections 29 to 51 of the Overseas Labour Code, respecting the obligations of the employer with regard to contracts of employment and repatriation, are applicable to seamen.

#### *French Settlements in Oceania.*

The Convention is applied to all vessels of the territory between 15 and 500 tons which are fitted out for the home coasting trade in the port of Papeete. The Convention is not applied to fishing vessels or to cutters engaged in trading from a port in the islands. Seamen may consult the conditions of employment at the shipping registration office; each seaman is given a seaman's book in conformity with the documents used in the ports of metropolitan France.

The provisions of Articles 2, 4, 6, 7, 9, 10, 11 and 12, as well as those of paragraphs 2, 5 and 6 of Article 3 of the Convention, are applied.

*Togoland.*

See under Convention No. 8.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.**Western Samoa.*

See under Convention No. 1.

*United Kingdom.**Barbados.*

All articles of agreement are signed in the office of the Harbour and Shipping Master and are prepared by officers of that Department; care is taken to ensure that the provisions of the Convention as applied to Barbados are not contravened.

*Bermuda.*

The Convention is applied in accordance with the provisions of the Imperial and Bermuda Merchant Shipping Acts. The numbers of seamen engaged and discharged during the year 1 July 1953 to 30 June 1954 were 449 and 435 respectively.

No observations regarding the practical fulfilment of the conditions prescribed by the Convention have been received from either employers or workers, neither of whom has any organisation in the territory.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Cyprus.*

Merchant Shipping Acts, 1894-1954.

The seamen's articles of agreement used for seamen signing on ships registered in Cyprus as British ships are the same as those used for seamen signing on British ships registered in the United Kingdom.

Cypriot seamen sign on foreign vessels in accordance with legislation applicable to those vessels.

See also under Convention No. 8 for information relating to the legislation.

*Dominica.*

Very few ships are registered in the territory and all of these are less than 100 tons gross.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

During the period under review 643 seamen entered into articles of agreement. No contraventions were reported. There are only six ships registered in the colony which are not employed on short-coasting or inter-insular trade. The

owners in every case comply fully with the requirements of the Merchant Shipping Act, 1894, Part II. Owing to the small number of ships concerned, the co-operative attitude of the owners and the strength of the Fiji Seamen's Union, it has not been found necessary to extend specifically to the colony the relevant provisions of the Merchant Shipping Act, 1894.

*Gibraltar.*

During the period under review 1,214 seamen were signed on.

*Hong Kong.*

Merchant Shipping Ordinance, 1953.

*Article 1 of the Convention.* "Ship" is defined in section 2 of the Merchant Shipping Ordinance, 1953, as including "any description of vessel used in navigation not propelled by oars but excludes junks and lorchas whether mechanically propelled or not". There is therefore no legal limitation on the type or tonnage of ship, service on which must be governed by articles of agreement. In practice the legislation is applied to vessels under 60 tons when such vessel is a British registered ship. It is not applied to vessels of 60 tons or under which are classified as launches, ferries and motor boats whose trade is limited to "waters surrounding the island of Hong Kong".

*Article 2.* The definitions used in the Merchant Shipping Ordinance correspond with those used in the United Kingdom Merchant Shipping Act, 1894.

*Article 3.* The administrative practice in Hong Kong is that articles of agreement must be signed at the Mercantile Marine Office.

*Article 4.* There is no specific legislation covering this Article, but no such practice would be permitted.

*Article 5.* The provisions of this Article have been given effect, in that masters are required to give discharged seamen a written certificate of discharge as well as a true account in writing of his wages and of all deductions therefrom.

*Article 6.* Sections 10(1) and 10(2) of the Merchant Shipping Ordinance, 1953, define the period of agreements, and prohibit the conclusion of agreements for indefinite periods.

*Article 7.* The standard form of articles of agreement contains a section showing a detailed list of crew on board. The form of agreement is prescribed by section 114 of the Merchant Shipping Act of 1894.

*Article 8.* The provisions of this Article are incorporated in section 120 of the Merchant Shipping Act, but there is no specific Hong Kong legislation prescribing the posting up of a copy of articles in the ship.

*Article 9.* Agreements for an indefinite period are not permitted. Legislation to give effect to this Article is therefore unnecessary.

*Article 10.* The circumstances in which an agreement may be terminated are not specified in Hong Kong legislation, but are set out in sec-

tions 30 and 33 of the Merchant Shipping Act of 1906.

*Article 11.* In accordance with section 30 of the Merchant Shipping Act of 1906, the master of a ship may not discharge a seaman unless he obtains, in the case of Hong Kong, the sanction of the Superintendent of the Mercantile Marine Office.

*Article 12.* There is no legislative provision to give effect to this Article, but there are certain well-defined grounds which have been upheld by legal decision on which a seaman can claim his discharge. These include: (1) unfitness and inability to proceed on the voyage; (2) sickness and injury; (3) termination of agreement; (4) discharge by mutual consent.

*Article 13.* There is no legislative provision to give effect to this Article.

*Article 14.* There is no local legislative provision to give effect to this Article, other than that mentioned in connection with Article 5.

The administration of the legislation is entrusted to the Mercantile Marine Office of the Marine Department.

During the year under review 21,829 seamen were engaged and 20,985 discharged in the Mercantile Marine Office. About 80 per cent. of these engagements or discharges have been for ships engaged in coastal trade, that is trade as far north as Japan and as far south as Singapore and ports in India and Pakistan. The number engaged or discharged before consular officers is unknown, but is unlikely to be large. The demand for the issuance of Hong Kong seamen's discharge books has not abated during the year.

No contraventions of the existing legislation were reported.

#### *Kenya.*

There are no legislative or administrative provisions in Kenya relating to the requirements of this Convention as to articles of agreement for seamen. Measures have not yet been taken to apply the requirements of this Convention in Kenya.

No seagoing vessels of the types affected by this Convention are registered in the territory as yet. The sole maritime port of the colony, for the larger merchant vessels, is Mombasa. The steamers operating from the lake port of Kisumu on Lake Victoria are government owned.

#### *Malaya.*

See under Convention No. 7.

*Article 1 of the Convention.* None of the provisions of Part II of the Merchant Shipping Ordinance No. 70 of 1952 apply to fishing boats exclusively employed in fishing on the coasts of the Malay Peninsula and neighbouring islands or of the colony. Subject to the terms of subsection (1) and to those of the succeeding section so far as it relates to pleasure yachts, this Part shall, unless the context or subject matter requires a different application, apply to British and Malayan ships and to the owners, masters and crews thereof as follows: the provisions relating to apprenticeship to the sea service, licences to supply seamen,

engagement of seamen, agreements with Asian seamen who are British subjects or federal citizens, discharge of seamen, payment of wages, advance and allotment of wages, mode of recovering wages, power of courts to rescind contracts and recovery of expenses of relief of distressed seamen shall apply to every seagoing ship within the Federation.

The following provisions of Part II shall not apply to junks, native sailing craft and pleasure yachts or to the owners, masters and crews thereof: (a) the requirement of officers to hold certificates of competency and the production of those certificates; (b) the exemption from stamp duty and record of indentures of apprenticeship and matters to be done for the purpose of such record; (c) the entry in the agreement with the crew of the particulars respecting apprentices and matters to be done for the purpose of such entry; (d) the engagement or supply of seamen or apprentices by or through unlicensed persons; (e) agreements with the crew; (f) the compulsory discharge and payment of seamen's wages before a Port Officer and the compulsory delivery of an account of wages; (g) the accommodation for seamen; (h) the deduction and payment of fines imposed under stipulations in the agreement; (i) the delivery of documents at ports abroad to consular or customs officers; or (j) official log-books.

A tonnage limit of 25 tons is laid down for ships trading within the prescribed limits.

*Article 2.* Definitions are given for "ship", "seaman", "master", "home-trade ship" and "home-trade voyage". Home-trade ships are not exempted under the Merchant Shipping Ordinance.

*Article 3.* The agreement is endorsed by the competent authority.

*Article 4.* The agreement stipulates that any special provisions to which the parties agree shall not be contrary to law.

*Article 5.* The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the High Commissioner, specifying the period of his service and the time and place of his discharge; if the master fails so to do he shall be liable for each offence to a fine not exceeding \$100. When a seaman is discharged before a Port Officer, the master shall make and sign, in a form approved by the High Commissioner, a report of the conduct, character and qualifications of the seaman discharged or may state in the said form that he declines to give any opinion upon such particulars or upon any of them.

*Article 6.* The provisions of this Article are covered by the Ordinance.

*Article 7.* The list of crew is contained in the agreement.

*Article 9.* There is no specific provision in national law for terminating an agreement by either party before it expires in the normal way, but it is customary for both parties to agree to a "24-hour clause" to be inserted.

*Article 10.* The master of a ship shall not discharge a seaman, who has not been shipped in

the Federation, at any place within the Federation unless he previously obtains, endorsed on the agreement with the crew, the sanction of the Port Officer. Such sanction shall not be refused where the seaman is discharged on the termination of his service. The master of a ship shall not leave a seaman behind at any place within the Federation, except where the seaman is discharged in accordance with this Ordinance, unless he previously obtains, endorsed on the agreement with the crew, the certificate of the Port Officer, stating the cause of the seaman's being left behind, whether the cause is unfitness or inability to proceed to sea, desertion or disappearance or otherwise.

*Articles 11, 12 and 13.* These Articles are not applied.

*Article 14.* The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the High Commissioner, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall be liable for each offence to a fine not exceeding \$100. The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer and, if without reasonable cause he fails so to do, he shall be liable for each offence to a fine not exceeding \$200.

Where a seaman is discharged, and the settlement of his wages completed before a Port Officer, he shall sign in the presence of the Port Officer a release, in a form approved by the High Commissioner, of all claims in respect of the past voyage or engagement; the release shall also be

signed by the master or owner of the ship and attested by the Port Officer.

*Article 15.* Part II of the Ordinance applies to British and Malayan ships and to the owners, masters and crews thereof, unless the context or subject matter requires a different application.

#### *North Borneo.*

The report states that the question of giving effect to the Convention is bound up with the wider question of up-to-date and comprehensive merchant shipping legislation for the colony, which is a problem of some complexity.

On 30 June 1954 the register of shipping contained 12 ships of more than 100 tons net tonnage.

The registration of seamen is carried out in accordance with the principles of the United Kingdom Merchant Shipping Act and, as a temporary expedient, agreements are attested as with contracts under the Labour Ordinance of 1949.

#### *Sarawak.*

Consideration will be given to embodying the requirements of the Convention in the new Shipping Ordinance which is about to be prepared.

#### *Sierra Leone.*

In the year under review (1953-54), 368 men were signed on under articles; no contraventions were reported.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 23. Repatriation of Seamen Convention, 1926

*This Convention came into force on 16 April 1928*

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*Belgium.* Ratification: 3 October 1927. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 4 March 1929. No declaration on application.

*Italy.* Ratification: 10 October 1929. Applicable without modification: Italian Somaliland.

*Netherlands.* Ratification: 5 May 1948. No declaration on application.

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#### *France.*

##### *Cameroons.*

No decisions by courts of law were given concerning this Convention during the period under review.

##### *French Equatorial Africa.*

See under Convention No. 22.

##### *French Settlements in Oceania.*

Seamen from the French Settlements in Oceania who are put ashore in the islands of the territory

may apply for repatriation either from the chief of the administrative district or from the chief of the islands.

The provisions of Articles 2, 3, 4 and 5 of the Convention are applied.

#### *New Caledonia.*

Two seamen were repatriated during the period under review.

#### *Togoland.*

See under Convention No. 8.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.



## 24. Sickness Insurance (Industry) Convention, 1927

*This Convention came into force on 15 July 1928*

*France.* Ratification: 17 May 1948. No declaration on application.

*United Kingdom.* Ratification: 20 February 1931. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application for other British non-metropolitan territories.

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

*France.*

*French Settlements in Oceania.*

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 47 of the Act to establish an Overseas Labour Code provides for the suspension of the contract of employment during the absence of the worker in case of illness duly certified by an approved medical practitioner for a period not exceeding six months. This period is prolonged until such time as the worker is replaced. Section 48 provides that during the period of absence the employer shall be required to pay the worker, but not for longer than the normal term of notice, compensation equal to his remuneration.

Workers who are in necessitous circumstances receive free treatment from the dispensaries and hospitals of the territory. Certificates attesting a state of need are granted very readily.

It would be difficult to ensure the application of compulsory sickness insurance in the majority of the islands comprised in the various archipelagos of the French Settlements of Oceania as these islands are very isolated and thinly populated.

*French West Africa.*

Section 48 of the Labour Code provides for the payment by the employer to the worker during the period of absence in case of illness compensation equal to his remuneration, but not for longer than the normal term of notice.

The proportion of compensation to be paid by the territory is under consideration.

*Togoland.*

In the public sector, section 48 of the Act of 15 December 1952 is applied to persons other than officials, the administration assuming full responsibility for the worker's wages during and even after the period of notice. In the private sector, any participation by the territory in the payment of compensation raises a number of problems to which no solution has been found. Even so, some employers pay their workers the full wage rate throughout the period of notice; after three years' service, they all apply the rules outlined above for the public sector.

Medical care is provided free of charge by the medical service.

*United Kingdom.*

*Bahamas.*

The Convention has not been applied since there is no industrial labour in the Bahamas in the ordinary sense of the term. Free medical attention is afforded to all impecunious persons and almost every worker belongs to some form of lodge or benefit society. Any system of insurance would entail expenditure and organisation beyond the means of the territory. It is most unlikely that any steps to implement this Convention will be possible for a number of years.

*Barbados.*

An examination of the possibility of instituting a general social security scheme is to be undertaken by an expert.

*Bermuda.*

See under Convention No. 12.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Cyprus.*

Since May 1953 the services of a senior officer of the United Kingdom Ministry of National Insurance have been at the disposal of the Government, in order to advise and assist at the preparatory stages of a social insurance scheme. An outline scheme and a first draft of a social insurance Bill have been submitted to the Government for consideration.

A number of voluntary sickness insurance schemes with a limited coverage are operating both in government service and industry. The government social insurance scheme covers weekly paid employees who have attained the "regular" status, after completing six months of satisfactory service; it also covers their dependants. The scheme has been extended to the employees of four public and semi-public concerns and their dependants.

In 1953 the Government social insurance scheme covered 2,115 contributors with 4,962 dependants. Benefits paid in cash amounted to £12,368, i.e. an average of £5 12s. 2d. per insured person. Benefits in kind amounted to £3,577, or an average of £1 13s. 7d. per insured person. The financial resources of the scheme totalled £11,065.

Social insurance funds established by trade unions on the lines of the Government social

insurance fund covered, in 1953, 7,301 contributors with 9,785 dependants. The total income derived from equal contributions from insured persons and their employers amounted to £12,903 and the total expenditure to £10,692.

A copy of the rules relating to the management of the Cyprus Government Social Insurance Fund is appended to the report.

#### *Dominica.*

Workers in commercial undertakings and many domestic servants are, in practice, generally paid by their employers while on sick leave of not more than from 12 to 21 days. The Dominica Trade Union offers some form of sickness insurance, together with medical aid, to its members. In view of the widely dispersed population in the territory, enforcement of the terms of the Convention in Dominica would probably not be feasible.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Fiji.*

In the present stage of the colony's economic and industrial development a scheme of universal sickness insurance for workers for the classes included in the Convention would be impracticable. At present free medical and hospital treatment is provided by the Government to Fijians and to Indians who have resided in the colony for three years or more. Indian out-patients pay tixpence per bottle for medicine.

#### *Hong Kong.*

The population of the colony has become somewhat more stable within the last few years, but it is abnormally high and regular employment cannot be granted. In such circumstances the introduction of any system of insurance based on compulsory contributions would meet with opposition from both workers and employers. It may be mentioned that the compulsory payment of workmen's compensation, which was introduced in December 1953 by Ordinance No. 28 of 1953, is the responsibility of employers alone. During the period under review, the Government opened a large new clinic for anti-tuberculosis work and a school dental service. Twenty Chinese welfare associations have been established in various districts of the colony, their own free clinics providing either Western treatment or treatment by Chinese herbalists. A number of trade unions provide clinics for their members.

#### *Kenya.*

There are no legislative or administrative provisions relating to this Convention.

It is still premature for this territory, at its present stage of development, to provide a system of compulsory sickness insurance for workers in industry and commerce and domestic servants.

Out of the colony's total labour force of 500,000 in wage-earning employment, 94,000 workers of all races are employed in private industry and commerce, and approximately 39,000 in domestic

service. In addition to these, about one-quarter of the total of 134,500 persons of all races employed in the public services are in employment of an industrial nature.

Although a larger proportion of these workers in commerce, industry and domestic service are employed in urban centres, such centres are distributed over a wide area; the remaining proportion is widely dispersed over areas which are often thinly populated. The administrative work involved in applying compulsory sickness insurance would be greater than the colony could undertake at the present, both in view of the limited number of qualified personnel available and the increase in taxation revenue that would be required.

With very few exceptions, the entire African labour force still retains close ties with the present economy of the tribal areas, and is dependent on subsistence agriculture by the family and the clan when not in wage-earning employment. Those who are incapacitated for work are supported, in the long term, according to tribal custom in their respective areas.

For the time being, wage earners who become incapacitated receive sick pay and free medical attention from their employers either according to their conditions of contract or according to labour legislation. The public services provide sick pay for their staff for longer periods. Free medical attention and hospitalisation are in fact available to all Africans and their dependants through the government medical services; a charge is only made for part of the hospitalisation costs where the individual African can afford it and has no employer obliged by law to pay for him.

#### *Leeward Islands.*

Consideration is being given to the possibility of introducing by stages a free medical service in Antigua. A non-contributory pension scheme to be operated by the management of the Antigua Sugar Factory for the benefit of its employees was due to be brought into effect in January 1955.

#### *Nigeria.*

Industrial development in Nigeria has not, as yet, reached a stage whereby any legislation of the nature required in the Convention could be applied generally throughout the country. The manpower is very far from being fully utilised, the vast majority of adults being engaged in peasant agriculture or in some other private capacity.

#### *North Borneo.*

In the redrafting of the relevant labour legislation, it has not yet been found practicable to introduce any provision concerning cash benefit during the early weeks of incapacity.

#### *St. Vincent.*

Industrial Workers Wages Regulation Order, 1954  
(Statutory Rules and Orders No. 2 of 1954).  
Domestic Servants Wages Regulation Order, 1953  
(Statutory Rules and Orders No. 54 of 1953).

Sick leave is provided for workers engaged in industrial undertakings and for domestic servants under the terms of the above Statutory Rules and Orders.

*Sierra Leone.*

It has not yet been found possible to introduce sickness insurance schemes in this territory either in the urban districts or in the more sparsely populated areas. The supply of medical officers is and will for sometime remain inadequate to deal with the volume of work which the introduction of such schemes would involve. As development plans materialise it is expected that these difficulties will lessen and it will be possible to apply the Convention.

*Singapore.*

In July 1953 returns were submitted by 386 employers of labour in 52 different industries. From these returns it appeared that (a) 77 per cent. of employers gave free medical treatment to their employees; and (b) 73 per cent. of employers gave paid sick leave to their employees.

*Tanganyika.*

Workmen's Compensation Ordinance, 1948.

*Article 4 of the Convention.* This legislation is applicable to all employees, irrespective of race,

subject to the provisos contained in section 2, and requires employers, under sections 15 and 32, to provide for medical examination and treatment, including specialist treatment, for their employees who sustain injury arising out of their employment or who contract any of the occupational diseases contained in the third schedule to the Ordinance.

The scale of fees and charges in respect of such medical aid, and which are borne by the employer, are contained in the second schedule to the Workmen's Compensation Regulations, 1948, as amended by the Workmen's Compensation (Amendment) Regulations, 1951 (Government Notice No. 332 of 1951). Section 9 of the Workmen's Compensation Ordinance also requires employers to pay compensation in respect of periods of temporary incapacity arising out of injuries sustained by workers in the course of their employment.

*Trinidad and Tobago.*

A request has been made to the I.L.O. for assistance under the Expanded Programme of Technical Assistance. This asks that an expert be appointed to advise, in the light of local conditions what, if any, social security schemes it would be feasible to introduce in the territory.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 25. Sickness Insurance (Agriculture) Convention, 1927

*This Convention came into force on 15 July 1928*

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*United Kingdom.* Ratification: 20 February 1931. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application for other British non-metropolitan territories.

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

*United Kingdom.*

*Bahamas.*

The Convention has not been applied. There are very few persons in wage-earning employment in agriculture. Free medical attention is afforded to all impecunious persons and almost every worker belongs to some form of lodge or benefit society. Any system of insurance would entail expenditure and organisation beyond the means of the territory. It is most unlikely that any steps to implement the Convention will be possible for a number of years.

*Barbados.*

See under Convention No. 24.

*Bermuda.*

See under Convention No. 12.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

See under Convention No. 24.

*Hong Kong.*

The Convention is not applied in the colony, but if conditions ever permit the introduction of any forms of social security legislation based on compulsory contributions the inclusion of agricultural workers in such a scheme would naturally be considered.

Visiting doctors are now taken by launches to the less accessible districts, while the "penetration squads" organised by St. John's Ambulance Brigade continue to give valuable medical (including dental) treatment in the remotest areas of the New Territories. Agricultural workers are also

eligible for treatment in government hospitals and the government-aided private hospitals in Kowloon and Hong Kong.

*Kenya.*

There are no legislative or administrative provisions in Kenya relating to this Convention.

The provision of compulsory sickness insurance for agricultural workers is not yet practicable in Kenya at the present stage of the territory's development. The reasons are the same as those stated in the report on Convention No. 24.

The number of persons of all races in wage-earning employment in agriculture is 232,000, out of the colony's total labour force of 500,000.

*Leeward Islands.*

See under Convention No. 24.

*Nigeria.*

The territory is pre-eminently an agricultural country where the Native works on his own land. In the larger plantations, covering the rubber, palm oil, banana, forestry and logging industries, labourers and other classes of wage earners are entitled to such benefits as sick leave with pay, free medical attention and hospitalisation, at the expense of the employers, either in government hospitals or in estate hospitals.

*North Borneo.*

See under Convention No. 24.

*Nyasaland.*

African Employment Ordinance No. 3 of 1954.

Under section 59 (1) of the above-mentioned Ordinance "every employer shall, during the illness of any employee where such illness is caused by his employment, provide such employee with medical attention and with proper medicines if procurable".

*St. Vincent.*

Certain estates provide their regular workers with free medical treatment.

*Sierra Leone.*

See under Convention No. 24.

*Singapore.*

The number of agricultural workers on Singapore Island is approximately 2,000.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 26. Minimum Wage-Fixing Machinery Convention, 1928

*This Convention came into force on 14 June 1930*

*Australia.* Ratification: 9 March 1931. Decision on application reserved for all non-metropolitan territories.

*Belgium.* Ratification: 11 August 1937. Not applicable to Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 18 September 1930. Applicable without modification: Cameroons, French East Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Italy.* Ratification: 9 September 1930. No declaration on application.

*Netherlands.* Ratification: 10 November 1936. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Union of South Africa.* Ratification: 28 December 1932. Not applicable to South-West Africa.

*United Kingdom.* Ratification: 14 June 1929. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application for other British non-metropolitan territories.

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

*Australia.*

*Nauru.*

*Article 1 of the Convention.* In Nauru a minimum or basic wage has been fixed by direction of

the Minister of State for Territories to apply to the employment of indigenous inhabitants by the Administration. The only two other employers on the Island (the British Phosphate Commissioners and the Nauru Local Government Council) adhere to the minimum rates of pay thus fixed. Chinese labour is engaged in Hong Kong under the supervision of the Government of that colony and rates of pay for these employees and for non-indigenous Pacific Islanders are fixed by contract under the provisions of the Chinese and Native Labour Ordinance, 1922-1953, section 4 of which reads as follows:

(1) Every contract for service or work in the Island of Nauru entered into between an employer and a Chinaman or Native shall be in duplicate and shall be made in the presence of and subject to the approval of the Administrator.

(2) The Administrator, before approving of the contract must satisfy himself that the labourer understands its nature and terms.

(3) The Administrator shall be responsible that the terms of the contract are fair and reasonable to the intended labourer.

(4) The duration of a contract shall not exceed three years.

The conditions of employment of European employees engaged in Australia or elsewhere are

fixed by contract between the employer and the employee.

*Article 2.* The minimum wage for indigenous employees was fixed after a Commission of Inquiry into the Basic Wage of Nauruan Employees of the Administration appointed under the Commission of Inquiry Ordinance, 1948. The Commissioner had consultations with the employers and the Nauruan Workers' Organisation representing Nauruan employees, and both employers and employees were able to, and did, give evidence at the public hearing conducted by the Commissioner.

*Article 3.* There has been no abatement of the minimum wage either by agreement or otherwise. Provision is made so far as indigenous employees are concerned for a half-yearly adjustment of the basic wage in accordance with the rise and fall of the cost of living. Provision is also made for the payment of margins for skilled workers.

*Article 5.* The minimum wage fixed following the Commission of Inquiry applies to 273 Nauruan employees of the Administration. The minimum wage is observed by other employers (British Phosphate Commissioners and the Nauru Local Government Council) in respect of 206 Nauruan employees. The present basic wage for adult male indigenous employees is £4 11s. per week. The female minimum wage is fixed at 70 per cent. of the male basic wage. For juniors the wage varies according to age. In addition, a dependant's allowance of 10s. per week is paid to all married indigenous employees for each child under the age of 16 years who is fully maintained by the employee. Chinese as well as non-indigenous Pacific employees receive accommodation and full rations, and additional fortified meals are provided three times per week for all dependants. The Nauruan Workers' Organisation, the British Phosphate Commissioners and the Nauru Local Government Council are informed of the ruling rate of pay applicable to indigenous employees of the Administration. The Nauruan Workers' Organisation interests itself in the correctness of the pay received by the employees and it is the responsibility of the Administrator to ensure that employees receive their entitlements.

#### *New Guinea.*

Native Labour Ordinance, 1950-1953.

The ratification of the Convention has not been extended to the territory. The above-mentioned Ordinance prescribes the minimum wage rates and other conditions of employment. The wages and conditions of tradesmen employed in the constabulary are regulated in accordance with police legislation. Workers employed by the Administration and by departments of the Commonwealth Government are paid at rates higher than the minimum prescribed under the Native Labour Ordinance. In the case of non-Native workers the wages and conditions of those employed by the Administration and the Commonwealth Government are regulated by legislation or collective agreement, while those employed by private employers are usually engaged under individual contracts largely based on wages payable to government employees. The demand

for workers is greater than the supply and there is no unemployment in the territory.

The wages prescribed by the Native Labour Ordinance do not include the cost of accommodation, medical attention, food, clothing, etc. This same principle is applied in the case of the police. Excepting under legislation for the administration of the public service, no machinery exists whereby minimum rates of wages can be fixed for non-Native workers.

The provisions of the Native Labour Ordinance apply to Native workers in all industries and trades except apprentices and those employed by the police force. As there are no organisations of Native workers or employers of Native labour within the territory, such organisations could not be consulted, as provided for in Article 2 of the Convention, but the interests of the workers are protected by the Administration and the general views of the employers are considered prior to any alteration in minimum wage rates or employment conditions. On 30 June 1954, 66,163 Native workers were employed in New Guinea and Papua as follows: 12,963 by the administration, 2,566 by the police force and 50,634 by private employers. The prescribed minimum cash wage is 15s. per month but the actual average is much higher particularly among skilled and semi-skilled workers. The minimum wage for a Native member of the police force is 25s. per month. In addition to the cash wages the employer must provide accommodation, medical attention, food, clothing, cooking utensils, etc., to the worker and to his wife and children if residing with him at his place of employment. In addition, the employer must meet the cost of return fares from the place of engagement of a worker under agreement and for any accompanying members of his family. The monthly value of rations, clothing and other free issues is estimated to average about £7 15s. The administration and enforcement of labour laws and regulations is one of the functions of the Department of District Services and Native Affairs. The Department of the Government Secretary is responsible for the application of the legislation in respect of the police force.

#### *Papua.*

See under *New Guinea*.

#### *France.*

##### *Algeria.*

Act No. 52-834 of 18 July 1952 respecting variations in the national guaranteed inter-occupational minimum wage as a result of changes in the cost of living. Order of 4 March 1954 respecting the revalorisation of the lowest wage level.

The Act of 18 July 1952 provides, in particular, as regards Algeria, that the general monthly index of the family cost of living, the changes in which must be taken into consideration when revising the Algerian wage rates, is that fixed for the town of Algiers by the General Statistical Service of Algeria. The amount of the index in question (on which will be based the 5 per cent. increase necessitating the first modification of the minimum guaranteed wage) was fixed on the basis of the method adopted in metropolitan France: the value of this index was fixed at 138. It follows

that if the index of the family cost of living in Algiers exceeds the level of 144.9 (i.e. 138 plus 5 per cent.) the minimum guaranteed Algerian wage will be automatically modified in proportion with the increase noted. A subcommittee for the study of trends in the cost of living has been set up within the Higher Algerian Committee for Collective Agreements, acting with the Algerian General Statistical Service. According to the census figures of 1953 the number of undertakings coming under the provisions of the Act of 18 July 1952 is 36,307, in which 276,148 persons are employed (215,661 men, 33,098 women and 27,389 children).

The Order of 4 March 1954 provides that as from 8 March 1954 individual wages may not be less than the minimum inter-occupational guaranteed wage rate fixed by the Order of 8 October 1951, plus an hourly allowance at a flat rate fixed at three francs for the Algerian territory as a whole and at four francs or nine francs in certain communes indicated in a list included in the Order. The minimum hourly wage rate for workers over 18 years of age, regardless of their sex, in non-agricultural occupations, has been fixed as from 8 March 1954 at seven francs for the Algerian territory as a whole, at 78 francs in the communes where the minimum guaranteed wage was 74 francs, and at 86 francs in the communes where the minimum guaranteed wage was 77 francs.

The Labour Inspection Service has reached the conclusion that in certain small undertakings, generally situated in the interior, the minimum guaranteed wage was not fully applied, particularly as regards workers under 18 years and workers paid at piece-rates or those whose wages are paid partly in kind. In some cases workers were required to work overtime without any corresponding increase in their pay.

During the period under review there were approximately 1,000 contraventions and proceedings were instituted in 270 cases.

#### *French Equatorial Africa.*

Decree No. 54-113 of 28 January 1954 and General Order No. 609/D.P.L.C.4 of 19 February 1954.  
Various local orders published between 1 January and 1 March 1954 (Middle Congo, Gaboon, Ubanghi-Shari, Chad).

The Convention was made applicable in French Equatorial Africa by the above-mentioned Decree and General Order.

Various local orders have been issued to fix the minimum wages.

#### *French Guiana.*

For legislation see under *Guadeloupe*.

The law provides for a guaranteed inter-occupational minimum wage to be fixed for all industrial and commercial occupations, without exception. In the Département of French Guiana, this wage is at present fixed at an hourly rate of 95.50 francs.

#### *French Settlements in Oceania.*

Overseas Labour Code, section 162.  
Decree No. 54-113 of 28 January 1954.

The Convention has been extended to the territory in virtue of the above-mentioned Decree.

Minimum wage fixing machinery already existed in the territory. The minimum wage fixed by order of the chief officer of the territory was applicable not only to industries in which materials are transformed and to commerce, but also to agriculture.

The consultation of employers' and workers' organisations required under Article 2 of the Convention is ensured by the Labour Inspectorate, which consults the Advisory Board set up in virtue of section 162 of the Overseas Labour Code. The recommendations of the Advisory Board must be given in the case of minimum inter-occupational guaranteed wages fixed by order of the chief officer of the territory.

The basic wage was fixed in 1948 by order of the chief officer of the territory following consultation, in conformity with Article 3 of the Convention, with the employers' and workers' organisations. This wage is automatically modified as soon as the cost of living indicates a change of 10 per cent. No use has been made of the possibility provided for in Article 3, paragraph 3, of the Convention.

In conformity with Article 5 of the Convention all wage earners are covered by the regulations and may in no case receive a wage lower than the minimum wage.

The application of the above-mentioned laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation and to his legal substitute, the chief officer of the administrative district.

The supervision of this application is made by means of unexpected visits by the Labour Inspector and is also ensured by the close contact existing between the Labour Inspectorate and the trade unions. A secretariat and private means of transport are made available to the Inspector of Labour and Social Legislation. He may organise his visits and inquiries as he wishes.

No decisions have been given by courts of law or other courts involving questions of principle relating to the application of the existing regulations.

Employers' and workers' organisations, and in particular the Union of Christian Associations, have forwarded to the Labour Inspectorate a certain number of individual complaints relating to the application of the minimum wage rate.

#### *French Somaliland.*

Overseas Labour Code, sections 162 ff.  
Decree No. 54-113 of 28 January 1954 and Order No. 221 of 21 February 1954.  
Order No. 1070 of 31 August 1953.

The Convention was made applicable to the territory in virtue of the above-mentioned Decree promulgated by the Order of 19 February 1954.

Consultation with employers' and workers' organisations is ensured through the Labour Advisory Board in accordance with the provisions of sections 162 ff., of the Labour Code. The study of factors which may serve as a basis in the fixing of minimum wages has been continued methodically during recent years by the competent administrative services which, moreover, constantly consult the occupational organisations concerned. The Labour Advisory Board, on which employers' and workers' organisations are represented on an equal footing, carried out a revaluation of the

standard budget in August 1953. The organisations concerned discussed the different items on this standard budget and the estimate of expenses which they involve. As a result of this work an order of the Governor dated 31 August 1954 extended this minimum wage to the territory as a whole.

During the period under review no decisions were given by courts of law concerning the application of the Convention.

No observations were made by the employers' and workers' organisations.

#### *French West Africa.*

Decree of 3 April 1937 respecting the minimum wage.  
Order of 5 July 1946 respecting the setting up of Labour Advisory Boards in the various territories of French West Africa.

Overseas Labour Code, sections 95, 162 and 163.

Order No. 2309 of 23 March 1953 to set up a Territorial Labour Advisory Board.

Decree No. 54-113 of 28 January 1954 and General Order No. 1304 S.E.T. of 19 February 1954.

Various local orders published between 11 July 1953 and 1 May 1954 (Senegal, Sudan, Guinea, Ivory Coast, Upper Volta, Dahomey, Nigeria, Mauretania).

Decree of 28 January 1954, promulgated by the Order of 19 February 1954, made the Convention applicable in French West Africa.

The Convention is now applied within the framework of the Labour Code, which has not modified to any extent the minimum wage fixing machinery already existing. In each territory the Labour Advisory Board set up on a joint basis in virtue of section 162 of the Labour Code studied the factors which might be used as a basis for determining minimum wages, in conformity with section 163 of the Labour Code. The chief officer of each territory, taking into account the recommendations of these Boards, prescribed a minimum hourly wage rate applicable to all workers. The figure fixed for the urban centre of the territory, where the cost of living is higher, is subject to progressive decreases by "wage zone". The rates applicable on 1 July 1954 in the principal centres of the Federation vary between 11.25 francs in Nyamey (Nigeria) and 28.10 francs in Dakar (Senegal).

#### *Guadeloupe.*

Decree No. 54-308 of 20 March 1954 respecting the revalorisation of the lowest wages in the Départements of Guadeloupe, Guiana and Martinique.

This Decree provides that the minimum inter-occupational guaranteed wage shall be increased by a flat-rate allowance of 500 francs a week.

#### *Madagascar.*

The minimum inter-occupational guaranteed wage-fixing machinery has not been modified and provision is still made for compulsory consultation with representatives of employers' and workers' organisations within the joint boards. This procedure has always been satisfactory and very rarely gives rise to any dispute.

#### *Martinique.*

Decree No. 52-162 of 9 February 1952 to fix the minimum inter-occupational guaranteed wage in the Départements of Guadeloupe, Martinique and Guiana.

Decree No. 54-308 of 20 March 1954 concerning the revalorisation of the lowest wages in the Départements of Guadeloupe, Martinique and Guiana.

The minimum guaranteed wage, fixed at 83 francs per hour in industry and commerce in virtue of the Decree of 9 February 1952, has been raised to 95.50 francs as from 22 March 1954. In agriculture it was raised from 61.15 to 79.60 francs.

The administrators of the National Institute of Statistics and Economic Studies, in 1953 and 1954, studied the position with regard to the setting up of a basic index of the cost of living.

The minimum guaranteed wage is generally applied but many small retail traders do not observe it; this is generally done in agreement with the wage earners themselves, who must choose between unemployment or badly paid employment. The supervisory service often has to intervene, either in regard to individual complaints or complaints made by workers' associations, or as a result of systematic controls.

#### *New Caledonia.*

Commercial Code, sections 433 and 549.

Civil Code, sections 2101, 2271 and 2272.

There is no minimum inter-occupational wage. Wages are fixed under the collective agreements of 1936 which provide for a mobile scale. These minimum wages are clearly above the minimum standard of living. They are shortly to be revised in the course of discussions on the drawing up of new collective agreements which will cover all industries and commerce.

Apart from the normal publicity given to all administrative activities, the minimum wage scales must be posted up in the workplaces and in places where workers are engaged, as well as in the premises where wages are paid. Contraventions are subject to penalties in accordance with section 6 of the Decree of 23 August 1946. There is no restriction on the right of each worker to claim any amount due to him as a result of the payment of wages lower than the minimum wage rate. In virtue of section 549 of the Commercial Code and of section 2101 of the Civil Code, this debt is a privileged debt which is barred at the end of six months, in application of section 443 of the Commercial Code and sections 2271 and 2272 of the Civil Code.

The Labour Inspector is responsible for the application of the regulations in force, applying to a working population of 10,000 wage earners of all categories. He may be assisted in his task by the judiciary police officers.

No decisions have been given by courts of law or other courts concerning the application of these regulations during the period under review. Many observations have been received from workers' organisations.

#### *Réunion.*

Decree of 20 March 1954 respecting the revalorisation of the lowest wages in the Département of Réunion.

See under *Guadeloupe*.

#### *St. Pierre and Miquelon.*

Decree No. 46-1869 of 13 August 1946 and Local Order of 13 September 1946.

Decree No. 54-113 of 28 January 1954 and Local Order of 11 March 1954.



The provisions of the Convention were made applicable to the territory by the Decree of 28 January 1954, promulgated by the Order of 11 March 1954, a copy of which is attached to the report.

Minimum wages are fixed by order of the chief officer of the territory after receiving the recommendations of a joint board presided over by the Labour Inspector and consisting of four workers' representatives and four employers' representatives appointed by the most representative occupational organisations. The actual wages, which are always higher than the minimum wages, are fixed by means of collective agreements. Thus, during the period under review, although the minimum wage in the industry for the preparation of fish was fixed at 59.50 C.F.A. francs the actual wage was 62 C.F.A. francs. In the case of dockers the minimum wage varied between 58 C.F.A. francs for ordinary labour and 80 C.F.A. francs for dockers employed in the loading and unloading of hydro-carburants, whilst the actual wages were respectively 61 C.F.A. francs and 85 C.F.A. francs.

#### *Togoland.*

Local Order No. 613-53/IT of 24 August 1953.

This Order, a copy of which has been forwarded to the I.L.O., relates to the minimum inter-occupational guaranteed wage. The report also refers to two codicils to collective agreements in force in the territory for commercial employees in private industrial undertakings, banks, insurance firms, shipping firms, and for workers in these undertakings. These codicils, which were signed respectively on 6 November 1953 and 26 May 1954, provide for a wage of 5,014 C.F.A. francs monthly as the minimum wage for employees in the first category for 173 $\frac{1}{3}$  hours of work. This wage amounts to 5,290 C.F.A. francs for 182 hours of work a month and to 5,566 C.F.A. francs for 190 $\frac{2}{3}$  hours a month.

Unclassified employees must receive monthly wages fixed at 22,068 C.F.A. francs, 23,282 C.F.A. francs and 24,495 C.F.A. francs according to the hours of work.

As regards workers, the codicil provides for a minimum hourly wage of 28.45 C.F.A. francs for workers in the first category and 84.25 C.F.A. francs for unclassified workers.

The application of the Labour Code will not result in any changes in the minimum inter-occupational guaranteed wage-fixing machinery. During the period under review the increases in wage rates were due to the reduction in the hours of work from 48 to 40 which took place on two occasions, at first 12 per cent. and then 20 per cent. The effort made by the employers has been considered sufficient for the time being. However, before the end of 1954 the minimum standard of living is to be examined and indexed and a change in the present minimum wage may be made on the basis of this study of the minimum budget and the economic and financial possibilities of the territory.

The Inspectorate of Labour and Social Legislation ensures the application of the minimum wage. During the period under review disputes were submitted to it for arbitration and settled without recourse being had to the courts.

#### *Netherlands.*

##### *Netherlands Antilles.*

The advice of a committee composed of an equal number of representatives of employers and workers must be sought before minimum wages are laid down. The fixed minimum wage may not be varied by agreement; the statutory minimum wage may not be deviated from in collective agreements. Up to and including the period under review, minimum wages had been fixed only for female shop assistants.

The Department for Social and Economic Affairs is responsible for the administration of the law.

##### *Netherlands New Guinea.*

See under Convention No. 2.

##### *Cook Islands.*

It is considered that the Cook Islands Industrial Unions Regulations, 1947, provide adequate wage-fixing machinery for all purposes. The Minimum Wage Fixing Machinery (Agriculture) Convention, 1951, and the Right of Association (Non-Metropolitan Territories) Convention, 1947, have been applied to the territory on that basis. It is, however, desired to gain further experience of the working of the regulations before a final decision is made in regard to the application of the Minimum Wage-Fixing Machinery Convention, 1928.

See also under Convention No. 1.

##### *Western Samoa.*

See under Convention No. 1.

#### *Union of South Africa.*

##### *South-West Africa.*

The Wage and Industrial Conciliation Ordinance, 1952, is now in force in the territory but complete compliance with the terms of the Convention has not yet been effected. Difficulties of enforcement make it necessary to proceed slowly with the full implementation of the Ordinance.

#### *United Kingdom.*

##### *Aden.*

Minimum Wage and Wages Regulations Ordinance (Cap. 89 of the Laws of Aden).  
Ordinance No. 15 of 1953 (Amendment).

*Article 3 of the Convention.* In Aden there are only two recognised organisations of workers and none of employers. It is proposed that representatives of the two workers' organisations be consulted before any change is made to minimum wages which would affect their members.

*Article 5.* This Ordinance (Cap. 89) covers any person engaged in manual labour. Now that a Labour Commissioner has been appointed it will be possible to submit the required report for the year 1954-55.

Government Notice No. 150 of 1953, published on 30 November 1953, raised daily minimum wages as follows: for young persons under 18 years of age, from 3 shillings to 3 shillings and 50 cents;



for unskilled labourers, from 4 to 5 shillings; for skilled labourers, from 5 shillings to 5 shillings and 75 cents.

#### *Basutoland.*

An amendment to the Wages Proclamation to provide for a more widely based wages board is under consideration, as well as the issue of regulations (under section 10) to enable better effect to be given to the provisions of the Proclamation.

#### *Bechuanaland.*

Power to fix minimum wages is vested in wages boards established by Proclamation No. 52 of 1949. It has not so far been necessary to fix any minima.

#### *Bermuda.*

This Convention is inapplicable to Bermuda, where the scale of wages in all occupations is unusually high.

#### *British Guiana.*

Minimum Wages (Georgetown and New Amsterdam Cinema Employees) Order No. 54 of 1953.  
Minimum Wages (Georgetown and New Amsterdam Hire Car Chauffeurs) Order No. 55 of 1953.  
Minimum Wages (Watchmen) Order No. 60 of 1953.  
Minimum Wages (Drug Store Employees) Order No. 70 of 1953.  
Minimum Wages (Dry Goods Store Employees) Order No. 71 of 1953.  
Minimum Wages (Grocery Employees) Order No. 72 of 1953.  
Minimum Wages (Hardware Store Employees) Order No. 73 of 1953.

The report gives details of the minimum rates of wages applicable to the categories of workers covered by the Minimum Wages Orders cited above.

See also under Convention No. 2, paragraph 2 ff.

#### *Brunei.*

Consideration is being given to drafting a minimum wage-fixing Ordinance to comply with the Convention.

#### *Cyprus.*

Minimum Wage (Shop and Office Employees) (Amendment) Order, 1952.

*Article 2 of the Convention.* This Article is applied by section 4 of the Minimum Wage Law and by paragraph 3 of the Minimum Wage (Commerce and Trade) Regulations, 1942.

In the few cases where advisory boards were set up the organisations of employers and workers concerned were asked to nominate representatives to serve on these boards. Where no employers' or workers' organisations exist officials and other persons who have knowledge of the circumstances prevailing in the trade concerned are consulted.

*Article 3, paragraph 1.* This provision is applied by sections 3 and 4 of the Minimum Wage Law and by the Minimum Wage (Commerce and Trade) Regulations, 1942.

Paragraph 2, clause (1). Advisory boards set up in accordance with section 4 (2) of the Minimum

Wage Law include representatives of employers and workers. In accordance with paragraph 2 of the Minimum Wage (Commerce and Trade) Regulations, 1942, these boards are charged with the examination of the wages paid by employers in all trades.

Clause (2). This is applied by paragraph 3 of the Regulations.

Clause (3). This is applied by sections 5 (1), 8 (1) and 10 of the law.

Minimum wages are fixed by an Order of the Governor. In the cases where organisations of employers and workers existed an advisory board which included representatives of both sides of the trade concerned was set up. Prior to the issue of the Governor's Order the proposals of the board were published in the press, and comments from the public were invited. The Order was subsequently published in the *Cyprus Gazette* in the form approved by the Governor, account having been taken of the proposals of the board and the representations made by the public.

In cases where representative organisations did not exist no boards were set up but consultations with individual employers, workers and officials took place before an Order was promulgated.

No advantage has been taken of the exception provided for in clause (3) of this Article of the Convention.

*Article 5.* Four Minimum Wage Orders have so far been promulgated. These Orders have afforded a certain measure of protection to low-paid workers. However, wages in general have, as a result of collective bargaining, fuller employment and other economic factors, risen above the minima prescribed in the Orders. No statistics of the numbers of workers covered are available. Detection of contraventions presents considerable difficulties. When a labour officer discovers such contraventions he advises the employer of his responsibilities and the latter is made to pay the correct minimum wages together with any arrears. Large sums have been recovered by this method.

Section 5 of the law prescribes a fine of up to £20 for each offence and an additional fine of up to £5 for each day on which the offence is continued after conviction.

Section 6 (1) of the law provides that arrears may be recovered for any period not exceeding two years before the date on which the complaint is made.

There are ten labour officers authorised to carry out inspections under the law. Considerable difficulties are encountered owing to the lack of proper wage records especially in small undertakings and the reluctance of persons affected by the contraventions to give evidence.

An extract from the annual report of the Commissioner of Labour for the year 1953 states: "More systematic inspections were carried out by labour inspectors to ensure the enforcement of the Minimum Wage (Shop and Office Employees) Order, 1951. A number of contraventions of the Order were detected, but in most cases inspectors secured recovery of arrears of employees' wages or salaries without having recourse to prosecutions."

A copy of the legislation mentioned above is appended to the report.

*Dominica.*

About 7,000 agricultural workers are covered by a voluntary agreement existing between the Employers' Union and the Dominica Trade Union (general workers). Information on rates fixed as from May 1954 is contained in the report. An Administrative Order issued by the Government guarantees approximately 2,000 unskilled constructional and other workers the same rates as from November 1953.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

The machinery for fixing minimum wages by Order of the Governor in Council has not yet been put into effect in respect of any trade or part of a trade. The wages in most of the principal industries are fixed by collective bargaining. From time to time there have been reviews as to whether the circumstances in particular trades or parts of trades were such as to call for the introduction of statutory fixation of minimum wages, and such reviews will continue to be made.

*Gibraltar.*

Regulation of Wages and Conditions of Employment Ordinance (Cap. 159).

Minimum wage fixing machinery in the territory is now provided through the above legislation which came into force in May 1954. The legislation provides for a Regulation of Conditions of Employment Board, composed of equal numbers of representatives of organised workers, organised employers and independent persons, which is empowered to make recommendations to the Governor in Council as to general minimum standards regarding wages, hours of work, periods of employment and leave. Provision is also made for the establishment of wages councils covering specific industries, with similar powers. The Governor may issue an order establishing a wages council where he considers that no adequate machinery exists for the effective regulation of wages and conditions of employment of the workers to be covered by the Council and that these conditions warrant the establishment of a Council. The first recommendations of the Regulation of Conditions of Employment Board were under consideration by the Government during the period under review. Some 10,500 out of approximately 20,500 workers are covered by the statutory wage-fixing machinery. The Defence Departments, the Colonial Government and the City Council conform to an agreed uniform basic wage structure, details of which are set out in the report. Workers' representatives on the Labour Advisory Board have deplored the fact that the Defence Departments had not agreed to come within the scope of the legislation.

*Gold Coast.*

- Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1953.
- Labour (Retail Trade Workers) (Minimum Remuneration) (Amendment) Order, 1953.
- Labour (Retail Trade Workers) (Minimum Remuneration) (Amendment) Order, 1954.

The recommendations of the Retail Trade Workers Wages Board reported last year were implemented by the above-mentioned legislation, copies of which are appended to the report, together with a notice giving the minimum wage rates fixed by this legislation.

*Grenada.*

In 1953 there were 5,556 agricultural workers, 551 spice workers, 777 government road workers and 649 shop assistants and clerks. While the minimum wages fixed for able-bodied men and women are respectively 82 cents and 68 cents per day, the actual current rates, granted voluntarily by the employers and in effect since April 1954 are \$1.44 and \$1.20.

*Hong Kong.*

Although both trade and industry in the colony have been adversely affected by events in the Far East and by the resulting restrictions on trade, the situation has in some respects shown an improvement during the period under review. Deprived of their former sources of 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 which have been unable to make the necessary readjustment have failed. On the whole, however, employment figures have shown an improvement, as some of the larger factories, e.g. in the textile industry, have maintained full employment and in some cases have expanded. The cost of living has remained steady during the year, as have wages in general. These factors have resulted in reasonable stability in industry and have rendered unnecessary the establishment of any trade board to determine minimum wages.

*Jamaica.*

Advisory Board (Laundry and Dry-Cleaning Trade) Regulations, 1954.

Advisory boards now exist for the following trades or industries: sugar, bakery, catering (excluding hotels), manufacturing and bottling of alcoholic and non-alcoholic beverages, printing, dry goods, hotels, laundry and dry-cleaning. For the sugar industry, however, collective bargaining has taken the place of wage fixing by the advisory board in question. During the period covered by the report the courts ordered payment of arrears totalling £503; an amount of £4,176 was paid as a result of inspection visits without the intermediary of the courts. The report includes statistics on present minimum wage levels in force.

*Kenya.*

- Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 41 of 1951.
- Regulation of Wages and Conditions of Employment (Amendment) (No. 2) Ordinance No. 63 of 1951.
- Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 9 of 1954.
- Tailoring, Garment Making and Associated Trades Wages Council (Establishment) Order, in Notice No. 641 of 1952.
- Wages Council (Tailoring, Garment Making and Associated Trades) Rules, in Notice No. 642 of 1952.

Deduction from Wages (Rations) Order, in Notice No. 935 of 1952.  
 Wages Regulation (Tailoring, Garment Making and Associated Trades) Order, in Notice No. 1144 of 1952.  
 Wages Regulation (Exhibition of Notices) Rules, in Notice No. 1145 of 1952.  
 Wages Regulation (Tailoring, Garment Making and Associated Trades) Order, in Notice No. 511 of 1953.  
 Wages Regulation Order in Notice No. 674 of 1953 (specifying general minimum wages for urban centres).  
 Transport and Road Haulage Wages Council (Establishment) Order, in Notice No. 720 of 1953.  
 Wages Council (Transport and Road Haulage) Rules, in Notice No. 1044 of 1953.  
 Wages Regulation (Soft Furnishings) Order, in Notice No. 995 of 1953.  
 Wages Regulation (Bespoke Tailoring for Men and Boys) Order, in Notice No. 996 of 1953.  
 Wages Regulation (Road Passenger Transport and Road Haulage) Order, in Notice No. 180 of 1954.  
 Transport and Road Haulage Wages Council (Establishment) (Amendment) Order, in Notice No. 251 of 1954.  
 Special Wages Regulation Order (No. 1), in Notice No. 496 of 1954 (replacing the previous urban Minimum Wages Order).  
 Wages Regulation (Tailoring, Garment Making and Associated Trades) (Amendment) Order, in Notice No. 863 of 1954.  
 Notice (No. 517 of 1954) of Minister for Labour's intention to establish a Wages Council for the Hotel and Catering Trades.

*Article 1 of the Convention.* By enactment of the Regulation of Wages and Conditions of Employment Ordinance, the Kenya Government has taken powers to create and maintain machinery whereby minimum rates of wages can be fixed for all workers whose wages are not effectively regulated by collective agreement or otherwise, or whose wages are exceptionally low.

The Ordinance's application is not restricted to manufacturing and commerce. Section 4 of the Ordinance applies to all employees in the colony, in regard to the functions of the Wages Advisory Board; section 6 applies to the employees in any trade, industry or occupation as specified by the Minister for Labour, in regard to the functions of Wages Councils. The only exclusions from the scope of the Ordinance are made by section 3—in respect of persons in the armed service of the Crown, the police, and persons in the civil employment of the United Kingdom Government other than locally engaged civilian employees.

As regards the criteria of whether there are inadequate arrangements for collective bargaining, or whether the wages are exceptionally low in a particular employment, section 4 of the Ordinance leaves it to the Governor in Council of Ministers to deem it "expedient" to fix a basic minimum wage for any category of employees or area (in which case the Wages Advisory Board first inquires into the matter); and section 6 states that the Minister for Labour may establish Wages Councils in cases where "he is of the opinion that no adequate machinery exists for the effective regulation of the remuneration or other conditions of employment of the employees in any trade . . . etc."

*Article 2.* Section 4 of the Regulation of Wages and Conditions of Employment Ordinance provides that, after the Wages Advisory Board has inquired into the employment conditions of any workers concerning whom it has been required to report, the Board may recommend the establishment of a Wages Council for such workers, or may itself propose minimum rates of wages.

In accordance with section 5 and the First Schedule of the Ordinance, the Wages Advisory Board is composed of three independent members, two representatives each of employers and workers, and such assessors as the Minister for Labour may appoint. The workers' representatives and one assessor are drawn from the Kenya Federation of Registered Trade Unions, and the employers and another assessor are now being selected after consultation with the European and Asian Chambers of Commerce.

In addition, the Wages Advisory Board itself consults interested organisations of employers and workers as to the setting up of Wages Councils. It may also, as an interim measure or as an alternative to the creation of a Wages Council, fix wages for specified categories of workers; but it has not yet had occasion to exercise this power. In deciding whether to direct the Wages Advisory Board's attention to a category or group of workers, the Government takes heed of representations made to it by organisations of workers or employers.

Wages Councils also have equal representation of employers' and workers' organisations, and themselves have some discretion, within the occupational or area jurisdiction allotted to them as to which employees in which trades or parts of trades require the protection of statutory minimum wages.

No rates have as yet been fixed for any home-working trades.

*Article 3, paragraph 1.* As indicated above, there are two forms of minimum wage fixing machinery provided by the Regulation of Wages and Conditions of Employment Ordinance, i.e. the Wages Advisory Board and Wages Councils. As a temporary measure, however, until 31 December 1954 the Regulation of Wages and Conditions of Employment (Amendment) Ordinance, 1954, also empowers the Legislative Council to make or approve any proposals relating to the regulation of the wages or conditions of employment of any employees in the colony, and the Minister for Labour must forthwith make a Special Wages Regulation Order accordingly. This measure resulted from a special survey during 1953 of African wage levels in urban areas. The Special Wages Regulation Order (No. 1) of 1954 raised the minimum wages in nine urban areas by about 10s. per month, and also increased rent allowances.

*Paragraph 2.* As indicated under Article 2 above, representatives of the employers and workers concerned, including representatives of their respective organisations and also qualified assessors appointed by the Minister for Labour, are consulted under the provisions of section 4 of the Regulation of Wages and Conditions of Employment Ordinance before wage-fixing machinery is applied in any trade or part of a trade.

In addition, the Minister for Labour is required by section 7 of the Ordinance to give notice in the *Official Gazette*, and twice in a local newspaper, of his intention to establish a Wages Council. A period of 30 days is allowed for objections from interested parties.

The Wages Advisory Board, which is itself an additional wage-fixing body, was established in 1951 by the Governor in Council of Ministers

under section 4 of the Ordinance; and the necessary consultation took place when the draft of the Ordinance was initially considered by the colony's Labour Advisory Board, on which employers and workers are represented.

Wages Councils have so far been established for the tailoring, garment making and associated trades on a colony-wide basis, and for the road transport and road haulage trades in the Nairobi City and Nairobi County Council areas. During the year under review, a decision was also reached to set up a Wages Council for the hotel and catering trades, and inquiries were made with a view to expanding the jurisdiction of the Transport and Road Haulage Wages Council over the whole territory.

In accordance with the First Schedule to the Ordinance, there is equal representation of employers and workers on the Wages Advisory Board. In the case of Wages Councils, the Orders establishing these bodies are required by the Second Schedule to the Ordinance to provide equal representation of employers and workers, together with three independent members, one of whom is the chairman; and organisations of workers and employers must be consulted by the Minister for Labour before he appoints representative members.

Minimum rates of wages fixed by the above-mentioned bodies are required by sections 11 and 12 of the Ordinance to be paid to the workers affected, in cash and clear of all deductions save those permitted by the Ordinance. No abatement of such minimum rates by individual agreement is permitted. The deductions permitted by law are in respect of contributions to approved provident or pension schemes, and authorised sums in respect of rations supplied by employers. Labour officers may also issue permits under section 15 of the Ordinance for infirm or incapacitated persons to be employed at authorised rates of wages less than the statutory minima.

Section 31 of the Ordinance requires that collective agreements, or employers' memoranda of terms of employment, submitted for registration by the Labour Commissioner under the Ordinance, must have the prior approval of the appropriate Wages Council if they affect workers covered by such Wages Council. This provision does not afford opportunity to abate any statutory minimum rate of wages by collective agreement. Any collective agreement in respect of lower rates of wages for infirm or incapacitated persons would, in fact, require particular authorisation by a labour officer, but no such case has yet arisen.

*Article 5.* The application and enforcement of the above legislation, with a view to ensuring the observance of statutory minimum rates of wages, is entrusted to the colony's Labour Department. There are 15 branch offices of the Department distributed over the major employment centres of the territory. The Department employs 22 labour officers, 15 labour inspectors (African), and 5 wages inspectors (African), whose duties are partly or wholly concerned with the enforcement of Wages Regulation Orders. During 1953 a total of 8,151 wage complaints were dealt with by these officers, and an aggregate amount of £12,768 in wage arrears was recovered directly by the Department on behalf of workers, whilst a further £8,021 was presumed recovered consequent upon

agreements to pay. A large proportion of these cases was in respect of workers affected by statutory minimum wages. There were also 62 prosecutions of employers under the Regulation of Wages and Conditions of Employment Ordinance.

Wages Regulation Orders resulting from negotiations in Wages Councils are required to be posted up, in the form of wall notices, by all affected employers. The Wages Regulation (Exhibition of Notices) Rules, 1952, make it an offence for an employer not to post up such notices issued by Wages Councils. Wages Regulation Orders are also required to be published in newspapers, in accordance with section 10 of the Ordinance; but those resulting from proposals of the Wages Advisory Board (normally in respect of general minimum rates for areas) are at present notified to employers by labour officers in the areas concerned.

Labour officers and inspectors have adequate powers under section 20 of the Ordinance to supervise employers of workers who are affected by minimum wage orders. A system of routine inspections of the wage records of all employers concerned is now being developed by the Labour Department.

Section 12 of the Ordinance makes it an offence for an employer to pay less than the statutory minimum wages, and also enables a court trying such a case to order the employer to pay wages arrears due on account of underpayment. This section also enables workers themselves to recover wages by civil proceedings; whilst section 13 enables labour officers to institute civil proceedings on behalf of workers. The limitation of time in respect of underpayments which may be recovered under section 12 of the Ordinance is 12 months immediately preceding the date of the offence (underpayment of a monthly, weekly or daily rate) for which the employer is actually prosecuted.

The Convention is capable of the fullest application in Kenya, by means of the above-mentioned legislation. The application of statutory minimum wages to all the workers actually requiring such protection will, however, take some time, as the Labour Department cannot ensure the effective operation of a large number of wage-fixing bodies in the initial stages. If the recent rate of progress is maintained, nearly all the colony's labour force should be covered by minimum wage orders or collective agreements within the next five years.

Representations by organisations of employers and workers during the year have mainly concerned the application of the legislation applying the Convention. The Domestic and Hotel Workers' Union requested the Government to establish a Wages Council for both domestic servants and hotel and catering staffs. The Wages Advisory Board duly recommended a Wages Council for the hotel and catering trades, but it has so far been found impracticable to make similar arrangements for domestic workers. The latter are, however, affected by urban general minimum wages. Other requests were made by the Transport and Allied Workers' Union for expansion of the Road Transport Wages Council to cover the whole territory, and for the creation of a Wages Council for the motor vehicle engineering trades. The first request succeeded, but the second has

not yet been fully considered by the Wages Advisory Board.

Some employers' groups have warned the Government that it should not set up wage-fixing machinery at too rapid a pace, and have expressed the view that it is premature to fix minimum wages on a wide scale, in advance of any real improvement in African workers' standards of productivity.

In April 1953, following a debate on the subject in Legislative Council, the Governor appointed a Committee on African Wages, with the Labour Commissioner as Chairman, to consider and report, *inter alia*, on the adequacy of African cash wages and other conditions and benefits of employment. After taking evidence from a wide range of employers and workers, their organisations and other interested parties, the Committee published a comprehensive report in 1954. The report includes recommendations as to the policies which should be followed in fixing minimum wages in Kenya. These recommendations will be considered by the Legislative Council later in the year.

The principal change concerning the application of this Convention in Kenya during the past five years has been the replacement of earlier legislation by a comprehensive Ordinance. The new Ordinance provides for Wages Councils in respect of occupational groups or industries, and for a Wages Advisory Board in respect of workers generally or in any area or occupation.

There has been considerable progress both in fixing general minimum wages for urban areas and in fixing minimum wages for specific occupations or industries. Whilst the 1950-51 report refers to 30,000 workers being affected by Minimum Wage Orders, it is now reckoned that current Wages Regulation Orders affect almost 130,000 workers, out of the colony's total labour force of 500,000.

Employers' and workers' organisations are now consulted before wage-fixing machinery is established, or minimum wages fixed. This has been facilitated by the recent growth of the trade union movement and the development of more employers' organisations in Kenya.

#### *Leeward Islands.*

In general, the trade unions in the territory are, by reason of their large membership, in a strong position effectively to protect the workers by collective bargaining; neither the unions nor the employers favour the utilisation of minimum wage-fixing machinery.

#### *Malta.*

Wage Regulation Order No. 2.  
Construction Wages Council Wage Regulation Order, 1953.  
Government Notice No. 327.  
Government Notice No. 555 of 9 October 1953.

Government Notice No. 555 amends Government Notice No. 327 in deleting paragraph (c) of section 1 thereof.

The Order amending the Construction Wages Council Order modifies the field of operation of the Construction Wages Council so as to include "the manufacture of pre-cast concrete masonry and concrete units and the manufacture of cement tiles".

#### *Mauritius.*

The report refers under Article 5 to Government Notice No. 173 of 1953 relating to minimum rates for bus drivers and bus conductors.

#### *Nigeria.*

No new minimum wages were fixed during the course of the year.

#### *Northern Rhodesia.*

Ordinance No. 27 of 1952.  
Ordinance No. 53 of 1953.  
Government Notice No. 99 of 1947.  
General Notice No. 813 of 1949.  
General Notice No. 306 of 1952.  
General Notice No. 884 of 1954.  
General Notice No. 1000 of 1954.

By Ordinance No. 27 of 1952 the principal Ordinance was amended to provide for agreements or arbitration awards being given the force of law, at the request of the parties. By Ordinance No. 53 of 1953 the principal Ordinance was amended to provide that, where any agreement or arbitration award relating to remuneration or conditions of employment in a specified industry has been made, the Governor in Council may, after certain conditions specified in the Ordinance have been fulfilled, make an order regulating remuneration and conditions of service which will apply to employers and workers engaged in like work in any or all other industries and undertakings.

A Wages Council consists of not more than three independent members together with representatives of employers and employees in equal numbers. One of the independent members may be a labour officer, who has no voting power.

*Article 2 of the Convention.* Where organisations of employers and workers exist they are consulted before any board or council is appointed.

A Wages and Conditions of Employment Board determines minimum wages for African shop assistants, including tailors employed in all stores throughout the Eastern Province (General Notice No. 813 of 1949). In 1954 a Wages Council was appointed for African shop assistants in the Eastern Province. This council replaced the board referred to above, and a new determination was published in General Notice No. 884 of 1954.

#### *Nyasaland.*

Wages and Conditions of Employment Ordinance No. 32 of 1949.  
Standing Advisory Board Rules, 1950, published under Government Notice No. 42 of 1950.  
Government Notice No. 148 of 1953.  
Standing Advisory Board (Amendment) Rules, 1954, published under Government Notice No. 128 of 1951, altering the Constitution of the Board for Southern Province.  
Standing Advisory Board (Amendment) Rules, 1954, published under Government Notice No. 62 of 1954, altering the Constitution of the Board for Central Province.  
Minimum Wage Order, 1954, published under Government Notice No. 37 of 1954, prescribing the minimum consolidated wage to be paid to labourers throughout the Protectorate.  
Minimum Wage (Tailors) Order, 1954, published under Government Notice No. 63 of 1954, prescribing the minimum wage to be paid as from 1 June 1954 to certain workers in the tailoring industry.

Government Notice No. 37 of 1954 prescribes the minimum wages payable to an unskilled male African labourer as from 1 May 1954, inclusive of the value of proper and sufficient food, both in the townships and other areas of the Protectorate. Under the same Government Notice abatements are permitted from the minimum wages prescribed when employers provide proper and sufficient food, and when they provide a cooked midday meal.

Under Government Notices No. 128 of 1951 and No. 62 of 1954 the Standing Advisory Board Rules, 1950, were amended to provide improved representation by employers and workers on the Central and Southern Provinces Labour Advisory Boards.

With the introduction of a minimum wage stated in terms of rate per day and permitting certain deductions, the Form of Permanent Record published in Government Notice No. 41 of 1950 was not satisfactory and steps have been taken to provide an alternative Form under the authority of section 39 of the African Employment Ordinance No. 3 of 1954.

#### *St. Lucia.*

Wages Councils Sugar Industry Order No. 58 of 1952.  
Wages Councils (Wages Regulation Proposals and Orders) (Posting) Regulations No. 7 of 1953.  
Wages Regulation (Sugar Industry) (Workers) Order No. 6 of 1954.

During the period under review minimum wage rates for sugar workers were revised under the machinery provided by the Wages Councils Ordinance.

#### *St. Vincent.*

Wages Councils Ordinance No. 1 of 1953.  
Statutory Rules and Orders No. 37, No. 38, No. 39, No. 40, No. 41, No. 47, No. 48, No. 54 and No. 55 of 1953, No. 1, No. 2, No. 11 and No. 34 of 1954.

Wages in the territory are now fixed under the Wages Councils Ordinance of 1953. During the year under review minimum rates of pay were fixed for agricultural workers, industrial workers, shop assistants and domestic servants.

#### *Sarawak.*

Owing to the high demand for labour no legislation is in fact necessary to give effect to this Convention. The position is constantly kept under review, and consideration is now being given to drafting a Minimum Wage Fixing Ordinance to comply with the Convention.

#### *Sierra Leone.*

Public Notice No. 55 of 23 July 1953.  
Public Notice No. 78 of 20 August 1953.  
Public Notice No. 79 of 27 August 1953.  
Public Notice No. 5 of 21 January 1954.

There have been no advances during the last five years in law and practice relating to matters dealt with in this Convention, and no difficulties have been encountered with regard to the application of its provisions. An additional Wages Board designed to improve the wages and conditions of service in the printing trade was set up in August 1953. A copy of the relevant regulations is appended to the report.

As a result of complaints from certain workers employed in the printing trade, the Labour Department made an inquiry into the wages and conditions of employment and, in the absence of wage negotiating machinery for this trade, a printing wages board was set up in August 1953. The number of workers affected in the first instance was about 100, and these were not in any way organised. Informal discussions took place with all these organisations both before and during the process of forming the wages boards, and their nominees were eventually appointed as members. In addition there is a Joint Consultative Committee fulfilling much the same role as the National Joint Advisory Council in the United Kingdom and from which advice may be sought.

The estimated number of workers covered by each of the wage-regulating bodies is as follows: mineworkers, 6,500; maritime and waterfront workers, 4,500; transport (road and rail), 5,000; artisans and general workers not known but reckoned to be between 10,000 and 15,000; printing trade workers, 150. Statistics are not yet available for the numbers of workers covered by the minimum wage fixing machinery, analysed as to men, women and young persons.

It may be said that, in so far as government departments and the large European commercial undertakings are concerned, there is every desire to comply with the requirements of the Ordinance. Experience has shown that underpayment was at first general amongst Asian and African employers, most of whom employ less than ten workers. There has, however, been a marked improvement during the period under review and there have been fewer cases involving deliberate underpayment.

No observations have been received from organisations of employers, but trade unions have urged the Labour Department to carry out more inspections, and the wages inspection service has been progressively improved.

#### *Singapore.*

Section 129 (1) of the Labour Ordinance reads as follows: "It shall be lawful for the Indian Immigration Committee from time to time with the approval of the Governor by notification in the *Gazette* to prescribe standard rates of wages payable to all or any classes of labourers performing all or any of the kinds of labour specified in section 112 in areas to be set forth in such notification."

Although the Indian Immigration Committee still has the power to fix standard rates of wages this power has not been used since 1941. This is because the Ordinance covered Indian labourers only, and, moreover, assisted immigration of Indian labourers from India was stopped by the Government of India in 1938.

Section 10 (1) of the Children and Young Persons' Ordinance, 1949, reads as follows: "If it shall be shown to the satisfaction of the Governor in Council, upon the application of the Commissioner and after such inquiry as the Governor in Council may think fit to direct, that the wages of children and young persons or both, employed in any industry or type of employment or in any area, are insufficient having regard to the nature of the work and the conditions of employment, it shall be lawful for the



Governor in Council to prescribe, by order, minimum rates of wages to be paid in that industry, type of employment or area."

Section 10 (2) reads as follows: "Any such order shall be published in the *Gazette* and shall have effect from the date of publication, unless some other date is named therein".

*Article 1 of the Convention.* The requirements of this Article are met. The Preamble to the Wages Councils Ordinance No. 11 of 1953 reads: "An Ordinance to provide for the establishment of wages councils, and otherwise for the regulation of the remuneration and conditions of employment of workers in certain circumstances." (See also sections 3 (2) (a), and 5.)

*Article 2.* Section 4 of the Ordinance applies this Article.

*Article 3.* Sections 4, 7, 8, 12 and 13 of the Ordinance apply this Article.

*Article 5.* It has not been found necessary so far to establish the machinery for minimum wage fixing provided for in the Ordinance. Hitherto, collective bargaining has proved effective in disputes referred to this Department for conciliation.

Officers of the Labour Department inspect all places of employment and take steps to inform workers of any wage council orders affecting them. (See also the Wages Councils (Notices and Orders) Regulations, 1954 published as *Gazette Notification No. S 410 of 26 November 1954*, prescribing rules therefor.)

Under section 15 of the Wages Councils Ordinance there is a provision enabling the worker to recover any amount by which he has been underpaid.

It has not been found necessary to apply this Convention in practice in the colony.

#### *Solomon Islands.*

See under Convention No. 5.

#### *Tanganyika.*

Regulation of Wages and Terms of Employment Ordinance (Application) Order, 1953 (Government Notice No. 268 of 1953).

This Order brought the Ordinance into force over the whole of the territory from 1 October 1953.

*Article 1, paragraph 1, of the Convention.* The requirements of the Article are given effect by the provisions of the Regulation of Wages and Terms of Employment Ordinance, which apply to employment generally in the territory. "Home-working trades" are included within the scope of the Ordinance by the definition of "out-worker" contained in section 2.

Paragraph 2. Persons in the service of the armed forces of the Crown, or of Her Majesty's Government in the United Kingdom who have been engaged for such employment within East Africa are within the scope of the Ordinance.

Although no form of wage fixing machinery under the provisions of the Ordinance has yet been brought into operation, consideration is now being given to the constitution of a Minimum Wage Board for Dar es Salaam. Progress has

continued in the formation of staff committees both in the Government and in industry in accordance with the provisions of Part V of the Ordinance to improve relations between employers and workers.

*Article 5.* Minimum wage fixing machinery has yet to be established, but during the period 1 July 1953 to 30 June 1954, minimum wage rates for unskilled daily paid labour employed by government departments were further increased in the Western and Northern Provinces of the territory by administrative instructions.

#### *Trinidad and Tobago.*

Wages councils have been set up for the sugar industry and the distributive trades. There are some 20,000 workers in the sugar industry in the categories covered by the wages councils. Minimum rates of wages in the sugar industry have been fixed at 62 per cent. over the rates prevailing in 1949. There is no reliable estimate of the number of workers covered by the wages council for the distributive trades and this council has not yet submitted wage proposals.

#### *Uganda.*

Uganda Employment Ordinance, Cap. 83 of the Revised Laws of Uganda, 1951 (sections 6 and 7).

*Article 2 of the Convention.* No organisations of employers or workers existed in the areas at the time when minimum wages were laid down for those areas. Employers and workers are represented on the wage fixing body, namely the Central Labour Advisory Board.

The enumeration of employees carried out in September 1953 showed that the Minimum Wage Order covered 31,073 in Kampala and 13,816 in Jinja. The enumeration did not include domestic servants or persons in any establishment with less than five employees. It is estimated that persons in these two classes who would be covered by the Minimum Wage Order would number approximately 11,000 in the two towns.

With the demand for labour exceeding the supply, and the Government being the largest employer of labour, private employers find themselves compelled to pay wages at least as high as those paid to government unskilled labour, and in many instances they pay more. The following extracts from the annual report of the Labour Department for 1953 explain the position:

"In the absence of any organisation representative of employers and employees engaged in any particular industry, the Minimum Wages Ordinance, 1949, makes provision for the statutory fixing of minimum wages in any part of the Protectorate, wages orders being made, subject to the Governor's approval, by the Central Labour Advisory Board. Minimum Wage Orders were made for Kampala and Jinja in 1950 and are still in force. Wages are kept at a reasonable level by adjustments to government rates which, with the demand for labour exceeding the supply, have a direct effect throughout the country" (paragraph 90).

"In September 1953 the temporary allowance paid to the established staff of the civil service was increased by 5 per cent. to 35 per cent. following a rise in the non-African retail price

index. In consequence of this increase and in recognition of the fact that the prices of foodstuffs had risen to some extent even in the smaller centres and the rural areas, the wages of unestablished employees and unskilled labourers employed by the Government were increased by 5 per cent. except in those areas where food had been issued as a measure of relief since earlier in the year. By September the prices of African foodstuffs were beginning to fall and as there was no justification for those who had been drawing food allowance since April to receive any extra payment, their basic wages were increased by five per cent. at the same time as those of other government employees but the food allowance which they were receiving was reduced by an equivalent amount. This meant that employees already drawing a food allowance whose wages did not exceed 80 shillings did not receive any addition to their total emoluments since that was the

figure at which the 4 shilling food allowance was entirely incorporated in the basic wage. As the Government is still the largest employer of labour in the towns and the supply of labour generally falls a little short of the over-all demand, other employers tend to see that their wages do not fall behind the government rate, in fact in many cases they pay more. The government rate is generally regarded as the minimum wage and as the Government keeps a close watch on the wages paid in relation to the cost of living it has not been necessary to alter the statutory minimum wages which were fixed for Kampala and Jinja in 1950" (paragraph 48).

Sections 5 and 6 of the Minimum Wages Ordinance, adequately cover this Article.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*This Convention came into force on 9 March 1932*

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*Australia.* Ratification: 9 March 1931. Applicable without modification: Nauru. Decision on application reserved for all other Australian non-metropolitan territories.

*Belgium.* Ratification: 6 June 1934. Applicable without modification: Belgian Congo and Ruanda-Urundi.

*Denmark.*<sup>1</sup> Ratification: 18 January 1933. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 29 July 1935. No declaration on application.

*Italy.* Ratification: 18 July 1933. No declaration on application.

*Japan.* Ratification: 16 March 1931. Applicable without modification: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 4 January 1933. No declaration on application.

*Portugal.* Ratification: 1 March 1932. Not applicable to all Portuguese non-metropolitan territories.

*Union of South Africa.*<sup>1</sup> Ratification: 21 February 1933. No declaration on application.

*United Kingdom.*<sup>2</sup> No declaration: British Somaliland, Channel Islands and Isle of Man. Decision on application reserved for all other British non-metropolitan territories.

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<sup>1</sup> Conditional ratification.

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

*France.*

*French Equatorial Africa.*

A general order concerning conditions of hygiene and safety will shortly be published and will

include provisions concerning transport by inland navigation and maritime transport.

*French Guiana.*

Labour Code, Title V, Chapter IV *bis*, sections 80 and 80 (*b*).

The legislation is the same as in metropolitan France, and the Convention is strictly applied.

*French Settlements in Oceania.*

The provisions of the Convention are of little importance for the territory in view of the fact that few heavy packages are shipped and shipments consist of goods transported in sacks or small parcels. In exceptional cases, where the shipment is made of an object weighing more than 1,000 kilograms, the weight of such an object is easily estimated. The only hoisting machines used in the territory are those capable of lifting light loads and use is made of the masts of vessels for the trans-shipment of goods.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

*Portugal:*

*Timor.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.



## 29. Forced Labour Convention, 1930

*This Convention came into force on 1 May 1932*

*Australia.* Ratification: 2 January 1932. Applicable without modification to all non-metropolitan territories.

*Belgium.* Ratification: 20 January 1944. Applicable with modification to the Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 11 February 1932. Applicable without modification to the Faroe Islands and Greenland.

*France.* Ratification: 24 June 1937. Decision reserved: Morocco, Tunisia. Applicable without modification<sup>1</sup> to all other French non-metropolitan territories. Decision reserved: Morocco, Tunisia.

*Italy.* Ratification: 18 June 1934. Applicable without modification<sup>1</sup>: Trust Territory of Somaliland.

*Japan.* Ratification: 21 November 1932. Applicable without modification: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 31 March 1933. Applicable without modification: Netherlands Antilles, Surinam. Applicable with modification: New Guinea.

*New Zealand.* Ratification: 29 March 1938. Applicable without modification<sup>1</sup>: All non-metropolitan territories.

*United Kingdom.* Ratification: 3 June 1931. Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man. Applicable without modification to all other British non-metropolitan territories.

<sup>1</sup> In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

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

### *Australia.*

#### *Nauru.*

The territory of Nauru had a population of 3,404 at 30 June 1953 of whom 1,745 were Nauruans, 270 Europeans, 515 Chinese and 874 other Pacific Islanders. As the indigenous population is not large enough to provide the labour requirements of the phosphate industry, the bulk of the skilled and unskilled labour is recruited from outside the territory. Chinese are recruited from Hong Kong and Natives from the Gilbert and Ellice Islands. Every contract for service and work in Nauru between Chinese or Native workers and an employer is made in accordance with the provisions of the Chinese and Native Labour Ordinance, 1922-1953, which prescribes minimum conditions and standards for the general benefit of the employees.

No form of forced or compulsory labour whatsoever exists in the territory and it has not been necessary to enact any special legislation relating to the provisions of the Convention. The Chinese and Native Labour Ordinance prohibits all forms of forced or compulsory labour.

*Article 2 of the Convention.* Work required to be performed by a person as a consequence of a conviction in a court of law is exacted in conform-

ity with Article 2, paragraph 2 (c), of the Convention. All such work is carried out under the supervision and control of the administration. The convicted persons are not hired to or placed at the disposal of private individuals, companies or associations.

*Article 8.* The responsibility for any decision to have recourse to compulsory work or service, as permitted under Article 2 of the Convention, would rest with the Administrator.

#### *New Guinea.*

Regulations made under the Native Administration Ordinance, 1921-1951.

*Article 1 of the Convention.* The only form of compulsory labour permitted in New Guinea (planting of food crops) is that referred to in Article 19 of the Convention.

*Article 2.* Work required to be performed by a person as a consequence of a conviction in a court of law is exacted in conformity with Article 2, paragraph 2 (c), of the Convention. All such work is carried out under the supervision and control of the administration. The convicted persons are not hired to or placed at the disposal of private individuals, companies or associations.

#### *Norfolk Island.*

Work required to be performed by a person as a consequence of a conviction in a court of law is exacted in conformity with Article 2, paragraph 2 (c), of the Convention under the supervision and control of the administration. The convicted persons are not hired to or placed at the disposal of private individuals, companies or associations.

#### *Papua.*

Native Plantations Ordinance, 1925-1952.  
Regulations made under the Native Plantations Ordinance, 1908-1952.

*Article 2, paragraph 2 (c), of the Convention.* Work required to be performed by a person as a consequence of a conviction in a court of law is exacted in conformity with Article 2, paragraph 2 (c), of the Convention. All such work is carried out under the supervision and control of the administration and prisoners are not hired to or placed at the disposal of private individuals, companies or associations.

*Article 12.* It is not feasible to issue certificates indicating periods of forced labour but a record is made of such employment and it is administrative policy that the work should be equitably distributed.

*Article 16.* The relevant regulations are virtually never used and the greater part of the portage is done by voluntary labour.

*Article 19.* The Declaration of 13 March 1952, in virtue of which compulsory cultivation was exacted in the Milne Bay district, was still in force on 30 June 1954. While a great deal of development work has been accomplished in this area, the stage has not been reached when forced labour can be abolished, although the possibility exists for such action to be taken in the near future.

The whole of the produce of a plantation is the property of the villagers.

*Article 24.* The only forms of compulsory labour permitted in Papua are those referred to under Articles 18 and 19, and these are only applied in exceptional circumstances and under strict administrative control. The provisions of these compulsory requirements are fully explained by district officers to the people concerned.

*Article 25.* Illegal recourse to forced or compulsory labour is punishable under the provisions of the Criminal Code. No legal proceedings have been instituted, since the legal exaction of forced labour has not occurred.

#### *Belgium.*

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

The proposal to abolish all compulsory unpaid labour, other than work for the purposes of training, has not yet been adopted. It is expected that the provisions in question will come into force on 1 January 1955.

*Article 10 of the Convention.* The number of taxpayers from whom labour was exacted during 1953 was 6,160 out of a total of 2,958,165, that is less than 1.7 per cent.

Detailed statistics are appended to the report respecting free workers and prisoners employed on public works. These statistics show that the administration employed, either directly or indirectly for the maintenance of public property and the execution of public works, 94,471 free workers (80,071 in the Congo and 14,400 in Ruanda-Urundi) and that out of approximately 20,000 prisoners 15,337 were employed on public works (13,441 in the Congo and 1,896 in Ruanda-Urundi).

#### *Denmark.*

##### *Faroe Islands.*

In view of the fact that no forced or compulsory labour of the nature indicated in the Convention was in use in the territory at the time of the ratification of the Convention, and has not been used since then, there are no special laws or other provisions prohibiting use of such labour other than those referred to below with regard to Article 25 of the Convention.

Forced or compulsory labour proper exists only in the prisons and in the armed forces, which forms of labour are in accordance with the exceptions authorised under Article 2 of the Convention.

Labour exacted as a result of a legal sentence is carried out in the prisons as part of the sentence of imprisonment and is done under the supervision and control of the public authorities; thus, the persons concerned are not subject to the

authority of private persons, companies or associations.

As regards the armed forces, it should be noted that section 7 of Act No. 277 of 18 June 1951 respecting the organisation of the national defence applies also to the Faroe Islands, in so far as military troops are stationed in these Islands. The Naval District of the Faroe Islands is composed of Danish conscripts who are stationed in the Islands with a view to carrying out tasks in the meteorological service and in the fisheries service. As a result of these provisions, military forces may be engaged only on work which forms part of their training. In the case of contravention the persons concerned are responsible to their superior and proceedings may also be instituted before the courts.

In conformity with Article 25 of the Convention, the exaction of forced labour may be punished in virtue of section 260 of the Criminal Code which also applies to the Faroe Islands. If a person holding a public service or office is guilty of any contravention, he may be liable to punishment under section 150 of the Criminal Code.

#### *Greenland.*

There are no regulations to prevent the exaction of forced or compulsory labour. It should be noted, however, that the only type of forced labour in Greenland is that which may be exacted in pursuance of a sentence pronounced by the ordinary courts. Forced labour imposed in such cases is carried out for the account of the State or of a municipality and the person may not be hired to a private company.

#### *France.*

##### *Cameroons.*

The only type of forced labour which may be exacted is that resulting from sections 475 (12) and 483 of the Penal Code, that is in cases of refusals of requests for assistance made by the authorities in certain circumstances relating to public order or in the case of a catastrophe or disaster.

In conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable by penal sanctions laid down in section 228 (a) and (c) of the Overseas Labour Code.

During the period under review no contraventions were reported and no decisions were given on these questions by the courts of law or other courts.

The Convention is applied without any difficulty.

#### *French Settlements in Oceania.*

Act of 11 April 1946, confirmed by the provisions of the Labour Code.  
Penal Code, sections 114, 304, 307, 341 and 354.  
Overseas Labour Code, section 2.

*Article 2, paragraph 2 (a), of the Convention.* There can be no confusion between work or services exacted in virtue of compulsory military service, and forced labour, in view of the general provisions relating to military service.

Paragraph 2 (b). The requisitioning of persons provided for in metropolitan France under the Act of 11 July 1938 outside periods of war has not been extended to the overseas territories.

Paragraph 2 (c). As in the case of military service, there can be no confusion as to the nature of forced labour and of any labour or service exacted as a consequence of a sentence given by a court of law, since such labour is carried out under the supervision and control of the Public Prosecutor.

Paragraph 2 (d). Section 475, paragraph 12, of the Penal Code lays down the conditions under which persons may be requisitioned in similar services.

During the period under review no form of compulsory service or labour was exacted which would not also be required from citizens of the metropolitan territory. On the contrary, the conscription of persons during the post-war period was not extended to the overseas territories and it should also be mentioned that compulsory military service is for most of the persons concerned more theoretic than effective, whilst in metropolitan France the only authorised exception relates to cases of physical incapacity.

It should also be noted that the rural tax known as "prestation", which is still in force in metropolitan France, does not exist in the French Settlements in Oceania.

*Article 9.* The services of persons may not be exacted under section 475, paragraph 2, of the Penal Code, by any persons other than the administrative authorities directly responsible to the chief officers of the territory. The administrative supervision of their activities and the presence of elected representatives protect the population against all abuses.

*Article 10.* Forced or compulsory labour cannot be exacted as a tax in the territory since there is no form of direct taxation.

Work of public benefit is remunerated in accordance with the wage rates in force.

The payment of wages is controlled, if necessary, by the labour inspector or his legal substitute.

*Article 11, paragraph 2.* The percentage of able-bodied males of the permanent population who might be required to carry out forced or compulsory labour has not been fixed.

*Article 19.* No use has been made of the possibility of recourse to compulsory cultivation.

*Article 20.* There is no legislation providing for collective punishment applicable to a community for crimes committed by any of its members.

No decisions have been given by courts of law involving questions of principle relating to the application of the Convention.

No observations have been made by the employers' or workers' organisations concerned relating to the practical application of the provisions of the Convention.

There is no difficulty in applying the Convention, since there is no forced or compulsory labour in the territory of the French Settlements in Oceania.

#### *Togoland.*

Persons sentenced by court of law are required to work; this work is always carried out under the control and supervision of the public authorities.

Female prisoners may, however, only be employed in maintenance tasks within the prison.

Order No. 908 of 12 November 1949 formally prohibits the hiring of penal labour to private persons, companies or associations.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *New Zealand.*

##### *Cook Islands.*

As regards the application of Article 2, paragraph 2 (c), of the Convention, the practice of the administration is to employ prisoners on public works and reserves under the direct supervision of warders. In Niue all prisoners sentenced to terms in the public prison are employed on the prison farm, while other persons undergoing sentence live in their own homes and work 5½ days a week on public roads or other work of public benefit. All prison labour is under the direct control and supervision of the prison officers and of the police even when engaged on public works. No prisoners are hired to or placed at the disposal of private persons, companies or associations.

As regards the application of Article 25 of the Convention, the law does not permit forced or compulsory labour except in cases authorised under the Convention. Any person exacting or seeking to exact forced or compulsory labour from an individual in other circumstances would be guilty of assault or of some other offence against the person and would be liable to the penalties provided for in the Crimes Act and the corresponding enactments in force in the territories.

##### *Tokelau Islands.*

There is little crime in the territory but, if a serious crime were to be committed, the prisoner would undergo his sentence in Western Samoa and the prison regulations of that territory would apply. If the prisoner underwent his sentence in New Zealand, the metropolitan penal regulations would be applied. There are no prisons in the Tokelau Islands themselves. On one of the three groups of atolls a system of monetary fines is growing up, but punishment for petty offences otherwise takes the form of a direction to assist with public works. This work is carried out under the supervision of the Island authorities. No prisoners are hired to or placed at the disposal of private individuals, companies or associations.

As regards the application of Article 25 of the Convention, see under *Cook Islands*.

##### *Western Samoa.*

See under Convention No. 14.

#### *United Kingdom.*

##### *Aden.*

Indian Penal Code, Section 374.

The ratification of a Convention has no legal effect in itself and does not affect previously existing legislation.

In reply to the request for information made by the Committee of Experts, the report states that, in conformity with Article 2, paragraph 2 (c), of the Convention, 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.

In conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable under section 374 of the Indian Penal Code in force in Aden Colony, which provides that "whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both".

#### *Bahamas.*

In reply to the request for information made by the Committee of Experts in 1954, the report states that 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 the prison authorities and that such persons are not hired to or placed at the disposal of private individuals, companies or associations.

As regards the application of Article 25 of the Convention, the report states that forced labour has been unknown in the Bahamas for the past 100 years and that it would be quite impossible to attempt to put to work any person otherwise than for standard wages. In view of these facts there is no specific legislation forbidding forced labour, nor is there any necessity for such legislation.

#### *Barbados.*

The Convention is applied without modification in the territory where, as in the United Kingdom, there is no law or custom permitting the exaction of forced or compulsory labour otherwise than as stated under Article 2, paragraph 2 (c), of the Convention. Work or service may be exacted from persons as a consequence of a conviction in a court of law, but such work or service is carried out under the supervision and control of a public authority and the said persons are not hired to or placed at the disposal of private individuals, companies or associations.

#### *Basutoland.*

*Article 20 of the Convention.* The Collective Punishment Proclamation, Chapter 55 of the Laws of Basutoland, allows only a fine to be imposed as a punishment for contravening the provisions of the Proclamation.

#### *Bechuanaland.*

In reply to the request for supplementary information made by the Committee of Experts in 1954, the report indicates that all work or services exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of the Government through its prison staff, and no such person is

hired to or placed at the disposal of private individuals, companies or associations. Furthermore, in accordance with Article 25 of the Convention, the illegal exaction of compulsory labour is prohibited by section 33 (3) of Chapter 56 of the Laws and is punishable under section 37 by a fine not exceeding £50 or imprisonment, or both. This penalty is adequate and no such exaction has come to the knowledge of the Government.

As regards the application of Article 11 no age limits are fixed nor are medical examinations made but the general tribal organisations would ensure that the aged, the very young and the unfit are not forced to work nor would those employed on regular and necessary work, e.g. teachers, employees of the Native administration, be called upon to perform compulsory labour. It cannot be guaranteed, however, that the ages of 18 to 45 years are rigidly applied. The report points out that it must be borne in mind that the amount of compulsory labour which is allowed by law is very small, and that, being an ancient tribal custom, it is so designed as to cause no dislocation of tribal or domestic life. In addition, the great area of the territory and the very small number of medical practitioners make it quite impossible to arrange for medical examinations and here again Native custom would preclude the employment of unfit persons.

#### *Bermuda.*

The only work in Bermuda which might be described as forced or compulsory labour is performed in the two prisons, especially in the open prison farm and the training school for young male offenders.

All these offenders are required to engage in useful work; in the case of adult prisoners this does not exceed ten hours on each weekday, of which, as far as practicable, at least eight hours are spent in associated or other work outside the cell; in the case of young male offenders work does not exceed 48 hours in each week. As far as is practically possible, all these offenders are employed on constructive work intended to rehabilitate them and to enable them to become useful citizens after their release. At the prison farm they burn lime, quarry soft stone, make coral-stone tiles and wooden door and window frames, construct and equip masonry buildings, etc., they also raise livestock and vegetables and catch fish for consumption in the several penal establishments. This work is paid for on a graduated scale based on conduct, efficiency and industry.

Legislation or administrative regulations on forced or compulsory labour would be superfluous in Bermuda, where only such labour is that described above. 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 the competent public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

#### *British Guiana.*

Summary Jurisdiction (Offences) Ordinance, Chapter 13, as amended by the Summary Jurisdiction (Offences) (Amendment) Ordinance, 1942.

In reply to the request made by the Committee of Experts in 1954, the report states that 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.

#### *British Honduras.*

All forms of forced or compulsory labour ceased with the abolition of slavery in 1831.

*Article 1 of the Convention.* No form of forced or compulsory labour is authorised or practised.

*Article 2.* The exempted services referred to in paragraph 2 (a) and (d) are authorised by special legislation, the powers of which may be invoked only in times of national or other major emergency. The forms of labour mentioned under (c) are subject to the limits laid down in the legislation governing prisons; while those listed under (b) and (e) are purely voluntary. There is no particular legislation to prevent abuses and this is left to administrative action.

No compulsory work of any kind has been exacted during the period under review other than that carried out in prisons.

*Articles 3 and 4.* No form of compulsory labour for the benefit of private individuals, companies or associations existed at the date of ratification of this Convention.

*Article 5.* No concessions granted to private individuals, companies or associations contain provisions involving forced or compulsory labour.

*Article 6.* While in the course of the drive to promote all forms of industrial and agricultural development in the territory various branches of Government encourage sections of the population to improve production, no form of compulsion whatever is practised in so doing, either for the benefit of the Government or of private undertakings.

*Article 7.* In villages where there are descendants of aboriginal, Mayan and Indian tribes, a system of village headmen or "alcaldes" has survived; these usually summon inhabitants of a village for communal work for the benefit of the community. This is practised on a voluntary basis only and none of the "alcaldes" enjoy any privileges of personal services.

*Articles 8 to 24.* The various matters dealt with in these Articles all relate to systems of forced or compulsory labour which do not exist in the territory.

*Article 25.* There is no particular legal provision to prohibit the exaction of forced or compulsory labour nor for sanctions for the punishment of breaches; since the necessity for such legislation has not arisen in the territory. Any case which arose would be dealt with under the Criminal Code (Cap. 166). There have been no decisions of courts of law having a bearing on the application of this Convention.

#### *British Somaliland.*

In reply to the request for information made by the Committee of Experts in 1954, the report states that all work exacted from any person in consequence of a conviction in a court of law is carried out under the supervision of a public authority and the said person is not hired to or placed at the disposal of private individuals, associations or companies.

Moreover, in accordance with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable under section 374 of the Indian Penal Code in force in the Protectorate.

#### *Cyprus.*

Criminal Code Law, Chapter 13, section 248.  
Forest Law, Chapter 93, section 18.

The report states that work exacted from persons convicted by courts of law is carried out in conformity with the provisions of Article 2, paragraph 2 (c), of the Convention. The report also contains an extract from the Prison Service Report for 1953 which states that approximately 75 per cent. of the long-sentence prisoners are taught trades or are working at their own trade in the prison, and that the remaining 25 per cent. are employed mostly outside the prison on the stock farm, prison farm and as camp staff at the open camps. A few short-sentence prisoners are also employed at their own trades, but over 80 per cent. are employed outside the prison in camps, on special work in the earthquake area, at the prison farm and on work parties for government departments.

The extract from the report in question also contains an estimate of the work done by prison labour during the year, which amounted to at least £7,580.

In conformity with Article 2, paragraph 2 (d), of the Convention, section 18 of the Forest Law provides for the possibility of male persons residing within a radius of ten miles of the outbreak of a fire being required to assist in extinguishing it. However, the Cyprus Forest Report for 1953 indicates that the extension of forest roads and telephone communications now enables fires to be dealt with promptly and that so long as the people remain co-operative and willing to respond to fire-fighting calls, there should be little danger of a recurrence of the extensive forest fire damage which was so much dreaded in the past.

Finally, the report states that, in conformity with Article 25 of the Convention, Chapter 13 of the Criminal Code Law provides that "any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour and is liable to imprisonment for one year".

#### *Dominica.*

In reply to the request for information made by the Committee of Experts in 1954 the Government states that 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.

As regards Article 25 of the Convention, the report states that there is no forced labour in the territory and that no specific legislation making it an offence has proved necessary, but in the event of a case occurring it would be dealt with under the Small Charges Act, Chapter 67, of the Federal Laws of the Leeward Islands, which is in force for this colony.

#### *Falkland Islands.*

In reply to the request for supplementary information made by the Committee of Experts in 1954, the Government indicates that 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. As regards the application of Article 25 of the Convention, there is no specific legislation declaring forced or compulsory labour illegal as such because it does not and never has existed. If a case of forced labour were to occur it could be dealt with under the Administration of Justice Ordinance.

#### *Fiji.*

The only type of forced or compulsory labour still in existence in the territory concerns the work or services authorised by Article 2, paragraph 2 (*d*), of the Convention.

#### *Gilbert and Ellice Islands.*

The provisions of Article 2 of the Convention have been incorporated in Ordinance No. 6 of 1951. The only form of forced labour resorted to is that provided for by Article 2, paragraphs 2 (*c*) and (*d*), i.e. work by persons as a consequence of conviction, under the supervision and control of a public authority, and communal work. Section 58 of the Ordinance provides that any person who exacts, procures or employs forced labour shall be liable upon conviction to a fine of £50.

#### *Grenada.*

Persons who are required to work consequent upon a conviction in a court of law are supervised and controlled by the Government through its Prisons Departments. No hiring of the services of such persons is permitted. There is no legal offence known as a "forced labour law", but if anyone attempted to interfere with the liberty of the individual, he would come up against the appropriate offences set out in the Criminal Code, for example section 25, which relates to assault, wounding, false imprisonment, trespass, etc.

#### *Hong Kong.*

There has never been any forced labour in the territory and the introduction of legislation prohibiting it is not considered necessary. Ordinary administrative regulations and social conventions are considered to be adequate safeguards.

#### *Jamaica.*

The application of Article 2, paragraph 2 (*c*), of the Convention is ensured by the Prisons Law of 1945 which allows prisoners who are liable to hard labour to be taken beyond the limits of a prison and put to such labour as may be specified in the prison rules. The rules prohibit the hiring of prisoners to private persons and require prisoners to work under the supervision of prison officers.

As regards the application of Article 25 of the Convention, there is no specific legislation making the exaction of forced labour a legal offence. If a case did arise it would be dealt with under the Offences Against Persons Law (Chapter 416).

#### *Kenya.*

Compulsory Labour Regulation (Repeal) Ordinance, 1952 (No. 51 of 1952).  
Voluntarily Unemployed Persons (Provision of Employment) Ordinance, 1949 (No. 39 of 1949) (L.S. 1949—Ken. 1).  
Government Notice No. 71 of 1950.  
Voluntarily Unemployed Persons Rules, 1950, in Government Notice No. 72 of 1950.  
Voluntarily Unemployed Persons (Labour Reception Centres) Rules, 1950 (Government Notice No. 73 of 1950).  
Government Notice No. 461 of 1950.  
Government Notice No. 462 of 1950.  
Penal Code, 1930 (Cap. 24, Laws of Kenya).  
Native Authority Ordinance, 1937 (Cap. 97, Laws of Kenya).  
Native Authority (Amendment) Ordinance No. 43 of 1952.  
Collective Punishment Ordinance, 1930 (Cap. 98, Laws of Kenya).  
African District Councils Ordinance, No. 12 of 1950.  
African District Councils (Amendment) Ordinance No. 31 of 1952.  
Emergency Powers Order in Council, 1939 (Government Notice No. 1102 of 1952).  
Emergency Powers Ordinance, 1948 (Cap. 42, Laws of Kenya).  
Emergency Powers (Amendment) Ordinance No. 5 of 1950.  
Compulsory National Service Ordinance No. 19 of 1951.  
Emergency (Amendment of Laws) (No. 3) Regulations, 1953 (Government Notice No. 197 of 1953).  
Emergency Regulations, 1952 (Government Notice No. 1103 of 1952).  
Emergency (Communal Services) Regulations, 1953 (Government Notice No. 796 of 1953).  
Emergency (Detained Persons) Regulations, 1953 (Government Notice No. 729 of 1953).  
Proclamation No. 38 of 20 October 1952.  
Governor in Council Order (Government Notice No. 2000 of 1953).

Considerable changes have occurred during the period under review. Head-portering, which was the last form of compulsory work that was exacted regularly, though on a minor scale, by officers of the Provincial Administration, was no longer used after 1950. The principal legislation covering this and various other types of work or service was abolished in 1952 with the repeal of the Compulsory Labour Regulation Ordinance. The Voluntarily Unemployed Persons (Provision of Employment) Ordinance was introduced in 1950, used on a minor scale and then discarded. The Native Authority Ordinance was amended in 1952 to enable emergency powers to be given to chiefs in the event of national calamity, or for conservation work of present or imminent necessity. Compulsory national service for military purposes was introduced in 1952, and later applied to prison services. Special powers had also to be

taken during the present state of emergency in the colony.

The general effect, however, and despite the special emergency legislation, has been that at the time of writing the present report the provisions of the Convention are observed in all material respects in Kenya.

*Article 1 of the Convention.* Forced or compulsory labour is still authorised in Kenya but for public purposes only and as an exceptional measure. It has not proved practicable, as yet, to institute measures to ensure the full application of the first paragraph of this Article. The matter remains, however, under constant review.

The Compulsory Labour Regulation Ordinance, 1932, was repealed in 1952.

The various forms of forced or compulsory labour which may be required are as follows:

(1) To counter soil erosion, famine, bush or forest fires, and to provide minor communal services in the direct interest of the local community:

(a) The Native Authority Ordinance (Cap. 97) empowers chiefs, by section 10 of the Ordinance, to require work on minor communal services. Section 15 enables a Provincial Commissioner, where the Governor in Council has issued a Proclamation regarding famine in an area, to direct that a chief shall order work on public works, irrigation, relief works, or in any other employment approved by the Governor, or cultivation of local land to such reasonable extent as the chief may prescribe. Section 24 enables local Native councils to pass resolutions requiring work on minor communal services of direct interest to the community, or empowering chiefs to require work or measures dealing with soil erosion or extinguishing bush and forest fires or cutting firebreaks.

(b) The African District Councils Ordinance as amended by the African District Councils (Amendment) Ordinance, 1952, enables such Councils, under section 22 of the principal Ordinance, to empower chiefs to require work on extinguishing bush and forest fires and cutting firebreaks, and also enables such Councils to require planting of specified crops for the support of the workers themselves and their families where food shortages exist or are likely, or to require work on minor communal services in the direct interest of the community.

(2) To counter the effects of an emergency consequent on fire, flood, earthquake, violent epidemic or epizootic disease, invasion by animal or insect pests or plant diseases or pests, or arising from circumstances which would endanger the existence to the whole or any part of the population:

The Native Authority Ordinance, as amended by the Native Authority (Amendment) Ordinance, 1952, empowers a Provincial Commissioner to authorise, under section 10A, a chief to issue orders requiring the performance of any work that may be necessary.

(3) To conserve the natural resources of the colony, and subject to the conditions of Article 9 of the Convention:

The Native Authority Ordinance, as amended, empowers the Governor, by Proclamation under section 10B, to authorise a chief to order any work that may be necessary.

(4) To make exceptional provision for the protection of the community in case of emergency occasioned by any person or body of persons interfering, or acting in a manner calculated to interfere, with the supply and distribution of food, water, fuel, light, or with means of locomotion, or to deprive the community, or any substantial proportion of the community of the essentials of life:

The Emergency Powers Ordinance, as amended by the Emergency Powers (Amendment) Ordinance, 1950, empowers the Governor to declare a state of emergency, and thereafter the Governor in Council may, under section 3 (2), make Regulations for, *inter alia*, requiring persons to do work or render services. This power does not, however, permit the requiring of compulsory military service or compulsory enrolment by name for work in industry, nor can it make it an offence to take part in a strike or peacefully persuade persons to strike.

(5) To secure the public safety, the defence of the territory, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community:

(a) The Emergency Regulation, 1952 (made under the Emergency Powers Order in Council, 1939) enables the Governor, by Regulation 11, where it appears to him to be expedient for securing, or providing for the continuance of, any necessary service, to direct any person to undertake or perform specified work in or about a necessary service, or to continue in employment in such service until released by the Governor. This does not, however, make it an offence to take part in a strike in any service which is not scheduled as an essential service under the colony's labour legislation.

(b) The Emergency (Communal Services) Regulations empower a District Commissioner, under Regulation 3, where any circumstances arising out of the emergency proclaimed by Proclamation No. 38 of 20 October 1952 endanger the existence or well-being of the whole or any part of the inhabitants of his district, and it is necessary or desirable for the maintenance of the health, safety and well-being of such inhabitants or for good rule and government of the district, to order performance of any work that may be necessary.

(6) To require compulsory national service:

The Compulsory National Service Ordinance, 1951, as amended by the Emergency (Amendment of Laws) (No. 3) Regulations, 1953, enables a Director of Manpower appointed by the Governor to call up persons for compulsory



national service, either whole-time or part-time. "National service" means service in an essential undertaking, as well as in the armed forces or civil defence units. By the emergency amendment of the Ordinance it also means any necessary service within the meaning of the Emergency Regulations, 1952.

(7) To require persons detained under the emergency, proclaimed by Proclamation No. 38 of 20 October 1952, to perform certain work:

(a) The Emergency (Detained Persons) Regulations, 1953, enable an officer-in-charge of a detention camp, by Regulation 8, to require detained persons to do such work as may be necessary for keeping rooms, furniture and utensils clean, for maintaining the camp in good order and cleanliness, and for the preparation of food.

(b) The same Regulations enable an officer-in-charge of a special detention camp for detained persons undergoing rehabilitation to require, by Regulation 22, every detainee to perform work considered suitable, so long as it is not of an oppressive or penal nature. "(By an amendment made on 11 July 1954 the work is further limited to that which the officer-in-charge is satisfied will assist in bringing the emergency to an end.) There are safeguards as to hours of work, days of rest and full payment for work done."

(8) To require voluntarily unemployed persons, in certain circumstances, to enter into employment or into rehabilitation or training centres:

The Voluntarily Unemployed Persons Ordinance, 1949, enables a Labour Exchange Committee, under section 14 of the Ordinance, to direct a person either to enter a written contract of service of not more than six months in any paid national service, or to go to a rehabilitation or training centre for a specified time. This stage is not reached unless the persons is wilfully unemployed and has no bona fide means of subsistence, and has refused work offered through a labour exchange and thereafter failed both to find other employment and to report back to the labour exchange when ordered to do so. This Ordinance was operated from 1950 until early in 1953 in the urban areas of Nairobi and Mombasa only, and a total of 267 persons were directed to employment. The life of the Ordinance was limited to one year but it could be renewed annually by the Legislature. It was decided to terminate it absolutely at the end of 1954.

*Article 2.* The forms of compulsory work or service described under paragraphs (1), (2), (4), (5) and (7) above are not within the Convention's meaning of the term "forced or compulsory labour" as they involve only minor communal services, or work necessitated by particular emergencies or exceptional circumstances that would endanger the existence or the well-being of the whole or part of the population.

That described under paragraph (3) above would in minor cases fall within the category of minor communal services, but in major cases where a community's natural resources are so threatened

that the Governor is constrained to make a Proclamation, requiring remedial measures by the community on a wider scale, the work falls within subparagraph (d) of paragraph 2 of this Article.

That described under paragraph (6) above, in so far as it might involve work in an essential undertaking or necessary service, falls within the category of normal civic obligations of the citizens of a fully self-governing country.

The direction of voluntarily unemployed persons, in certain circumstances as described in paragraph (8) above, was an attempt to deal with the peculiar problems of large numbers of idle work-shy persons congregating in the major urban centres, with their concomitant effects of overcrowding and other social evils. This measure has, however, been abandoned.

The Administration of the colony has effectively ensured that services exacted for military purposes are never, in normal circumstances, used for other than purely military ends. The only occasions on which this rule might be relaxed are in the event of calamity, general strike, or a strike in a major essential service where the community is being deprived of the essentials of life.

Work exacted in case of emergency is in fact terminated, in accordance with the provisions of the above legislation, as soon as the circumstances that endanger the population or its normal living-conditions cease to exist.

A clear distinction is in fact observed between minor communal services and public works for which the Government is normally responsible. The Convention's definition of minor communal services is embodied in the legislation dealing with this matter. Labour on public works is only exacted in the event of this becoming essential as a famine relief measure, as described in paragraph (1) above, or in the event of circumstances arising out of the present state of emergency as indicated in paragraphs (5) (b) and (7) (b) above. Public works in the last two circumstances must be such as will assist in bringing the emergency to an end.

It is confirmed, in answer to the Committee of Experts' question, that any work exacted from any person as a consequence of a conviction in a court of law is in fact carried out under the supervision and control of the colony's Prisons Department, and that such persons are not hired to or placed at the disposal of private individuals, companies or associations.

The work carried out during the period covered by this report, and to which the citizens of the United Kingdom are not liable, has mostly been connected directly or indirectly with the present state of emergency. The closer administration of the tribal areas in the Highlands, necessitated by the emergency, has led to a considerable amount of reconstruction work by way of land improvement and rebuilding of villages and Home Guard posts in the African reserves. Detained persons have been required to perform work necessary for maintaining and running detention camps, on irrigation schemes to provide new lands for Africans from the troubled areas, and on construction and maintenance of roads required by the security forces.

*Articles 3 and 4.* No forced or compulsory labour for the benefit of private individuals, companies or associations has been permitted in



Kenya and the laws are so framed that either the competent authority or the Provincial Administration on its behalf can effectively prevent this abuse.

Officers of the Provincial Administration have in fact the duty of encouraging populations under their charge to engage in useful labour; but there is strict supervision by the competent authority to ensure that no constraint is put on any person either by such officers, or by chiefs under their charge, to work for individuals, companies or associations.

*Article 7.* Only chiefs or local authorities exercising administrative functions, and duly appointed under the Native Authority Ordinance and African District Councils Ordinance respectively, may have recourse to forced or compulsory labour.

Except in the case of minor communal services, the chief has to have the express permission of the competent authority to exact work, and such permission is valid only for a very limited time or during the continuance of particular circumstances amounting to an emergency. It has been necessary to delegate some power in this respect to Provincial and District Commissioners, who are nevertheless under the control of the Minister for African Affairs, whilst resolutions passed by African District Councils are subject to confirmation or reversal by the authorities. The provisions of Article 10 are embodied in the legislation—see section 10 B of the amended Native Authority Ordinance.

All chiefs are remunerated according to their needs and are not permitted to exact compulsory work for their own personal services.

*Article 8.* Most of the powers to require forced or compulsory labour on a major scale are vested only in the Governor in Council of Ministers, save that Provincial and District Commissioners are given delegated powers in relation to certain emergencies. These do not, however, involve the removal of workers from their place of habitual residence. The minor powers delegated to African authorities, subject to the discretion of local Provincial Administration Officers, are in relation only to work falling within the category of minor communal services.

*Article 9.* The provisions of this Article are embodied in section 10 B of the amended Native Authority Ordinance. The same considerations are applied where labour has to be exacted under other enactments. The assessment of the justification for exacting compulsory labour in each particular case is made by the Provincial Administration Officer in charge of the locality, subject to supervision by the central authorities.

*Article 10.* Forced or compulsory labour is not exacted as a tax in Kenya. Where compulsory labour is required by chiefs or local authorities for works akin to or in the nature of public works the criteria set out in clauses (a) to (e) of paragraph 2 of this Article must be observed, and Provincial Administration Officers are responsible for their due observance.

(Defaulting taxpayers are liable to fines and/or imprisonment, and after conviction they may be imprisoned as minor offenders and required to labour on public works in the locality. Such

imprisonment does not exempt them from liability for the tax unpaid, but a Provincial Administration Officer may grant exemption. No figures are available of the numbers so imprisoned or exempted.)

Owing to the strain on the territory's Administration due to the present state of emergency it has been impossible to maintain records of the numbers of workers obliged to labour on minor public works. Such works carried out during the period under review have been the construction and maintenance of roads in the tribal reserves which are essential to the security forces and the effective administration of troubled areas; repair or reconstruction of bridges, schools, Home Guard posts, etc., damaged or destroyed by Mau Mau terrorists; laying out of new villages necessitated by emergency grouping of the population in larger units for defence purposes; and certain works of drainage, irrigation or soil rehabilitation to make new land available for the local population or to conserve local Native resources.

There is a limit of 60 days per year to compulsory labour which may be exacted under section 10 B of the Native Authority Ordinance in the event of the Governor requiring such work by Proclamation. Only in the most exceptional circumstances would the work continue for so long a period. By section 22 (1) (19) of the African District Councils Ordinance there is a limit of 6 days per three months to compulsory work exacted by an African District Council for minor communal services. Similar provision is made by section 24 (1) (m) of the Native Authority Ordinance. The compulsory work which may be required under the Emergency (Communal Services) Regulations, 1953, is limited by Regulation 3 thereof to a maximum of 90 days in any calendar year, and the order requiring the work must specify the period for which the work or service is to be exacted.

*Article 11.* Sections 10 (k), 15 (2), and 24 (i), (k) and (l) of the Native Authority Ordinance refer only to "able-bodied men" being required for labour. Through the amendments made by the Native Authority (Amendment) Ordinance, 1952, sections 10 A and 10 B refer only to "able-bodied adult male Africans", whilst, for work to conserve natural resources in exceptional circumstances, section 10 D of the amending Ordinance imposes the Convention's age limits of 18 and 45 years respectively, and exempts teachers and students, persons in government, local authority or other bona fide employment, and persons expressly exempted by a Provincial Administration Officer. The latter exemptive power ensures, in practice, the observance of clauses (a), (c) and (d) of paragraph 1 of this Article.

Sections 22 (1) (17) and (19) of the African District Councils Ordinance, as amended, refer only to "able-bodied male" and "able-bodied adult male" Africans respectively.

The Compulsory National Service Ordinance imposes an age limit of from 18 to 45 years in respect of military service, but extends this to 60 years for civil defence services, and to 65 for males and 55 for females in respect of other national service. The Emergency Regulations, 1952, and the Emergency (Communal Services)

Regulations, 1953, prescribe no exemptions on grounds of age or sex, but classes of persons are specified in these respects when being summoned to perform service.

Section 16 (b) of the repealed Compulsory Labour Regulation Ordinance prescribes a limit of 25 per cent. of the resident adult able-bodied male population who may be called on at any time for compulsory labour. No proportion has been fixed under the present emergency legislation or in respect of labour required in the event of national calamities

*Article 12.* As indicated under Article 10 above, the limit imposed on compulsory labour for other than minor communal services (which is 6 days per quarter) is 60 days per 12 months, but under the Emergency (Communal Services) Regulations, 1953, this has had to be extended to a maximum of 90 days due to the present state of emergency. Under the Compulsory National Service Ordinance and the Emergency Powers Order-in-Council, 1939, the limit is equivalent to the duration of hostilities or until the state of emergency is proclaimed to have ceased.

A certificate showing the period or periods during which a worker has performed compulsory labour is required to be issued to each such African by section 10 C (2) of the Native Authority Ordinance, as amended.

*Article 13.* Forced or compulsory labour exacted under the above legislation does not exceed in any case the hours prevailing in industry or agriculture for voluntary labour, and at least one rest day is observed each week—usually a Sunday.

The only specific legal provision in this regard, however, is that Regulation 4 of the Emergency (Communal Services) Regulations, 1953, requires the order exacting such work to specify the hours of work, and Regulation 22 of the Emergency (Detained Persons) Regulations, 1953, specifies a limit of eight hours per day and provides that on Sundays or public holidays the work shall be confined to keeping rooms, furniture and utensils in the camp clean and to the preparation of food.

*Article 14.* Wages are required to be paid in most cases and at the prevailing rates applicable to voluntary labour in the localities concerned. These wages are not paid to tribal chiefs or any other authority on behalf of the worker. It has not yet proved possible to introduce the payment of wages in respect of work exacted by chiefs in the exercise of their administrative functions, since the resources of Native authorities are so limited and there are so many pressing demands on them for community development projects instituted by the tribal communities themselves.

Full wages are payable to special detainees (see paragraph (7) (b) under Article 1 of the Convention), as also to volunteers from detention camps who go out to work in gangs on public projects of direct effect on the prosecution of the present emergency. These wages are lodged to each worker's account with the Prisons Department, and a small allowance granted as pocket money.

Section 17 of the Native Authority Ordinance requires that workers on famine relief projects shall be paid wages and rations as the Governor may order. By the Native Authority (Amend-

ment) Ordinance, 1952, work performed under sections 10A or 10B of the principal Ordinance must be remunerated at rates not less favourable than the rates prevailing for similar work in the district by voluntary labour. The days spent travelling to and from the work are counted for the purpose of such remuneration.

*Article 15.* The colony's workmen's compensation provisions are in fact applied administratively to all persons performing forced or compulsory labour, including convicted prisoners.

Section 10E of the Native Authority Ordinance, as amended, provides statutorily that all work performed under sections 10A and 10B of that Ordinance shall count for the purposes of the Workmen's Compensation Ordinance (Cap. 119, Laws of Kenya).

*Article 16.* The provisions of this Article are fully observed, but the only cases occurring whereby persons are transferred outside their normal habitat are in respect of those detained under the present state of emergency. Matters of diet, hygiene and acclimatisation are fully attended to by the Prisons Department and the Medical Department.

*Article 17.* The circumstances envisaged by this Article have not arisen, except in the case of persons detained under the present state of emergency, and there has not therefore been occasion to make statutory regulations prescribing these conditions. Should occasion arise, however, the terms of the Article would be observed by the competent authority as a matter of course.

*Article 18.* Forced or compulsory labour for the transport of goods was finally abolished in Kenya in 1950.

*Article 19.* Provision for forced or compulsory labour on cultivation, as a precaution against famine or a deficiency of food supplies, is made under section 15 of the Native Authority Ordinance, and by the same section it is ensured that the crops accruing from such cultivation shall be the property of the workers themselves.

Recourse has not been made to this provision during the year of this report.

*Article 23.* The relevant legislative provisions listed at the head of this report contain precise and substantially complete regulations giving effect to the Convention. It has not been necessary to make general rules providing for persons from whom forced or compulsory labour is exacted to make complaints to the authorities and secure a hearing. Every such worker in a tribal area has access to his Provincial Administration Officer, or to the central authorities by petition. The Voluntarily Unemployed Persons (Provision of Employment) Ordinance provided for examination of defaulters by a Labour Exchange Committee and for appeal to a magistrate. Any compulsory worker in receipt of remuneration is deemed to be an employee within the meaning of the Employment Ordinance (Cap. 109, Laws of Kenya) and thereby has recourse to a labour officer, or to a magistrate who deals with any complaint under the Ordinance.

There is no record of any complaints made during the period covered by this report, and of consequent measures by the authorities.

*Article 24.* The measures to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied consist in the day-to-day supervision of tribal areas by the Provincial Administration, under the control of the Minister for African Affairs; the presence of labour officers and labour inspectors in all major tribal and employment areas, whose contacts with workpeople generally would be a source of information on the subject; and the provision of visitors' committees in respect of prisons and detention camps.

The measures are principally brought to the attention of the populations affected through tribal and village council meetings addressed at frequent intervals by Provincial Administration Officers.

*Article 25.* Section 261 of the Penal Code makes it an offence for any person unlawfully to compel any other person to labour against his will.

There has not been occasion to institute proceedings under this provision during the period of this report.

During the period under review there has been no decision by a court of law involving a question of principle relating to the application of this Convention.

No observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions of the Convention.

The use of compulsory labour in Kenya is now limited to those special cases and circumstances permitted by the terms of the Convention. The exceptional conditions, constituting a national emergency brought about by the Mau Mau insurrection, have necessitated using to the full, in many respects, the latitude allowed by Article 2 of the Convention, but it is hoped that law and order and the economic progress of the colony will soon be restored, and will enable the colony's administration to dispense with the less desirable forms of compulsory work or service occasioned by the emergency.

#### *Leeward Islands.*

There is no forced or compulsory labour within the meaning of Article 2 of the Convention. It may be stated that in so far as this colony is concerned, 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 that such persons are not hired to or placed at the disposal of private individuals, companies or associations.

#### *Malaya.*

In reply to the request for supplementary information made by the Committee of Experts in 1954, the Government states that it is hoped to bring the new Labour Code into force within a year. This Code will supersede certain provisions of the Labour Codes of various states of the Federation which are not in conformity with the provisions of the Convention. The new Code is at present in the hands of a special committee of the Federal Legislative Council.

#### *Malta.*

There is no forced or compulsory labour and the Convention is applied in full.

As regards the application of 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.

As regards the application of Article 25 of the Convention, the concept of forced or compulsory labour is not specifically contemplated in the laws of the territory since the Island enjoys a European culture and a code of laws based on European and Christian standards. Section 264 of the Criminal Code (Chapter 12) makes reference in generic terms to the use of violence to compel a person to do, suffer, or omit anything and declares such violence illegal and subject to a penalty ranging between five months' and three years' imprisonment.

#### *Mauritius.*

The Government states that there is no legislation specifically prohibiting forced or compulsory labour since the need for such legislation has not arisen. Constitutionally every citizen is free and slavery in any form was abolished by the United Kingdom Act of 1834. Compulsory labour can be exacted only by force or threats. In the case of force there would be an offence against the person under one or more of the provisions of sections 228 to 231 of the Penal Code Ordinance (Cap. 195 of the 1945 Edition of the Laws). In the case of threats there would be an offence either under sections 224 to 246 of the Penal Code or under section 132 of the Courts Ordinance (Cap. 168 of the 1945 Edition of the Laws) for breach of the peace. The provisions contained in these sections of the Laws offer sufficient legal protection.

As regards the extra-mural employment of persons convicted for offences against the law, the District Courts (Execution of Judgments) Regulations, 1947, provide that such employment should be carried out under the supervision and control of a public authority and that the persons concerned should not be hired to or placed at the disposal of private individuals, companies or associations.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

No forced or compulsory labour within the meaning of the Convention has been exacted during the year 1953-54. Section 113 of the Ordinance provides that the Governor may authorise the exaction of forced labour in order to provide carriers for purposes of transport to the extent permitted by any regulations made under section 114 of the Ordinance. Such regulations form the First Schedule to the Ordinance and prescribe the conditions under which such carriers shall be employed, the length of the normal daily journeys, the distance from their homes to which they can be taken, the weight of loads to be

carried and the maximum period for which any person may be taken for carrier labour in any one year. These powers, however, were not used during the period under review.

#### *Northern Borneo.*

The abolition of forced or compulsory labour has been under constant consideration by the Government. The Forced Labour (Unification and Amendment) Ordinance, 1950, as well as the Native Administration (Amendment) Ordinance, 1950, abolished compulsion for portage.

#### *Nyasaland.*

Chapter 74 of the Laws of Nyasaland (1946 edition), section 8.  
Penal Code, section 254.  
Ordinance No. 2 of 1954.

The ratification of a Convention and its application to the territory is not legally effected unless and until local legislation is passed covering the provisions of the Convention.

*Article 1 of the Convention.* This Article is applied without modification. No forced or compulsory labour is permitted in Nyasaland.

*Article 2.* This Article is applied without modification. There is no compulsory military service in the territory. With regard to civic obligations, Native authorities have powers under section 8 of Chapter 74 of the Laws to issue orders subject to the general or special directions of the Governor, to be obeyed by the Natives within the area. These orders may require to be done any matter or thing which the Native authority, by virtue of any Native law or custom for the time being in force and not repugnant to morality or justice, has power to regulate or require to be done. Thus, the annual clearing of hoed paths around villages is a minor communal service performed by villagers. Public roads, however, are gazetted as such and are the responsibility of the Public Works Department or, in some cases, the District Commissioner.

*Articles 3 to 24.* Since all forms of forced or compulsory labour not authorised under the Convention have been abolished, these Articles are fully applied or inapplicable.

*Article 25.* Any person who unlawfully compels another to labour against his will is guilty of a misdemeanor and is liable to imprisonment for a term not exceeding two years or a fine or to both. No case of the legal exaction of compulsory labour has come before the courts during the period under review. No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

No observations have been received from the organisations of employers or workers concerned relating to the application of the Convention.

#### *St. Helena.*

There is no local law operating for the prevention of forced labour. In the absence of a local law, and in the unlikely event of forced labour being necessary, English law will be applied.

Prisoners undergoing sentences are required to perform work, mostly domestic tasks, under the supervision of the prison warder or matron. No such persons are hired to or placed at the disposal of private individuals, companies or associations.

#### *St. Lucia.*

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 the prison authorities and such persons are not hired to or placed at the disposal of private individuals, companies or associations.

As regards the application of Article 25 of the Convention, no forced labour exists or has existed in the territory and consequently no specific legislation making it an offence has proved necessary. However, in the event of a case occurring it would be dealt with under the provisions of the Criminal Code.

#### *St. Vincent.*

Any 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 no such person can be hired to or placed at the disposal of private individuals, companies or associations. There is no specific legislation dealing with this matter but the illegal exaction of forced or compulsory labour is punishable as a penal offence and the penalties would be strictly enforced.

#### *Sarawak.*

*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.

*Article 25.* The illegal exaction of forced labour is not a penal offence in Sarawak but the Slavery Ordinance (Chapter 79 of the Laws of Sarawak), provides that "every person in the colony shall be free" (section 3) and that "no person shall do any act which implies any right of ownership over the person or property of any other person" (section 4). Any person who does so commits an offence and is liable, on conviction in a Resident's court, to imprisonment for any term not exceeding five years or to a fine not exceeding \$1,000, or to both imprisonment and fine (section 5).

#### *Seychelles.*

In reply to the request made by the Committee of Experts in 1954, the Government indicates that steps are being taken to repeal the Food Production Ordinance, 1945 (No. 18) which provides for imposition of the compulsory cultivation of crops.

#### *Singapore.*

The powers of section 19 of the Labour Ordinance (Chapter 69), under which forced labour may be exacted in case of need from industrial workers for a maximum period of three hours in any working period of eight hours, have in fact, as far

as can be ascertained, never been made use of and it is intended to omit them from the new Labour Ordinance now under consideration by the Legislative Council.

#### *Swaziland.*

All 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 no such person is hired to or placed at the disposal of private individuals, companies or associations.

As regards Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a legal offence under the common law crime of extortion, the punishment for which is discretionary and therefore adequate.

#### *Tanganyika.*

Penal Code (Chapter 16 of the Laws).  
Native Authority Ordinance (Chapter 72 of the Laws).  
Master and Native Servants (Recruitment) Ordinance No. 6 of 1946 (Chapter 80 of the Laws).  
Collective Punishment Ordinance (Chapter 74 of the Laws).  
Native Tax Ordinance (Chapter 83 of the Laws), as amended by Ordinance No. 25 of 1951.

The principle laid down in Article 1, paragraph 2, of the Convention has been accepted and is being applied. The forms of forced or compulsory labour still authorised in this territory are as follows: essential public works and services for which orders may be issued by competent Native authorities under and in conformity with section 9 of the Native Authority Ordinance; portage and minor public works of an essentially local nature, which are permissible under section 9 of the Native Authority Ordinance.

The question of the complete abolition of forced or compulsory labour is kept constantly under review, but as yet it is not possible to state when its complete suppression will be achieved; in particular it is considered that a certain amount of compulsion for portage will continue to be necessary under Article 18 of the Convention. This compulsion of labour for transport purposes is being progressively reduced with the extension of the existing road system and the resulting increased use of mechanical transport.

Minor communal services have been defined as services performed by the members of a community in the direct interests of the community concerned and include such works as the construction of dams, reforestation and similar measures to combat soil erosion, drainage schemes, etc. Prior to the exaction of minor communal services of this nature, consultation invariably takes place between the officers of the Provincial Administration and of the Department directly interested in the scheme in question, and members of the community concerned or their representatives. Labour used on minor community services may only be employed in places where it can return home daily, and for not more than seven days in any one year.

*Article 9 of the Convention.* Compulsory labour exacted for the purpose of portage is normally only resorted to in those areas where the indigenous population finds no necessity to work for wages in the normal course of events and only after

attempts to obtain volunteers have proved unsuccessful. In all cases wages and conditions of service offered in the attempt to obtain volunteers would be those prevailing in the area for government unskilled daily paid labour as prescribed by the Provincial Wages Committee. Not more than 25 per cent. of the able-bodied male population of any village or similar unit may be called out at any one time. Section 9 (i) of the Native Authority Ordinance restricts the duration of forced or compulsory labour for any individual to 60 days a year.

*Article 10.* Forced or compulsory labour exacted as a tax was abolished by the Native Tax (Amendment) Ordinance No. 25 of 1951. Recourse has been had to forced or compulsory labour exacted for the execution of minor public works by chiefs who exercise administrative functions.

*Article 25.* The penalty for the illegal exaction of forced or compulsory labour under the provisions of section 256 of the Penal Code is imprisonment for a term not exceeding two years or a fine or both imprisonment and fine. No legal proceedings of this nature have been instituted.

During the period under review, no decisions were given by courts of law or other courts involving questions of principle relating to the application of the Convention.

No representations have been received from any organisation of either employers or workers.

The Convention is applied by local legislation and administrative directions, the enforcement of which is the responsibility of officers of the Provincial Administration and the Labour Department. In view of local conditions, it is not yet possible to suppress entirely the exaction of forced or compulsory labour. In the case of portage, this continues to be an administrative necessity in certain areas of the territory owing to the lack of voluntary labour and of all-weather motorable roads.

The report contains statistics showing that during the period under review 2,200 persons were employed on portage and that 6,432 man-days were worked. The average number of hours worked each day varied between five and six, and wages varied between 0.50 and 1.50 shillings per day according to the nature of the work in question and the wage rate in each district. As regards public works, 1,312 persons were employed in the eastern provinces for 26,918 man-days on road and aerodrome construction; the average daily hours of work were seven and the wages were 1.40 shillings per day in accordance with the district rates.

#### *Trinidad and Tobago.*

There is no forced or compulsory labour and accordingly there is no legislation which makes the illegal exaction of such labour a legal offence. The only work of this kind is work exacted from a person as a consequence of a conviction in a court of law, as specified in Article 2, paragraph 2 (c), of the Convention. Such work is carried out under the supervision and control of a public authority and the persons involved are not hired to or placed at the disposal of private individuals, companies or associations.

*Uganda.*

The ratification of the Convention and its application to the Protectorate is not considered as having modified the existing legislation.

*Article 1 of the Convention.* Recourse to forced or compulsory labour is still authorised and used for carrying the effects of government officers in remote and inaccessible areas of the Protectorate and for essential public works in certain areas where, for various reasons it has been found impossible to procure labour for essential purposes by other means. As regards the use of compulsion in connection with public works, this is required to supplement the inadequate supply of voluntary labour mainly in connection with road construction and maintenance and sometimes for hospital or school buildings; it is directly connected with the economic and social development and welfare of backward and remote areas. It is confined to the northern and western provinces and arises to some extent from the developments which are leading to a reduction in forced labour for portage. The amount of compulsory labour required and used has not increased but, in the past, it has been regarded as not falling within the definition of forced labour laid down by the Convention. Maintenance of certain roads properly regarded in the past as a communal service must now, owing to the development of part of the road system of the country, be regarded as public works. Similarly, while in the past the construction of a simple mud and wattle school was regarded as a local communal effort, the building labour required for more elaborate and permanent schools and colleges can no longer be placed in this category. These public works are now essential to the communities concerned as well as to the economic and general development of the Protectorate as a whole. Until it is possible to secure all the labour required for these purposes on a voluntary basis in certain areas some measure of compulsion will be necessary. Nevertheless, energetic steps are now being taken to reduce and eventually eliminate the labour exacted for these purposes. Voluntary labour companies have been introduced in the northern provinces and have removed entirely the need for forced labour on government public works during the last 12 months. Incentives to voluntary labour are

being studied and the results of these studies will, it is hoped, assist further in reducing the proportion of compulsory labour required. Compulsion of this type may be regarded as a passing phase in the social and economic development of these areas of the country.

*Article 2.* Work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of prison officials and no convicted person is hired to or placed at the disposal of private individuals, companies or associations.

*Article 10.* The provisions of this Article are applied. Compulsory labour has not been exacted as a tax or for personal services to a chief but only for public works. Compulsion is used to supplement labour where this is inadequate. It is not possible to give an accurate estimate of the extent to which it has to be used. In no case does the amount of compulsory labour exacted from any individual exceed 30 days a year.

No decisions have been given by courts of law or other courts involving questions of principle relating to the application of the Convention.

No representative organisations of employers or workers exist in Uganda and no observations have been received.

It is hoped that the use of forced or compulsory labour will ultimately lapse completely but for the immediately foreseeable future it is considered that a certain amount of compulsion will continue to be necessary.

*Zanzibar.*

Orders issued during the past year are contained in Government Notices Nos. 204 and 205 of 1953 and No. 67 of 1954. They contain the same provisions relating to cultivation as the previous Notices.

Legislation has been prepared for presentation to the Legislative Council, which will enable the Regulations of 1943 to be revoked but it has not yet become law.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 30. Hours of Work (Commerce and Offices) Convention, 1930

*This Convention came into force on 29 August 1933*

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*New Zealand.* Ratification: 29 March 1938. No declaration on application.

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*New Zealand.*

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

32. Protection against Accidents (Dockers) Convention (Revised), 1932<sup>1</sup>

*This Convention came into force on 30 October 1934*

*Belgium.* Ratification: 2 July 1952. Not applicable to the Belgian Congo and Ruanda-Urundi.

*Italy.* Ratification: 30 October 1933. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*United Kingdom.* Ratification: 10 January 1935. Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man. No declaration on application for other British non-metropolitan territories.

<sup>1</sup> This Convention revises the 1929 Convention. See Convention No. 28.

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

*New Zealand.*

*Cook Islands.*

Because of the casual and intermittent nature of waterfront employment in the Cook Islands extension of the Convention is not at present contemplated.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

*United Kingdom.*

*Bahamas.*

The Convention has not been applied and its application would serve no useful purpose at the present time. The stevedore force consists of some 80 workers who are protected by workmen's compensation legislation. Nassau possesses one wharf at which large ocean-going ships can unload and there is no dock machinery of any kind, all unloading being done by the ships' derricks. Approximately seven ships a month unload at this wharf.

*Barbados.*

Though no legislation at present exists implementing the provisions of the Convention, consideration is being given to applying the provisions of the Factories Act to docks, wharves, quays and warehouses and also to the processes of loading, unloading or coaling of ships.

*Bermuda.*

Although no legislative or administrative regulations exist for the application of the Convention, the provisions are in practice applied by local conditions and arrangements for loading and unloading ships. The latter, for the most part registered in countries applying the provisions of the Convention, load or unload cargo alongside modern well-designed covered wharves equipped

with safety devices. Cargo is worked between hold and wharf by the cranes of the conveying ships so that the incidence of accidents is low.

*British Guiana.*

There are approximately 1,000 dockworkers in the territory. There were no contraventions of the Docks (Safety) Regulations during the period under review. The Factory Inspector attached to the Department of Labour began his duties in June 1954. During the year 625 accidents were reported.

See also under Convention No. 2, paragraph 2 ff.

*Cyprus.*

Docks Regulations to consolidate the Docks Regulations of 1939 and 1940.

The Convention is applied by the relevant provisions of the above-mentioned legislation, a copy of which is appended to the report.

The report states that under Article 18 of the Convention arrangements made and certificates issued by other Members which have ratified this Convention are acceptable in Cyprus.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

Factory legislation and factory inspection are at present under active consideration.

*Gibraltar.*

During the period under review 42 accidents sustained by dockworkers, involving mainly minor injuries, were reported in accordance with the Accidents and Occupational Diseases (Notification) Ordinance, 1950.

*Grenada.*

In the sole harbour in the territory cargoes are unloaded from ships on to a well-lighted pier; access to ships is by their gangways and there is no lifting gear or machinery of any kind on the pier. It is felt that there is little or no risk of accident to workers.

*Hong Kong.*

During the year under review a monthly average of 405 ships of over 60 tons (1,004,582 tons) entered and an average of 404 ships (999,491 tons) were cleared. Twenty-nine accidents occurred on ships working at buoys where ships' gear was used, two of which proved fatal; there were six accidents on wharves where wharf company gear was used, none of which was fatal.



*Jamaica.*

There are 2,005 registered port workers in the Port of Kingston and about 2,000 employed in other ports in Jamaica.

*Kenya.*

East African Railways and Harbours Administration Act, 1950.

Code of General Safety Regulations embodied in the East African Harbours Regulations, 1952.

Factories Ordinance, 1950, containing an enabling clause (sections 58 and 55), to provide for special rules to be made for ensuring the safety, health and welfare of persons employed in the processes.

Employment of Persons (Medical Treatment) Rules, in Notice No. 1359 of 1951.

*Article 1*, paragraphs (1) and (2), of the *Convention*. Regulation No. 171 defines the "processes".

*Article 2*, paragraph 1. This provision has not yet been given statutory effect but is, in fact, carried out in practice.

Paragraph 2 (1). Efficient lighting of working places on shore and dangerous approaches is not required by law but is given effect in practice.

Paragraph 2 (2). Regulation No. 199 (a) requires a clear passage to be maintained.

Paragraph 2 (3). A clear space of at least 3 feet along the edge of a wharf or quay is required by Regulation No. 199 (b).

Paragraph 4 (a) and (b). The fencing of dangerous parts of the approaches and of dangerous footways over bridges, etc., is not laid down in the Regulations but these standards are maintained by the Administration.

*Article 3*, paragraph (1). Regulation No. 173 requires the provision of safe means of access.

Paragraph (2) (a). The ship's accommodation ladder or a gangway is prescribed by Regulation No. 173 (a).

Paragraph (2) (b). The use of a suitable ladder is permitted by Regulation No. 173 (b) in cases where the use of a proper gangway is impracticable.

Paragraph (3). Similar requirements as to width of gangways and secure fencing are laid down in Regulation No. 173 (a).

Paragraph (4). Regulation No. 173 (b) requires that ladders should be of adequate length and strength, and properly secured.

Paragraph (5). Exception to the provisions of the Article is allowed by a proviso to Regulation No. 173 (b): "Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access are provided in conformity with these Regulations.

"Provided further that, as regards any sailing vessel not exceeding two hundred and fifty tons gross registered tonnage, this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliance."

Paragraph (6). Regulation No. 209 requires that workers shall not use nor be required to use any other than the specified means of access.

*Article 4*. This provision is dealt with by Regulation No. 208, which reads: "When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent

person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition."

*Article 5*, paragraph (1). Regulation No. 176 (1) requires that safe means of access to the hold shall be maintained.

Paragraph (2). Access by ladder is prescribed by Regulation No. 176 (2).

(a) These standards are prescribed by Regulation No. 176 (2) (b).

(b) A ladder which is recessed more than necessary is not deemed to be adequate—Regulation No. 176 (2) (f).

(c) Regulation No. 176 (2) (c) requires that ladders should be placed in line with cups or cleats on coamings.

(d) Similar specifications for cleats or cups on coamings are laid down by Regulation No. 176 (2) (c).

(e) Regulation No. 176 (2) (a) requires that ladders between lower decks shall be in line with the ladder from the top deck.

Paragraph (3). Free passage to the means of access at the coamings is required by Regulation No. 176 (2) (e).

Paragraph (4). Handholds on shaft tunnels are prescribed by Regulation No. 176 (3).

Paragraph (5). Regulation No. 176 (2) (f) (ii) provides for ladders to be provided in such cases.

Paragraph (6). By Regulation No. 209, workers may not use, nor be required to use, other means of access.

Paragraph (7). No advantage has been taken of this exemption with respect to ships existing at the date of ratification.

*Article 6*, paragraph (1). The fencing or covering of hatchways is dealt with by Regulation No. 201 (1) but fencing is not required during meal-times or other short interruptions in the work.

Paragraph (2). There is no specific requirement as to the fencing of deck openings other than hatchways, but where necessary for the protection of the workers such fencing would be required.

*Article 7*, paragraph (1). Efficient lighting is required by Regulation No. 177 (a) and (b).

Paragraph (2). Lighting may not endanger workers or interfere with navigation—Regulation No. 177 (c).

*Article 8*, paragraph (1). Regulation No. 180 requires adequate maintenance of beams and hatch covers.

Paragraph (2). Handgrips are required by Regulation No. 181.

Paragraph (3). Suitable lifting gear for beams is required by Regulation No. 178.

Paragraph (4). Regulation No. 179 requires that beams and covers shall be marked for identification.

Paragraph (5). The use of hatch coverings as stages is prohibited by Regulation No. 201 (2).

*Article 9*, paragraph 1. Employers are forbidden to make use of machinery or gear which has not been tested and examined in the prescribed manner and at the prescribed intervals.

Paragraph 2 (1). By Regulation No. 183 (2) all derricks and permanent attachments including bridle chains to the derrick, mast and deck, used



in hoisting and lowering are required to be inspected and examined in the prescribed manner and also winches, blocks, shackles and necessary gear.

Paragraph 2 (3). The annealing of chains, rings, hooks, shackles and swivels is required by Regulation No. 184 and the Locomotive Superintendent is charged with the responsibility for examination, etc.

Paragraph 2 (4). Certificates of test and examination are required by Regulation No. 187 and prescribed in Schedule E to the Regulations.

Paragraph 2 (5). Regulation No. 189 requires the marking of the safe working load on loose gear and Regulation No. 193 requires that the safe working load shall be marked on cranes, derricks and other hoisting gear.

Paragraph 2 (6). The fencing of dangerous parts of cranes and other machinery on shore is attended to by the Chief Mechanical Engineer. With regard to machinery used on board ship, no statutory provision has so far been made.

Paragraph 2 (7). Means to prevent the accidental descent of a load is required by Regulation No. 191.

Paragraph 2 (8). Suitable measures to prevent steam from obscuring a working place are required by Regulation No. 194.

Paragraph 2 (9). Means to prevent the foot of a derrick being lifted out of its socket is required by Regulation No. 195.

*Article 10.* Regulation No. 198 requires the employment of competent persons to operate machinery or to give signals.

*Article 11, paragraph (1).* By Regulation No. 197 (2), a load may not be left suspended from a crane unless attended by a competent person.

Paragraph (2). The employment of a signal is required by Regulation No. 207.

Paragraph (3). Suitable measures are required by Regulation No. 205.

Paragraph (4). Regulation No. 206 requires that beams should be adequately secured.

Paragraph (5). Facilities for the escape of workers are required by Regulation No. 196.

Paragraph (6). Regulation No. 200 prohibits the use of stages which are unsafe and the use of a truck where the stage is too steep for safety. Scaffolding, or other sufficient means, is required.

Paragraph (7). Working methods in the hatch square are dealt with in Regulation No. 203.

Paragraph (8). Overloading is forbidden by Regulation No. 197 (1) with the following exception: "Provided that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person if on each occasion (a) the written permission of the owner or his responsible agent has been obtained; (b) a record of the overload is kept."

Paragraph (9). An automatic indicator or a table of safe working loads is required by Regulation No. 193.

*Article 12.* The handling of explosives and other dangerous cargo is fully dealt with: no regulations have so far been made with regard to health risks, but rules can be made under sections 58 and 55 of the Factories Ordinance, 1950.

*Article 13, paragraph 1.* The provision of first-aid facilities is not at present specifically required by the regulations, but such facilities are in fact very adequately provided as part of the Railways and Harbours Administration's welfare arrangements. First-aid posts and a dispensary where a doctor is in attendance are maintained at the sole maritime port of Mombasa. These facilities are in accordance with the Employment of Persons (Medical Treatment) Rules, 1951, which require employers in general to keep a supply of drugs and medical equipment on work-sites, to arrange the transport of sick or injured workers to hospital, and to employ medical dressers in the case of the larger undertakings.

Paragraph 2. Lifebuoys are provided at all wharves, but this is not yet a statutory requirement.

*Article 14.* Removal or interference with such appliances is not specifically prohibited but Regulation No. 212 places a statutory duty upon all persons to make use of them.

*Article 15.* No exemption is claimed except in respect to landing stages, etc., used for purposes of inland water transport where the scale of operations does not justify enforcement.

*Article 16.* The provisions of the Convention are applied to all ships.

*Article 17, paragraph (1).* Regulation No. 172 sets out the duties of the various parties concerned in the processes.

Paragraph (2). Enforcement is carried out by the Shore Assistants and penalties are set out in Regulation No. 299.

Paragraph (3). Copies of the Regulations are supplied to the masters of ships and to ships' agents.

*Article 18.* No steps taken to date.

The number of workers concerned averages about 4,000 per day.

The progress made in the five-year period consists in the making of the Regulations mentioned above, under the East African Railways and Harbours Administration Act, 1950. These regulations now apply the Convention to a very considerable extent.

#### *Leeward Islands.*

Ships arriving in the territory are usually from European or North American ports maintaining standards of inspection and certification. Vessels of local registration have not the equipment and gear envisaged by the Convention. During the year under review one fatal accident occurred involving a dockworker.

#### *Malaya.*

Federation Port Rules, 1953.

Merchant Shipping Ordinance No. 70 of 1952.

Under section 445 (1) of the Merchant Shipping Ordinance provision exists for the making of rules for implementing most of the Articles of this Convention, but the only rules made are the Federation Port Rules, 1953, which cover Articles 3 and 12. The Federation of Malaya Machinery

Ordinance No. 18 of 1953 makes certain provisions under its section 5, and rules made thereunder would implement Articles 9, 10, 11, 13 (1) and 14 of this Convention as far as processes on shore are concerned. These rules are now under consideration.

Under the Federation Port Rules, 1953, the master of any vessel taking in or discharging ballast or cargo while lying alongside a wharf shall rig between his vessel and the wharf a proper gangway, having double rails or stanchions with ropes rove taut through the same, the top rail or rope being not less than three feet and three inches high, and shall securely fix one end of such gangway to the deck of the vessel. Vessels when at anchor or moored to a buoy shall provide an efficient gangway or means of boarding which must be kept clear of cargo lighters at all times.

No vessel may load or discharge dangerous goods within a port without the permission in writing of the Port Officer. Except with the permission in writing of the Port Officer, dangerous goods shall not be loaded or unloaded except between the hours of 5.30 a.m. and 6.30 p.m., nor shall any harbour craft containing dangerous goods lie alongside any vessel, wharf or other landing place without such permission.

Subject to any local by-law or rule to the contrary, dangerous goods shall be removed from any landing place immediately they are unloaded, and dangerous goods shall be loaded immediately they arrive at any loading place, failing which the Port Officer may remove, guard or destroy the goods at the expense of the owner, agent or consignee who shall also be held responsible for any damage or loss that may result from any accident arising therefrom. No defective packages or containers containing dangerous goods shall be loaded or unloaded except with the permission of the Port Officer. The packing and stowage of dangerous goods shall be certified by the master or his agent on behalf of the owner of a vessel in the case of cargo being landed from a vessel, and by the shipper in the case of cargo being loaded into a vessel, to be strictly in accordance with regulations for the carriage of dangerous goods. The Port Officer may, while any dangerous goods are being lightered, landed, loaded or unloaded, control the use of fires and naked lights in such area as he may deem fit and may totally prohibit in such area any smoking or the use of fires or naked lights of flames of any description. Any person who fails to comply with any direction of the Port Officer lawfully made under this sub-rule shall be deemed to have committed a breach of this rule. Vessels with explosives or petroleum on board shall hoist the appropriate signal listed in the schedule to these rules. Except with the permission of the Port Officer, not more than two lighters or "tongkangs" may lie alongside any vessel abreast of each other and not more than two lighters shall be moored astern of a vessel.

#### *Malta.*

Dock Safety Regulations, 1953.

These Regulations give effect to the Convention. They include and improve on previous Orders or Ordinances; their 54 articles deal with all loading and unloading operations generally conducted in docks.

#### *Mauritius.*

About 700 workers are covered by the relevant legislation.

#### *St. Lucia.*

It is proposed to submit the question of implementation of the Convention to the Labour Advisory Board for consideration.

#### *Sarawak.*

The possibility of applying this Convention fully will be examined with a view to incorporating it within the draft Shipping Ordinance now under consideration.

#### *Sierra Leone.*

With the lay-out of the new Queen Elizabeth II Quay the measurement requirements of paragraph 4 of Article 2 of the Convention in respect of appliances in use at the date of the ratification of this Convention have to a great extent been complied with. The daily improvements to the new Quay will no doubt result in total compliance shortly.

Rule 5 of the Dock Regulations (Safety of Wharf Workers) defines the person or bodies who are responsible for the compliance with the respective regulations giving effect to the provisions of this Convention. Rule 4 provides for an efficient system of inspection, and penalties for breaches of the regulations are laid down in section 3 of the Docks Regulation Ordinance.

Though it is customary to post copies or summaries of the regulations in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes, no statutory provision at present exists to ensure compliance with the provision of this Article of the Convention and steps will be taken to make the necessary statutory provision during revision of, or by an amendment to, the above Rules.

#### *Solomon Islands.*

See under Convention No. 5.

#### *Tanganyika.*

East African Harbours Regulations, 1952.

*Article 1, paragraph (1), of the Convention.* The Factories Ordinance contains no exemption to exclude ships of war from its provisions.

Paragraph (2). No specific definition of "worker" is included in the Factories Ordinance, the provisions of which apply to defined places and machinery and plant rather than to definite persons.

*Article 2.* The general provisions of this Article are given effect by the following regulations incorporated in the East African Harbours Regulations, 1952: Regulation No. 177 which provides for efficient lighting to be provided; Regulation No. 199 which provides for clear passage to means of access to ship to be maintained at wharves.

*Article 3.* The general requirements of this Article are given effect by Regulations Nos. 173

and 175 of the East African Harbours Regulations, 1952.

*Article 4.* Regulations Nos. 99 and 100 make provision for the examination and survey and subsequently licensing of small craft, including those types of such craft which are normally employed for the purposes of transporting workers between ship and shore. Regulation No. 208 makes specific provision for the safe transport of workers by water.

*Article 5.* The general requirements of this Article are given effect by the following regulations:

- Paragraph (1): Regulation No. 176 (1).
- Paragraph (2) (a): Regulation No. 176 (2) (b); (b) Regulation No. 176 (2) (f); (c) Regulation No. 176 (2) (c) (iii); (d) Regulation No. 176 (2) (c) (i); (e) Regulation No. 176 (2) (a).
- Paragraph (3): Regulation No. 176 (2) (e).
- Paragraph (4): Regulation No. 176 (3).

Paragraph (5): Regulation No. 209. Where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, access to holds may be provided by cleats or cups (Regulation No. 176 (2) (f) (i)).

*Article 6.* The requirements of this Article are given effect by Regulation No. 201. Paragraph (1) (ii) of this regulation relaxes the requirements during mealtimes or other short interruptions of work during the period of employment.

*Article 7.* The requirements of this Article are given full effect by Regulation No. 177.

*Article 8.* The requirements of this Article are given effect by the following regulations:

- Paragraph (1): Regulation No. 180.
- Paragraph (2): Regulation No. 181.
- Paragraph (3): Regulation No. 178.
- Paragraph (4): Regulation No. 179.
- Paragraph (5): Regulation No. 201 (2).

*Article 9.* The proviso to section 58 of the Factories Ordinance, 1950, exempts from the provisions of the Ordinance machinery and plant which is on board a ship and the property of the shipowner.

Equally, the proviso to Regulation No. 172 (2) of the East African Harbours Regulations, 1952, may exempt the master of any ship registered in a country party to the international labour Convention from complying with the provisions of the regulations relating to examination and testing of lifting machinery and gear (Regulations Nos. 183 to 195) in respect of such machinery and gear actually carried on board such ship.

The general provisions of the Convention in so far as they relate to machinery and gear used in shore processes are given effect by Regulations Nos. 183 to 195.

*Article 10.* The requirements of this Article are given effect by section 32 (8) of the Factories Ordinance, 1950, and Regulation No. 198 of the East African Harbours Regulations, 1952.

*Article 11.* The general requirements of this Article are given legal effect by the following

regulations incorporated in the East African Harbours Regulations, 1952:

- Paragraph (1): Regulation No. 197 (2).
- Paragraph (2): Regulation No. 207.
- Paragraph (3): Regulation No. 205.
- Paragraph (4): Regulation No. 206.
- Paragraph (5): Regulation No. 196.
- Paragraph (6): Regulation No. 200 (1) (2) and (3).
- Paragraph (7): Regulation No. 203.
- Paragraph (8): Regulation No. 197.
- Paragraph (9): Regulation No. 193.

Under the provisions of Regulation No. 197 (1) a crane may be loaded beyond the safe working load in exceptional circumstances to such an extent and subject to such conditions as may be approved by the engineer in charge or other competent person, if, on each occasion: (a) the written permission of the owner or his responsible agent has been obtained; (b) a record of the overload is kept and, provided that where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.

*Article 12.* Part VIII of the East African Harbour Regulations, 1952, prescribes regulations to ensure the proper protection of workers in connection with the handling of or working in the proximity of goods which in themselves are dangerous to life and health. Schedule D describes the goods to which such regulations contained in the said Part VIII shall apply.

In addition the relevant provisions of the Factories Ordinance, 1950 may be extended to cover such working processes by: (a) the power of the court to make orders as to dangerous conditions and practices (section 58 (1) (d)), and (b) the provisions with respect to rules for safety, health and welfare (section 58 (1) (2)).

*Article 13,* paragraph 1. Under section 55 of the Factories Ordinance, 1950, the Member of the Executive Council responsible for labour affairs may make rules in respect of the safety, health and welfare of workers; under section 55 (2) (d) he may make rules, *inter alia*, for the application of provisions relating to first aid and ambulance arrangements set out in sections 49 and 50 of the Ordinance.

Paragraph 2. The requirements of this clause may be implemented by the Member of the Executive Council responsible for labour affairs making rules in respect of the safety of workers under the provisions of section 55 of the Factories Ordinance, 1950.

*Article 14.* The provisions of this Article are accepted and come within the scope of the Rules which may be made by the Member under section 58 (1) (2) of the Factories Ordinance, 1950.

*Article 17,* paragraph (1). Regulation No. 173 of the East African Harbours Regulations, 1952, clearly defines the specific responsibilities of masters of ships and owners of machinery or plant or their agents for the purposes of compliance with the said Regulations.

Paragraph (2). The Regulations are administered by officers of the East African Railways

and Harbours Administration duly appointed to perform such duties, and included in the definition of "management" contained in Regulation No. 2; provision for penalties in respect of breaches of the regulations is contained in Regulation No. 299.

The ports in the territory in which dockers are employed are Dar es Salaam, Tanga, Lindi and Mtwara situated on the Indian Ocean coast, and the inland lake ports of Mwanza, Musoma, Bukoba and Kigoma, which ports are under the control of officers of the East African Railways and Harbours Administration, and with whom close liaison is maintained by officers of the Labour Department.

During the calendar year 1953 no contraventions of the provisions of the Convention are known to have occurred, neither were any court orders under section 43 of the Factories Ordinance nor rules under section 55 made during this period.

Details are given below concerning the 116 industrial accidents, reported during the calendar year 1953, under the industrial classification of "Ports and shipping":

Deaths, 8; permanent partial disability, 18; temporary disability, 90. The causes of these injuries were as follows: lifting machinery, 6; working machinery, 1; on railways, 4; on ships, 17; vehicles, 3; falls of persons, 13; stepping on or striking against objects, 9; falling objects, 36; falls of ground, 1; handling without machinery, 21; miscellaneous, 5.

The above figures refer to industrial injuries sustained by workers employed under the industrial classification of "Ports and shipping" and do not specifically refer to dockworkers, for whom separate statistics are not maintained.

The number of workers covered by the legislation is approximately 4,000, based on the labour

enumeration which was carried out on 31 August 1953.

No representations have been received from employers' or workers' organisations.

#### *Trinidad and Tobago.*

Rules and regulations to give full effect to the provisions of the Convention have been drafted but have not yet received legal assent.

#### *Uganda.*

Section 58 of the Factories Ordinance, 1952, contains provisions enabling special rules to be made applying the Convention.

There are no maritime ports in Uganda. The only dock and port installations are those at lake and river ports which are operated by the East African Railways and Harbours Administration, whose working practices cover in general the requirements of this Convention.

Rule No. 54 of the Uganda Employment Rules requires employers to provide and maintain a stock of drugs and medical equipment in accordance with Part A or Part B of the Third Schedule to the Uganda Employment Rules, depending on the number employed.

Rule No. 55 of the Uganda Employment Rules empowers the provincial medical officer to require an employer of 500 or more to provide and maintain a dispensary.

During the period January to December 1953, only 29 reportable accidents in dock operations (none of which was fatal) came to notice.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 33. Minimum Age (Non-Industrial Employment) Convention, 1932<sup>1</sup>

*This Convention came into force on 6 June 1935*

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*Belgium.* Ratification: 6 June 1934. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 29 April 1939. Applicable without modification: Cameroons, French East Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Netherlands.* Ratification: 12 July 1935. No declaration on application.

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<sup>1</sup> This Convention was revised in 1937. See Convention No. 60.

#### *France.*

##### *Algeria.*

During the period under review 128 contraventions were reported and proceedings were instituted in 24 cases. The existence of irregular situations was brought to the knowledge of the employers by the Labour Inspectorate and was

immediately rectified. The issue of permits is still subject to error on the part of the municipal authorities; false information regarding age was reported.

#### *Cameroons.*

See under Convention No. 5.

#### *French Equatorial Africa.*

General Order No. 609/DPLC-4 of 19 February 1954.

The Convention was promulgated in French Equatorial Africa in virtue of the above-mentioned General Order to promulgate Decree No. 54-112 of 28 January 1954 in this territory.

#### *French Guiana.*

Children are protected in non-industrial as well as in industrial employment.

See also under Convention No. 5.

*French Settlements in Oceania.*

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. 1953—Fr. 5).

Decree No. 54-112 of 28 January 1954 to extend Convention No. 33 to the French Settlements in Oceania.

It has not been found necessary to take a decision determining the line of division between industry, commerce and agriculture, since this division is sufficiently clear either on the basis of the local customs or on the basis of the metropolitan customs.

Section 118 of the Overseas Labour Code provides that "no child shall be employed in an undertaking as an apprentice or otherwise before the age of 14 years, save where exceptions are authorised by an order made by the chief officer of the territory after receiving the recommendations of the labour advisory board, taking into account local circumstances and the jobs which the children may be required to do". No order has been made under this provision.

There is no public entertainment in the French Settlements in Oceania.

In virtue of section 119 of the Overseas Labour Code, the Inspector of Labour and Social Legislation may order children to be examined by an approved medical practitioner in order to ascertain that the work which they are given is not beyond their strength. If the work is found to be beyond their strength they must be given more suitable work.

The application of the provisions of the Convention is entrusted to the Inspector of Labour and Social Legislation. The identification and supervision of the workers is facilitated by the obligation for employers to supply their staff with a workbook approved by the labour inspector and kept up to date by the employer, in accordance with section 25 of the Order of 24 March 1924, as amended by the Order of 27 December 1950. This workbook contains all the necessary information relating to the identity and age of the worker.

The courts of law have not given any decisions involving questions of principle relating to the application of the existing regulations.

*French Somaliland.*

Decree No. 54-112 of 28 January 1954 to extend the provisions of Convention No. 33 to the Overseas Territories.

Order No. 221 of 21 February 1954 to extend the provisions of Decree No. 54-112 to French Somaliland.

Young persons between 12 and 18 years of age may be employed in urgent work which is not arduous, but only on a daily basis; they may not be required to carry or push loads of more than 20 kilograms. There is practically no child labour.

*French West Africa.*

Decree No. 54-112 of 28 January 1954 to extend the provisions of Convention No. 33 to French West Africa.

General Order No. 1304 CET of 19 February 1954 to promulgate the above-mentioned Decree in French West Africa.

Local Orders to apply section 118 of the Labour Code: No. 3151 ITIS/CI of 28 April 1954 (exceptions to the minimum age for employment), and Nos. 1270 ITLS/SO of 21 April 1954 and 3145 ITLS/CI of 28 April 1954 (definition of prohibited occupations).

In conformity with Articles 1 to 4 of the Convention, section 118 of the Labour Code prohibits on principle the employment of children under 14 years of age in undertakings of all kinds. The exceptions provided for in the above-mentioned Order No. 3151 are in conformity with the Convention since they relate only to children over 12 years of age, who are employed in agricultural or domestic work and subject to the observation of the regulations respecting compulsory attendance at school. No exceptions had been granted up to 1 July 1954 in virtue of Article 4 of the Convention.

In virtue of Articles 5 and 6 of the Convention, section 118 (second paragraph) of the Labour Code and the above-mentioned Local Orders determine the occupations and categories of undertakings in which the employment of young persons is prohibited, and indicate the age limit to which this prohibition applies. These regulations are supplemented by section 119 of the Labour Code which provides that the Inspector of Labour and Social Legislation may ascertain whether the work entrusted to children requires too great a physical effort.

*Madagascar.*

See under Conventions Nos. 5 and 10.

*St. Pierre and Miquelon.*

Decree No. 54-112 of 28 January 1954, promulgated in the territory in virtue of Local Order No. 118 of 11 March 1954.

The provisions of the Convention were made applicable to St. Pierre and Miquelon under the above-mentioned Decree.

The regulations mentioned under Convention No. 5 are also applicable to non-industrial occupations.

*Togoland.*

See under Convention No. 5.

*Netherlands.**Netherlands Antilles.*

The provisions in force apply alike to industrial and non-industrial activities. Exceptions may be made where necessary to permit the learning of a craft or an occupation, where the employment is not of a dangerous nature; in such cases the minimum age is 12 years.

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 35. Old-Age Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

*France.* Ratification: 23 August 1939. No declaration on application.

*Italy.* Ratification: 22 October 1947. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*France.*

*French Guiana.*

The report contains the following statistical information for the period under review: the number of persons covered by social insurance was 5,535 and the number of beneficiaries of aged workers' allowances and annuities was 792. The total amount of benefits paid out over the same period as allowances to aged workers was 49,061,743 metropolitan francs, exclusive of administrative expenses. Workers' contributions amounted to 43,091,208 francs and employers' contributions to 53,864,017 francs.

See also under *Guadeloupe*.

*French Settlements in Oceania.*

It would be very difficult to apply the provisions of the Convention, mainly because it is difficult to establish the identity of homeworkers and because there is no stability of employment among domestic servants. In Papeete there is a home for destitute aged persons.

*Guadeloupe.*

Act of 13 August 1954 to extend, as from 1 January 1955, the social insurance scheme, and in particular the old-age insurance scheme, to the Départements of Guadeloupe, French Guiana, Martinique and Réunion.

Act of 20 March 1954 to increase the allowance to aged wage earners, old-age allowances and the special allowance, and to amend certain provisions relating to contributions to the social security scheme.

Order of 4 March 1954 respecting the application in the Départements of Guadeloupe, French Guiana, Martinique and Réunion of the legislation concerning allowances to aged wage earners.

The Act of 13 August 1954 which, in view of the dates on which it was promulgated and applied, does not come within this report will be analysed together with the decrees issued thereunder in the next annual report.

The maximum income, including the allowance, which may be enjoyed by the person concerned if he is to benefit from the allowance to aged wage earners, was raised from 188,000 francs to 194,000 francs under the Act of 20 March 1954; in the case of a married couple, this maximum

has been raised from 232,000 to 244,000 francs. Effect has been given to these provisions since 1 January 1954.

As regards the allowance to aged wage earners, the following rates have been fixed, to be valid as from 1 January 1954; 65,800 francs for workers in towns of more than 5,000 inhabitants and 62,400 francs for workers resident elsewhere.

The report also supplies the following statistical information for the period under review: the number of persons registered under the social insurance scheme was 54,865, and beneficiaries of the allowance to aged wage earners and pension assistance 7,269. The amount of benefits paid in the form of allowances to aged wage earners amounted to 515,556,119 metropolitan francs during the same period, exclusive of administrative costs. The contributions from workers amounted to 216,097,272 francs and from employers, 270,121,593 francs.

*Martinique.*

See, under *Guadeloupe*, the legislation and the first three paragraphs of the text.

During the period from 1 July 1953 to 30 June 1954 the number of persons registered under the social insurance scheme was 54,513, and 8,185 persons benefited from the allowances to aged wage earners and assistance to old persons. The total amount of benefits paid in the form of allowances to aged wage earners amounted to 566,939,255 francs during this period, not including the administrative costs. A total of 245,537,436 francs was paid as workers' contributions and 306,921,798 francs as employers' contributions.

*Réunion.*

For legislation see under *Guadeloupe*.

The report contains the following statistical information for the period under review: the number of persons covered by social insurance was 58,794 and the number of beneficiaries of aged workers' allowances and annuities was 2,128. The total amount of benefits paid out over the same period as allowances to aged workers was 277,939,924 C.F.A. francs, exclusive of administrative expenses. Workers' contributions amounted to 105 million C.F.A. francs and employers' contributions to 131 million C.F.A. francs.

*United Kingdom.*

*Barbados.*

Some of the larger industrial and commercial organisations have their own system of contributory old-age insurance.

See also under Convention No. 25.

*Bermuda.*

Because of the generally high scale of wages and correspondingly high standard of living in Bermuda, there has been little need for such insurance.

*British Guiana.*

A survey as to the practicability of introducing an all-embracing social insurance scheme for the territory was undertaken by an expert during the period under review and the report on his findings is under consideration.

See also under Convention No. 2, paragraph 2 ff.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Falkland Islands.*

See under Convention No. 2.

*Gibraltar.*

During the period under review 399 persons over 65 years of age received assistance under the scheme for financial assistance to unemployed aged persons; the total expenditure on this service was £22,285.

*Kenya.*

There are still no legislative or administrative provisions in Kenya in respect of compulsory old-age insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for out-workers and domestic servants, as required by the Convention.

The colony's state of development has hitherto precluded the introduction of compulsory old-age insurance for industrial workers. However, the transition from the system of migratory labour (dependent mainly on the peasant economy) to regular wage-earning employment by a proportion of the territory's labour force, who will become stabilised with their families in centres of employment, is in its earliest stages. In anticipation of further development in this direction, the Kenya Government appointed early in 1954 a Social Security Committee to consider and report on social security legislation and to make recommendations on the following matters: (a) whether there is now, or likely to be in the near future, need to provide by legislation for the social security of employees in their old age; (b) among what races and in what types and levels of employment such provision (if any) should be made; (c) at what age or respective ages such provision (if any) will be needed; (d) by what method or alternative methods such provision (if any) should or could be made; (e) in what proportions the employer and the employees should bear the cost of any such provision; (f) whether and to what extent voluntary provident schemes for employees should be accepted in satisfaction of the provision (if any) required by law; and (g) any other incidental questions having due regard to economic and practical considerations.

Out of the colony's total population of 5½ million, approximately 500,000 are in wage-earning

employment. A total of 269,000 of these are employed in industry, commerce and the public services, and only 43,810 of them are Europeans, Asians and other non-Africans. The public services account for 134,523 of these workers, leaving a balance of somewhat more than 134,500 workers of the types affected by the Convention.

With very few exceptions the African labour force is still dependent for social security on land rights of the family or clan in the African tribal areas. A proportion of those employed in the public services qualify for pensions on retirement, whilst most of the larger private undertakings provide pensions or provident fund benefits for their superannuated employees.

Employers' and workers' organisations have been invited to submit memoranda and evidence to the Social Security Committee referred to above. The Committee's report is expected to be available later in 1955.

*Leeward Islands.*

A committee was appointed in St. Kitts-Nevis in 1953 to examine the possibility of introducing a scheme for social insurance in that area but it came to the conclusion that such a scheme was impracticable in the economic and financial circumstances of the presidency.

See also under Conventions Nos. 2 and 24.

*Malaya.*

On 30 June 1954 the total number of registered contributors was 695,453, the total amount withdrawn was \$1,221,061 and total receipts were \$104,850,453.

*Nigeria.*

Established and non-established employees in government departments are provided for under rules sanctioned by the Governor. These rules have no statutory sanction and are no more than a codification of current practice. Under the rules an allowance may be granted to a non-established employee who is specially recommended by the head of his department on the grounds of long and meritorious service. For the purpose of these rules long service is deemed to be service of not less than 20 years. An annual allowance may, however, be paid in respect of 15 years' service if specially recommended by the head of his department. To qualify for such an allowance the following conditions must be satisfied: (a) medical evidence to the effect that the employee is unable to carry out his duties owing to infirmity or permanent physical incapacity; or (b) a certificate by the head of department that the employee has reached an age when he is no longer able to carry out his duties in an efficient manner; or (c) evidence to the satisfaction of the competent authority that the employee has attained the age of 55 years or on a medical certificate that he appears to have attained that age.

Provision is also made for awards to dependants of deceased employees.

Many of the larger commercial undertakings operate pension schemes and provident funds for the benefit of their employees. Under section 26 of the Labour Code Ordinance, Cap. 99, of the Laws of Nigeria (Revised 1948) an employer may,



with the consent of the worker, make deductions from the wages of the worker and pay to the appropriate person any contributions to provident or pension funds or schemes agreed to by the worker and approved by the Commissioner of Labour.

*Northern Rhodesia.*

A non-contributory pension scheme has been prepared by the copper mining companies for introduction from 1 July 1954 which will provide monthly pensions of £4 to £6 depending on the length of service, with a minimum of 20 years' service. Gratuities for lesser periods will be payable in certain circumstances.

*Seychelles.*

This Convention is not applicable in Seychelles in its present state of development.

The Labour and Welfare Officer who is the Chairman of the Public Assistance Committee and Superintendent of Poor Relief is responsible for the distribution of outdoor relief to all those who, through illness and old age, find themselves in need. Poor relief officers, all voluntary workers, regularly visit those in need in their respective districts and advise them as to their needs. The Fiennes Institute, a government establishment, provides a home and medical care for the aged, destitute and infirm. The Hospital Board and Samaritan provides after-care for ex-hospital patients in need. The Government grants ex gratia retiring allowances or gratuities to its non-pensionable employees who retire after continuous employment. Employment is always available in the case of workers who are not able-bodied by reason of age or otherwise and the labour officer is especially empowered to vary the minimum wage in their case.

*Sierra Leone.*

See under Convention No. 24.

*Singapore.*

A commission was appointed by the Governor on 21 May 1951 under the provisions of the Inquiry Commission Ordinance No. 5 of 1941, to inquire into the question of retirement benefits for wage earners.

At about the same time a Bill to institute a central provident fund for all employees in the colony was laid before the Singapore Legislative Council. This Bill has now become law (Ordinance No. 34 of 1953) and it is intended to bring it into force early in 1955.

*Tanganyika.*

The indigenous population possesses a very real basis of security against want in old age by virtue of the fact that the vast majority of African workers hold land in their tribal areas to which they can and do return at the end of their working lives. Thus the need which might otherwise exist for monetary forms of old-age pension schemes is much diminished and is only likely to become material with the growth of a landless, wage-earning labour force.

Nevertheless, pensions are now provided by the Government and the departments of the East African High Commission to practically all officers, irrespective of race, serving on the permanent establishments down to and including certain categories of manual workers. Furthermore, the majority of employees of these services who are not employed on a pensionable basis are included within the scope of provident funds. Similarly, a substantial and increasing number of the larger private industrial and commercial concerns operate schemes providing either for pensions or, more frequently, for provident funds.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 36. Old-Age Insurance (Agriculture) Convention, 1933

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939. No declaration on application.

*Italy.* Ratification: 22 October 1947. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*France.*

*French Settlements in Oceania.*

See under Convention No. 35.

*United Kingdom.*

*Barbados.*

See under Convention No. 35.

*Bermuda.*

See under Convention No. 35.

*British Guiana.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 24, first paragraph.



*Falkland Islands.*

See under Convention No. 2.

*Kenya.*

There is still no legislation or administrative provision in Kenya in respect of compulsory old-age insurance for persons employed in agricultural undertakings, as required by this Convention. For the reason indicated in the Kenya Government's report on Convention No. 35 it has not yet been practicable to introduce compulsory old-age insurance for the territory's labour force.

A Social Security Committee was, however, appointed by the Government early in 1954 to consider the matter and to make recommendations as to the need for legislation to provide for social security for workers in their old age, and as to the forms and methods of application of any measures which should prove necessary. The Committee's report is expected to be available later in 1955.

The number of workers of all races employed in agricultural undertakings in Kenya is 232,000, out of a total labour force of 500,000. Almost the entire labour force in agriculture is African. With very few exceptions these workers still retain rights of cultivation or stock rearing in their family or clan lands in the African tribal areas; and they depend for social security on their tribal economies, when not in wage-earning employment.

Employers' and workers' organisations have been invited to submit memoranda and evidence to the Social Security Committee mentioned above. There is, however, no trade union or other combination of workers in agriculture at present.

*Leeward Islands.*

See under Convention No. 35.

*Malaya.*

See under Convention No. 35.

*Mauritius.*

There is a Sugar Retirement Fund in operation, to which all workers earning less than 50 rupees a month are required to contribute 5 per cent. of their earnings; they become entitled to a pension on retirement at the age of 60.

*Seychelles.*

See under Convention No. 35.

*Sierra Leone.*

It has not yet been possible to introduce any compulsory old-age insurance scheme in this territory. A practical difficulty is that people's ages are not ascertainable with any degree of accuracy, as registration of births was not made compulsory until recently and then only in certain districts. In some of the smaller districts in which agricultural workers may be employed registration is still not compulsory. For the time being also it is impossible to arrange for the organisation necessary to administer such a scheme. The number of persons employed in agricultural undertakings, however, is still very small.

*Singapore.*

A commission was appointed by the Governor on 21 May 1951 under the provisions of the Inquiry Commission Ordinance No. 5 of 1941, to inquire into the question of retirement benefits for wage earners.

At about the same time a Bill to institute a central provident fund for all employees in the colony was laid before the Singapore Legislative Council. This Bill has now become law (Ordinance No. 34 of 1953) and it is intended to bring it into force early in 1955.

*Tanganyika.*

The introductory note to the report on Convention No. 35 (Old Age Insurance (Industry, etc.), 1933) contains information relating to pension schemes which are in operation in Tanganyika; this information relates equally to workers employed in agricultural undertakings.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 37. Invalidity Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939. No declaration on application.

*Italy.* Ratification: 22 October 1947. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*France.**French Settlements in Oceania.*

A Bill respecting compensation for industrial accidents and occupational diseases which is designed to make invalidity insurance compulsory for workers is at present being examined by the National Assembly. The workers' organisations and, in particular, the Union of Christian Trade Unions of Tahiti, have requested the promulga-

tion of legislation to make invalidity insurance compulsory and to ensure the payment of pensions to the persons concerned.

See also under Convention No. 17.

*United Kingdom.*

*Barbados.*

See under Convention No. 25.

*Bermuda.*

Government Employees (Disability, etc., Benefits) Act, No. 27 of 1953.

The Government Employees (Disability, etc., Benefits) Act of 1953 provides for the payment of disability, medical and funeral benefits in respect of government employees suffering from an illness or who are injured or die in the course of their duty.

See also under Convention No. 12.

*British Guiana.*

See under Convention No. 35.

*Brunei.*

A non-contributory pension scheme for all persons over the age of 65 years is in the process of preparation. It will also embrace younger people who are incapacitated in any way and who are not taken care of by the provisions of the Workmen's Compensation Enactment.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Dominica.*

The small number of industrial workers in the territory has been further reduced because, during the period under review, the largest and most modern processing plant in Dominica was destroyed by fire.

*Falkland Islands.*

See under Convention No. 2.

*Gibraltar.*

During the period under review six persons received financial assistance on account of invalidity, the total expenditure being £103.

*Kenya.*

There is no legislation or administrative provision in Kenya relevant to this Convention.

The provision of compulsory invalidity insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for out-workers and domestic servants is not yet practicable in Kenya at the present stage of the territory's development. The reasons are the same as those given in the report on Convention No. 24.

Workmen's compensation is provided, as stated in the reports on Conventions Nos. 17 and 42.

*Leeward Islands.*

See under Convention No. 35.

*Seychelles.*

See under Convention No. 35.

*Sierra Leone.*

It has not yet been possible to set up a scheme of compulsory invalidity insurance in this territory; at present, organisational difficulties are insuperable. The medical profession is already overloaded and could not take on additional responsibilities; sufficient qualified staff is not readily available; and, in addition, the majority of employers are not yet in a position to undertake such obligations. It is hoped that in course of time, as development plans progress, these difficulties will lessen and it will be possible to apply the Convention.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 38. Invalidity Insurance (Agriculture) Convention, 1933

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939. No declaration on application.

*Italy.* Ratification: 22 October 1947. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*France.*

*French Settlements in Oceania.*

See under Convention No. 17.

*United Kingdom.*

*Barbados.*

See under Convention No. 25.

*Bermuda.*

See under Convention No. 37.

*British Guiana.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Falkland Islands.*

See under Convention No. 2.

*Kenya.*

There is no legislation or administrative provision relevant to this Convention.

For the same reasons as given in the report on Convention No. 24, it is still premature to consider providing compulsory invalidity insurance for persons employed in agricultural undertakings. Workmen's compensation is, however, provided as stated in the reports on Conventions Nos. 17 and 42.

The numbers of persons of all races in wage-earning employment in agriculture totalled 232,000 in 1953. This is nearly half of the colony's total labour force.

*Leeward Islands.*

See under Convention No. 35.

*Seychelles.*

See under Convention No. 35.

*Sierra Leone.*

It has not been possible to set up a scheme of compulsory invalidity insurance in this territory; at present organisational difficulties are insuperable. The medical profession is already overloaded and could not take on additional responsibilities; sufficient qualified staff is not readily available, and co-operation from employers, particularly in the agricultural areas of the Protectorate, could not be relied upon. It is hoped that in the course of time, as development plans materialise, these difficulties will lessen and that it will be possible to apply the Convention, though it is anticipated that application to wholly agricultural areas will not be possible as soon as to other areas. The number of persons employed in agricultural undertakings, however, is still very small.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 39. Survivors' Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 8 November 1946*

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*Italy.* Ratification: 22 October 1952. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*Italy.**Trust Territory of Somaliland (First Report).*

Ordinance No. 43 of 18 July 1950.

In view of the peculiar conditions obtaining in Somaliland, no action has been taken to give effect to the Convention, and it is impossible to predict when insurance of this type will be introduced for the categories of employees in question. Nevertheless, under the terms of Ordinance No. 43 of 18 July 1950, survivors' insurance does exist in Somaliland but for Italian workers only.

*United Kingdom.**Barbados.*

A scheme exists for the civil service.

See under Convention No. 24.

*Basutoland.*

This Convention envisages conditions in organised industrial communities and is not applicable to conditions in this territory where the vast majority of the population are peasants relying for their subsistence on the cultivation of their own lands. According to customary law, when a male dies leaving a widow and/or children, the responsibility for their care and maintenance falls upon the surviving head of the family.

*Bechuanaland.*

There is no legislation or administrative instruction on this subject save for the widows and orphans of public officials of certain classes. This is governed by Proclamation No. 26 of 1949.

*Bermuda.*

See under Convention No. 35.

*British Guiana.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Falkland Islands.*

See under Convention No. 2.

*Gibraltar.*

During the period under review 28 widows received assistance, the total expenditure being £2,710.

*Gilbert and Ellice Islands.*

In the event of the death of a workman any compensation payable is paid to the next of kin in accordance with Native law and custom.

Widows and orphans have a secure place in the Native society, and they are all landowners or are maintained by landowners. No case of neglect of widows and orphans has arisen.

The British Phosphate Commissioners have instituted a contributory superannuation scheme, whereby the employer and worker each contributes an amount which is 5 per cent. of the worker's salary.

*Hong Kong.*

Sociological and economic factors make it impracticable either now or in the foreseeable future to establish any form of general social insurance based on general compulsory contributions. The Government, however, maintains a widows' and orphans' pensions fund on a contributory basis. Some of the large foreign firms and a few Chinese undertakings have similar arrangements. For the majority of workers, the traditional family solidarity provides an unofficial but effective form of insurance, while most trade unions pay a death gratuity amounting on an average to between 200 and 300 Hong Kong dollars to the dependants of deceased members.

*Kenya.*

There is no legislation or administrative provision in Kenya relevant to this Convention.

It is still considered impracticable, at the present stage of the colony's development, to introduce a scheme for compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for out-workers and domestic servants.

The total of persons of all races in wage-earning employment in private industry and commerce in Kenya is about 94,000. The total employed in domestic service is about 39,000. In addition, the public services employ 134,523 persons, and a large proportion of these are in industrial types of employment and in the liberal professions. The colony's labour force numbers 500,000, out of a total population of 5½ million.

With very few exceptions the entire African labour force of Kenya still has close ties with the tribal reserves. Workers' dependants and families are mostly resident in the tribal lands and engaged in peasant cultivation and stock rearing. When the wage earner is absent from his land, or is incapacitated or deceased, his family are either self-subsisting in the peasant economy or are supported by the clan according to tribal custom. Employers are obliged to return a deceased workman's family to his tribe if so desired.

For the time being, this is the principal form of social security for African workers. A considerable proportion of African workers, however, and most European, Asian and other non-Native workers, are contributors to civil service or private employers' gratuity, provident fund, or widows' and orphans' schemes. Though few of these schemes provide regular pensions for widows and orphans, the remainder provide for lump-sum benefits to be made over to, or applied for the maintenance of, widows and other dependants of deceased workers. The introduction of such individual schemes is actively encouraged.

As the trend towards stabilisation of labour, with their families, in centres of employment develops to any significant extent, the territory's administration will have to make fuller provision for widows and orphans. At present this trend is in its earliest stages.

In the meantime the administrative difficulties of introducing a comprehensive and compulsory scheme for the territory's widely scattered labour force are, chiefly, the shortage of qualified personnel at this stage, and the increased taxation revenue that would be required.

*Leeward Islands.*

See under Convention No. 35.

*Seychelles.*

See under Convention No. 35.

*Sierra Leone.*

The casual and/or migratory nature of the employment of over 60 per cent. of the working population of the country, the majority of whom are either illiterate or of a low standard of education, the worker's assurance of some help from or provision by more affluent relations for himself and dependants, based on the communal life and custom of the Sierra Leone inhabitant, make it impracticable to institute compulsory insurance schemes on a contributory basis to provide pensions for dependants of wage and salary earners generally. A worker at the lower wage level in casual employment who will migrate miles away after the cessation of employment to do farming in the Protectorate will naturally be reluctant to contribute to a scheme in a particular area when it will be difficult to trace his whereabouts or those of his dependants at some future date. The present low finances of the territory preclude the engagement of the necessary experienced staff and administrative machinery without which it would be impossible to introduce any such scheme. It is possible that with improved finances a strictly limited contributory scheme can be introduced for the stabilised working population of Freetown and the colony area but no definite plans have as yet been made to attempt this.

*Solomon Islands.*

See under Convention No. 5.

*Swaziland (First Report).*

There is no legislation in the territory which applies the provisions of this Convention. Conse-

quently the other questions set out in the report form are inapplicable.

There are no representative organisations of employers or workers.

#### *Tanganyika.*

Local conditions are still such that the basic requisites of an insurance scheme are lacking, the greater proportion of the African population being peasant cultivators on their own or tribal lands. Among the practical difficulties affecting the introduction of such a scheme is the fact that the majority of that section of the indigenous

population which may be employed in industry at any one time is rarely static, and maintains close contact with the traditional tribal background and customs, whereby the welfare of widows and orphans is generally assured either on a family or tribal basis.

#### *Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 40. Survivors' Insurance (Agriculture) Convention, 1933

*This Convention came into force on 29 September 1949*

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*Italy.* Ratification: 22 October 1952. No declaration on application.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

#### *Italy.*

*Trust Territory of Somaliland* (First Report).

See under Convention No. 39.

#### *United Kingdom.*

*Barbados.*

See under Convention No. 39.

#### *Basutoland.*

There are at present no wage-earning agricultural workers in Basutoland other than the few employed by the Government and as gardeners. Every peasant farms his own land and Europeans are not permitted to own land in Basutoland. There are, consequently, no "farms" in the usual sense of the word.

According to the customary law, when a male dies leaving a widow and/or children, the responsibility for their care and maintenance falls upon the surviving head of the family.

#### *Bechuanaland.*

There is no legislation or administrative instruction on this subject.

#### *Bermuda.*

See under Convention No. 35.

#### *British Guiana.*

See under Convention No. 35.

#### *Cyprus.*

See under Convention No. 24, first paragraph.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Fiji.*

In the present stage of the colony's economic and industrial development any form of advanced social security legislation would be impracticable. Public funds are provided for the care and maintenance of destitute persons, including destitute widows and orphans in agricultural areas; the appropriation for 1954 is £40,000.

#### *Gilbert and Ellice Islands.*

See under Conventions Nos. 19 and 39.

The only type of agricultural undertaking is copra production and no person may be contracted for periods exceeding 18 months (12 months in the case of workers unaccompanied by their families). All indigenous inhabitants, including women, are landowners, and there is no question of any person being dependent upon wage earning for a livelihood. Workers who accept periodic contract employment are covered by the Workmen's Compensation Ordinance of 1949. It is most unlikely that an agricultural insurance scheme will ever be applicable in this territory.

#### *Hong Kong.*

Dependants of those agricultural workers who, as stated in the report on the application of Convention No. 11, form the only agricultural union in the colony, may expect to receive from the union a death gratuity of between 200 and 300 Hong Kong dollars, in addition to assistance which is given from the family group to survivors in all sections of the working population.

*Kenya.*

There is no legislation or administrative provision in Kenya relevant to this Convention.

It is still considered impracticable, at the present stage of the colony's development, to introduce a scheme for compulsory widows' and orphans' insurance for persons employed in agricultural undertakings. The reasons are the same as those stated in the report on Convention No. 39.

The total number of persons of all races in wage-earning employment in agriculture is 232,000 out of a total labour force of 500,000 in the colony.

*Leeward Islands.*

See under Convention No. 35.

*Seychelles.*

See under Convention No. 35.

*Solomon Islands.*

See under Convention No. 5.

*Swaziland (First Report).*

See under Convention No. 39.

*Trinidad and Tobago.*

See under Convention No. 24.

The reports concerning the other territories reproduce or refer to the information previously supplied.

41. Night Work (Women) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 22 November 1936*

*Belgium.*<sup>2</sup> Ratification: 4 August 1937. No declaration on application.

*France.*<sup>2</sup> Ratification: 25 January 1938. Applicable without modification: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French West Africa, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon, Réunion, Somaliland, Togoland. No declaration on application: Tunisia.

*Netherlands.* Ratification: 9 December 1935. Applicable without modification: Surinam. No declaration on application: Netherlands Antilles, New Guinea.

*New Zealand.*<sup>2</sup> Ratification: 29 March 1938. No declaration on application.

*Union of South Africa.*<sup>2</sup> Ratification: 25 May 1935. No declaration on application.

*United Kingdom.*<sup>2</sup> Ratification: 25 January 1937. Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

<sup>1</sup> This Convention which revised the 1919 Convention was itself revised in 1948. See Conventions Nos. 4 and 89.

<sup>2</sup> Ratification denounced.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 89.

*Netherlands.**Netherlands Antilles.*

The Labour Regulations, 1952, include provision for the application of this Convention, but are not yet in force. The definition of "enterprise" includes the entire field of commerce and industry. The night period is fixed from 8 p.m. to 6 a.m. Special provisions are included in respect of emergency but not for seasonal work. The provisions are not applicable to women of managerial or executive status. The Department for Social and Economic Affairs and the police will be responsible for administration.

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 17 June 1936*

*Belgium.* Ratification: 3 August 1949. No declaration on application.

*Denmark.* Ratification: 22 June 1939. Not applicable to Greenland. No declaration on application: Faroe Islands.

*France.* Ratification: 17 May 1948. No declaration on application.

*Italy.* Ratification: 22 October 1952. Applicable with modifications: Somaliland.

*Japan.* Ratification: 6 June 1936. No declaration: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 1 September 1939. Applicable without modification: Surinam. No declaration on application: Netherlands Antilles, New Guinea.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Union of South Africa.* Ratification: 26 February 1952. No declaration on application.

*United Kingdom.* Ratification: 29 April 1936. Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

<sup>1</sup> This Convention revises the 1925 Convention. See Convention No. 18.

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

*Denmark.**Greenland.*

See under Convention No. 12.

*France.**Cameroons.*

See under Convention No. 17.

*French Equatorial Africa.*

See under Convention No. 17.

*French Guiana.*

See under Convention No. 18.

*French Settlements in Oceania.*

See under Convention No. 18.

*French Somaliland.*

See under Convention No. 17.

*Guadeloupe.*

See under Convention No. 17.

*Martinique.*

See under Convention No. 17.

*Réunion.*

See under Convention No. 18.

*Italy.**Trust Territory of Somaliland (First Report).*

Ordinance No. 7 of 9 March 1954 (came into force on 15 April 1954).

Decree No. 51 of 3 May 1954 (came into force on 15 July 1954).

The Ordinance mentioned above provides that the same compensation as is payable to workers who are victims of industrial accidents, or to their dependants, shall be payable to workers who contract an occupational disease or poisoning while employed in any of the processes included in the schedule appended to the Ordinance. The insurance covers all the occupational diseases and poisonings mentioned in the Convention with the exception of silicosis, which was omitted because the productive activities being carried on in Somaliland do not include any processes generally recognised as involving a risk of that disease, and anthrax infection, which is classified as an industrial injury under Ordinance No. 27 of 7 December 1951. On the other hand, 12 other occupational diseases and poisonings which are not mentioned in the Convention, but which it was felt should be covered by the insurance scheme, are included.

The authorities responsible for the enforcement of these provisions are the Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications) and more especially the Central Inspectorate of Labour and its regional branch offices.

As the above-mentioned Ordinance came into force only on 15 April 1954, no statistical data or reports on its practical implementation during the period under consideration were available. No workers' organisations and no employer have submitted any comments concerning the application of the provisions under consideration.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.**Cook Islands.*

See under Conventions Nos. 1 and 12.

*Western Samoa.*

See under Convention No. 1.

*Union of South Africa.**South-West Africa.*

The possibility of extending the provisions of the Workmen's Compensation Act to cover South-West Africa is being considered. Should this be practicable, compliance with the Convention in so far as the territory is concerned will be possible.

*United Kingdom.**Bahamas.*

There are no mines, factories, industries or major indoor occupations in the Bahamas. Occupational diseases are unknown and the need for applying the Convention therefore does not arise.

*Barbados.*

Since the enactment of the Accidents and Occupational Diseases (Notification) Act, 1951, no case of any occupational disease has been notified. No circumstances would indicate that these diseases are more likely to arise in the future than in the past.

*Basutoland.*

The Basutoland Pensions Proclamation (No. 1 of 1950), which was promulgated in 1950, provides for the granting under certain circumstances of compensation to officers serving in pensionable posts in the Basutoland government service.

Section 28 of the Proclamation provides that where the incapacity or death of a workman was caused by any of the diseases listed in the First Schedule, he or his dependants may claim compensation as if the contracting of the disease were a personal injury arising out of or in the course of his work.

*Bechuanaland.*

*Article 1 of the Convention.* The rates of compensation are contained in sections 6, 7 and 8 of the Proclamation of 1936 respecting industrial accidents and occupational diseases, as amended in 1948 (Chapter 122 of the Laws of Bechuanaland).

Section 6 provides that where death results from the injury the amount of compensation shall

be a sum equal to 40 months' wages or £800, whichever is less.

In addition, the expenses of the burial of the deceased workman are payable by the employer, subject to a maximum of £20.

The provisions relating to the compensation paid in the case of permanent total incapacity and in the case of permanent partial incapacity are set out under sections 7 and 8 of Chapter 122.

Compensation for occupational diseases is governed by section 29 of the Proclamation, which states that "where it appears from a certificate granted by a medical practitioner that a workman is suffering from a disease mentioned in the First Schedule to the Proclamation (hereinafter referred to as a scheduled disease) causing incapacity, or where the death of a workman was caused by any such disease and the disease is due to the nature of any work to which the Proclamation applies, and in which the workman was employed at any time within 12 months previous to the date of such certificate or of his death, as the case may be, the workman or his dependants shall be entitled to claim compensation under this Proclamation as if the contracting of such disease were a personal injury caused by accident arising out of and in the course of his work within the meaning of this Proclamation, and the provisions of this Proclamation shall *mutatis mutandis* apply, unless at the time of entering into the employment the workman wilfully and falsely represented to the employer in reply to a specific question that he did not previously suffer from the disease".

#### *Bermuda.*

Occupational diseases do not exist in the territory, since the principal and almost sole economic occupation is based on the tourist industry conducted largely outdoors in an unusually healthy climate.

#### *British Guiana.*

Provision was included in the Workmen's Compensation (Consolidation) Ordinance, 1952, for payment of compensation to workmen incapacitated by occupational diseases, but this Ordinance is not yet in force.

See also under Convention No. 2, paragraph 2 ff.

#### *British Somaliland.*

The only legislation regarding workmen's compensation for occupational diseases is contained in sections 34 to 39 of the Workmen's Compensation Ordinance No. 7 of 1953. Section 34, paragraph (1), provides that where a medical practitioner grants a certificate (a) that a workman is suffering from a prescribed disease causing disablement or that the death of a workman was caused by any prescribed disease; and (b) that such disease was due to the nature of the workman's employment and was contracted within the 24 months previous to the date of such disablement or death, the workman or, if he is deceased, his dependants, shall be entitled to claim compensation under this Ordinance as if such disablement or death had been caused by an accident, and the provisions of this Ordinance shall, *mutatis mutandis* apply unless at the time of entering into the employment the workman wilfully and falsely

represented, in writing, to the employer in reply to a specific question that he had not previously suffered from the disease.

However the workman or his dependants are not entitled in any event to compensation in respect of any causation or aggravation of the disease which was due to employment outside the Protectorate except in respect of a workman belonging to the Protectorate employed outside the Protectorate by his employer within the Protectorate.

Section 34, paragraph (2) provides that, if on the hearing of an application for compensation in terms of subsection (1) of this section the magistrate is satisfied on the evidence that the allegations in the certificate are correct, the workman or his dependants, as the case may be, shall be entitled to compensation under this Ordinance as if the contracting of the disease were an injury by accident arising out of and in the course of the workman's employment.

Section 35, paragraph (1), reads as follows: "Compensation shall be payable by the employer who last employed the workman during the period of 24 months referred to in section 34 unless that employer proves that the disease was not contracted while the workman was in such employment."

According to paragraph (2) of section 35, the workman or his dependants, if so required, shall furnish to the employer from whom compensation is claimed information as to the names and addresses of all other employers who during the said 24 months employed the workman in the occupation to the nature of which the disease is due.

Paragraphs (3) and (4) of section 35 prescribe the manner in which compensation is to be paid when several employers are liable.

Section 36 of the Ordinance indicates the dates as from which compensation is due in the case of disablement or death, as well as the manner in which compensation is calculated with reference to earnings.

Section 37 provides that if a workman who becomes disabled by or dies of any prescribed disease was within the period of 24 months immediately preceding the disablement or death employed in any prescribed occupation it shall be presumed, unless or until the contrary is proved, that the disease was due to the nature of such employment.

Section 39 of the Ordinance provides that compensation shall include medical aid within the meaning Part III.

The application of the Ordinance is entrusted to the Chief Secretary to the Government. No organised inspection is carried out.

No judicial decisions have been given.

The Convention is of little application in the territory. There are no inspection services nor is any statistical information available.

#### *Brunei.*

The present list of diseases and toxic substances is not in accordance with the schedule to the Convention, but is in accordance with the corresponding lists in neighbouring British territories. The report indicates in detail which are the diseases or toxic substances not yet included. On the



other hand, the following toxic substances are included in Brunei legislation but not in the Convention: carbon monoxide and carbon dioxide.

Compensation is payable to workmen incapacitated by occupational diseases, or in case of death, to their dependants, in exactly the same way as if the disease were an industrial accident. The employer is not liable unless the injured workman has worked for six months for him. The rates payable in respect of an occupational (industrial) disease are the same as those for an industrial injury. No special adaptation has been made in applying the legislation in regard to industrial accidents to occupational diseases.

No advisory board, as such, has previously examined the possibility of applying the Convention.

#### *Cyprus.*

Workmen's Compensation (Amendment) Law, 1954.  
Workmen's Compensation Rules.

For information concerning legislation, see under Convention No. 17.

With the exception of one suspected case of pneumoconiosis contracted by a female worker in a brick and tile factory, no industrial diseases were reported in 1953. The Pan-Cyprian Federation of Labour has objected to the exclusion of silicosis from the schedule.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Fiji.*

At present occupational diseases for the purposes of the colony's legislation are anthrax, lead poisoning, mercury poisoning, phosphorus poisoning, arsenic poisoning and silicosis. Other diseases may be added by resolution of the legislative council but, in fact, no additions have been made.

In addition to the two surveys made over a period of ten years at the gold mines as reported in the annual report for 1948-49, large groups of workers have been examined during the last five years and no case of silicosis has been reported in any local personnel employed at the mines. Two cases of early silicosis were detected in two workers who arrived from Australia and who were previously employed in Australian mines. There was definite proof that these workers were suffering from silicosis on arrival in the colony.

#### *Gibraltar.*

Employment Injuries Insurance (Amendment) Ordinance No. 1 of 1954.

During the period under review ten cases of occupational diseases were reported; £29 3s. was paid out by way of compensation as benefits in cash and the cost of hospital treatment was £15 16s.

#### *Gilbert and Ellice Islands.*

The only diseases in the schedule to the Convention which are not covered by the Workmen's Compensation Ordinance No. 6 of 1949 are the last four classes.

The danger of contracting occupational diseases in the colony is negligible and no cases have yet occurred. There are no industrial undertakings other than the mining and crushing of phosphate.

#### *Gold Coast.*

An amendment to the Workers' Compensation Ordinance is at present being drafted which will enable an order to be made to extend the provisions of the Ordinance to cover incapacity or death certified as caused by any occupational disease specified in such an order.

#### *Hong Kong.*

Although the Workmen's Compensation Ordinance (No. 28 of 1953) does not include any provision for compensation for occupational diseases, it remains an aim of policy to extend the scope of the Ordinance to such occupational diseases as investigation may prove to exist in the territory. With the aid of the Industrial Health Officer recently attached to the Labour Department it is hoped that a comprehensive survey of various industries in which there is any possibility of incurring an occupational disease will be carried out. If his recommendation warrants it, and if considered practicable, a schedule of occupational diseases will be included in the Workmen's Compensation Ordinance, 1953, and the rates of compensation will not be less than those for other industrial hazards. At present, however, there is little evidence of occupational disease in the colony.

#### *Kenya.*

*Article 1, paragraph 1, of the Convention.* Section 35 of the Workmen's Compensation Ordinance fulfils the requirements of this Article, as it makes provision for a workman suffering from a scheduled disease causing disablement, or if he is deceased, his dependants, to be paid compensation as if the disablement or death had been caused by an accident.

The Ordinance applies to all workmen as defined in section 2 and includes any person under a contract of service or apprenticeship. The Governor, by Notice No. 1001 of 1949, has directed that the aforesaid Ordinance shall apply to "all employment" within the colony.

Paragraph 2. The rates of compensation prescribed under the Ordinance for injury resulting from a scheduled disease are as follows: where death results from the injury and the workman leaves dependants wholly dependent upon his earnings the compensation is assessed at a sum equal to 36 months' earnings or 14,000 shillings, whichever is the less; if the workman leaves dependants partially dependent upon his earnings the compensation is assessed by the court; if the workman leaves no dependants the employer is only liable for the reasonable burial expenses of the workman; where permanent total incapacity results, the compensation under section 7 of the Ordinance is assessed at a sum equal to 48 months' earnings or 20,000 shillings, whichever is the less; if the injury is such that the injured workman requires the constant help of another person, the compensation for total incapacity is increased by

25 per cent.; where permanent partial incapacity results, the compensation is such percentage of the compensation as would have been payable in the case of permanent total incapacity as being the percentage of loss of earning capacity caused by the injury; where temporary total or temporary partial incapacity results from the injury, the compensation payable is the sum equal to half the monthly earnings of the workman, subject to a maximum rate of 320 shillings per month.

Section 35 of the Ordinance requires that a medical practitioner shall grant a certificate that the workman is suffering from a scheduled disease causing disablement, or that the death of the workman was caused by a scheduled disease, before compensation is payable. The application of the Ordinance in respect of injury to health through an occupational disease is the same as that for compensation for an industrial accident.

*Article 2.* The Third Schedule to the Workmen's Compensation Ordinance follows closely that of the Convention, with the exception that occasion has not yet arisen to include the following diseases and toxic substances under the Ordinance: poisoning by mercury, its amalgams and compounds and their sequelae; silicosis with or without pulmonary tuberculosis; phosphorus poisoning by phosphorus or its compounds, and its sequelae; poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.

It is proposed, however, to extend the Ordinance in the near future, to cover these omissions, with the exception of silicosis. A survey of the gold and copper mining industry in the colony undertaken in 1952 showed that the number of cases of silicosis amongst all underground workers in Kenya was negligible. The average miner does not stay in the mining industry for much more than two-and-a-half years, and a very small percentage work for more than ten years. There is also a marked tendency for the miner to break his mining service for relatively long periods. In this survey it was found that no miner with under ten years' service showed radiological abnormality of silicosis. The goldmining and asbestos industries are at present small; and as the immediate problem is negligible, it is considered undesirable to schedule pneumoconiosis under the Workmen's Compensation Ordinance.

The application of the above-mentioned legislation and administrative provisions is entrusted to the colony's Labour Department. There are a registrar of workmen's compensation and a medical specialist in the Department's headquarters in Nairobi who deal with all claims in respect of occupational diseases. Close liaison is maintained with the medical department, and government medical institutions, who bring to the notice of these officers any person suffering from any occupational disease who, in their opinion, contracted the disease in the course of his employment. The matter also comes within the purview of the normal inspecting duties of labour officers who are posted to 15 branches of the Department throughout the colony, and who assist in the enforcement of the legislation.

Section 14 of the Workmen's Compensation Ordinance requires all injury to health through a scheduled disease to be reported by employers to the nearest labour officer.

The Convention is in effect fully applied in Kenya, since no cases of pneumoconiosis or the other occupational diseases not already listed under the Workmen's Compensation Ordinance have been reported. Progress in the five-year period has consisted in the introduction of legislation to ensure that incapacity or death through occupational disease is compensated in the same way as incapacity or death through industrial accidents. Though the revised Ordinance mentioned below was enacted in 1948, it was only brought into force as from 1 October 1949.

#### *Leeward Islands.*

See under Convention No. 12.

#### *Nigeria.*

No order was made by the Governor in Council during the period under review.

#### *Northern Rhodesia.*

Silicosis Ordinance No. 27 of 1950.

Silicosis (Amendment) Ordinance Nos. 1 and 31 of 1951, 25 of 1952 and 6 of 1954.

Government Notices Nos. 152 of 1951, 66 of 1952 and 38 and 345 of 1953.

The Silicosis Ordinance No. 27 of 1950, which replaced the Silicosis (Temporary Arrangements) Ordinance, made comprehensive provisions for periodical medical examinations of European and African miners and for the payment of compensation in the form of lump-sum payments and pensions to miners who contract silicosis or tuberculosis. The Silicosis (Amendment) Ordinance No. 1 of 1951 provided, *inter alia*, for the appointment of a Silicosis Commission.

The Silicosis (Amendment) Ordinance No. 31 of 1951 made provisions for a number of minor amendments to the principal Ordinance whilst the Silicosis (Amendment) Ordinance No. 25 of 1952 provided, *inter alia*, for the nomination of members to the Silicosis Compensation Board. The Silicosis (Amendment) Ordinance No. 6 of 1954 provided, *inter alia*, for increased pensions to European and African miners.

Government Notice No. 152 of 1951 (Silicosis (Charges and Fees) Regulations, 1951) laid down fees payable by employers in respect of Europeans and Africans presented to the Silicosis Medical Bureau for examination. It also prescribed that (a) the Bureau should provide for the employee's transport to and from his place of employment; (b) the employee should be paid his normal basic wage; and (c) the manner of payment of repatriation expenses of Africans who are obliged to cease work as miners.

Government Notice No. 66 of 1952 made minor amendments to the Mining (Silicosis Prevention) (Amendment) Regulations of 1952. Government Notice No. 38 of 1953 amended the Second Schedule of the Silicosis Ordinance by defining more clearly the working places in scheduled mines which are situated above the surface of the ground wherein work for the purpose of the definition of "mining" in section 2 of the Ordinance ranks as work underground. Finally, Government Notice No. 345 of 1953 made minor amendments to the principal regulations made under the Silicosis Ordinance.

For silicosis in the first stage a miner is entitled to a lump sum of £600, if non-African, and £80 in the case of an African. In the second stage a non-African miner is entitled to a maximum pension of £21 a month for himself, £6 a month for his wife and £3 a month for each child under 18 years. An African miner is entitled to a maximum pension of £3 7s. a month in respect of himself, 19s. a month in respect of his wife and 10s. a month in respect of each child under the age of 18 years. In the third stage a non-African miner is entitled to a pension of £38 a month for himself, £10 a month in respect of his wife and £4 10s. a month for each child under 18 years. An African miner is entitled to a maximum pension of £6 a month in respect of himself, £1 12s. a month in respect of his wife and 16s. a month in respect of each child under the age of 18 years.

#### *St. Lucia.*

No occupational diseases have been reported since the enactment of the Accidents and Occupational Diseases (Notification) Ordinance No. 3 of 1952.

#### *St. Vincent.*

Compensation is payable to workers in respect of diseases directly attributable to a specific injury arising out of and in the course of employment.

#### *Sarawak.*

The present list of diseases and toxic substances is not in accordance with the schedule to the Convention but is in accordance with the corresponding lists in neighbouring British territories. Steps are being taken to improve the legislation to bring it into conformity with the Convention as soon as possible: to this end draft legislation is being prepared for examination.

The following diseases or toxic substances are not yet included: mercury, anthrax, silicosis, halogen derivatives of hydrocarbons in the aliphatic series, pathological manifestations due to radio-active substances and X-rays and primary epitheliomatous cancer of the skin.

The following toxic substances are included in Sarawak legislation but not in the Convention: carbon monoxide and carbon dioxide.

#### *Seychelles.*

The introduction of workmen's compensation for occupational diseases is under consideration. There have so far been no cases where compensation had to be awarded for occupational diseases; it should be added that the only workers affected by the schedule to Article 2 of the Convention, as far as the colony is concerned, are painters and printers. Administrative measures have been taken for those affected to undergo medical examinations periodically in order to ascertain that they are free from lead poisoning.

See also under Convention No. 12.

#### *Singapore.*

As in previous years, the report contains statistical data on the number of workers employed on

31 March 1954 in trades, processes or industries where cases of diseases or poisoning mentioned in the schedule contained in Article 2 of the Convention may occur. However, no case of occupational disease was reported during the period under review.

#### *Swaziland.*

Consideration is now being given to the possibility of extending the provisions of the existing legislation to cover additional classes of workmen.

#### *Tanganyika.*

Accidents and Occupational Diseases (Notification) Ordinance No. 25 of 1953 (to be brought into force on a date to be fixed).

The legislation in force contains a list of diseases which are likely to arise in the territory.

Under the provisions of the Workmen's Compensation Ordinance of 1948, as amended in 1949, no legal requirement is imposed upon employers to report cases of occupational diseases, or suspected cases. This omission has been remedied by the provisions of the Accidents and Occupational Diseases (Notification) Ordinance, which it is intended shall come into force on the same date as the proposed amendment to the Workmen's Compensation Ordinance.

As regards the trades, industries and processes carried on in the territory which might give rise to the diseases or poisonings included in the schedule, the report states that as at 31 December 1953, 178 establishments employing 3,912 workers were covered.

Thirteen cases of illness were notified in 1953, all of which were cases of anthrax occurring to workers handling hides and skins. The total compensation paid was 426 East African shillings.

#### *Trinidad and Tobago.*

See under Convention No. 12.

#### *Uganda.*

General Notice No. 978 of 1952 under section 41 of the Ordinance.

Workmen's Compensation (Regulations) under section 42 of the Ordinance (Legal Notice No. 244 of 1949).

Workmen's Compensation (Rules of Court) under section 43 of the Ordinance (Legal Notice No. 94 of 1950).

*Article 1 of the Convention.* The Workmen's Compensation Ordinance (Cap. 91 of the Revised Laws), section 1, provides for the application of the Ordinance to employment of every kind throughout the Protectorate.

Compensation is payable from the fifth day of incapacity. When incapacity lasts for 28 days or more, payment is due from the first day of incapacity. If the duration of the incapacity is less than 28 days but more than five days, payment becomes due with effect from the fourth day of incapacity.

*Article 2.* Phosphorus poisoning and poisoning by the halogen derivatives of hydrocarbons are not at present included in the schedule, but at the last meeting of the East African Labour Com-

missioners' Conference it was decided to add them to the schedule. Amending legislation is now in the course of preparation. A decision as to whether or not to add silicosis to the schedule of compensable diseases will be taken when the investigations are completed.

Section 14 of the Ordinance calls for notification by employers of industrial accidents causing injury to a workman and provides penalties for non-compliance.

Inspection of places of employment is part of the duties of the staff of the Labour Department. Government medical staff have instructions to report to the labour officer of the district every case of injury, etc., which is the result of an accident and considered likely to be compensable. A clerk employed by the Labour Department is stationed at each of the two main African hospitals at Kampala and Jinja, whose sole duty is to note and report all cases which might be compensable.

The provisions of the Workmen's Compensation Ordinance are fairly well known throughout the Protectorate but a considerable number of agricultural workers are employed by small peasant cultivators who are themselves frequently illiterate and live in isolated districts. However, the superintendents in charge of mission hospitals are familiar with the Ordinance and report cases that they consider are compensable to the nearest labour officer or district commissioner.

No cases of occupational diseases have been reported during the period under review. However, with the steady growth of industry in the Protectorate a close watch is kept by the senior medical officer (labour) for processes which give rise to diseases or poisonings.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 43. Sheet-Glass Works Convention, 1934

*This Convention came into force on 13 January 1938*

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*Belgium.* Ratification: 4 August 1937. Not applicable to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 5 February 1938. No declaration on application.

*United Kingdom.* Ratification: 13 January 1937. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*United Kingdom.*

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Falkland Islands.*

See under Convention No. 2.

*Hong Kong.*

Although there is quite an extensive and thriving glass and glass-blowing industry in Hong Kong, there are no works with automatic machines for the manufacture of sheet-glass or glass of the type envisaged in the Convention. Should such an industry be established it would have to be

registered with the Labour Department, and regulations implementing the provisions of the Convention could be made under the Factories and Workshops Ordinance (Chapter 59 of the Laws of Hong Kong (1950 Edition)). In the meantime it is not considered necessary to legislate to provide for the possibility of the industry's being established.

*Kenya.*

There is no specific legislation or administrative provision to apply this Convention in Kenya, since the colony has no automatic sheet-glass works, or similar manufacturing process as yet. Glass works in Kenya still confine their activities to the manufacture of containers.

If manufacturing processes of the type envisaged by this Convention are introduced in the territory it will be possible adequately to regulate the hours of the workers involved, either by registered agreement or by a wages regulation order under the Regulation of Wages and Conditions of Employment Ordinance, 1951.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 44. Unemployment Provisions Convention, 1934

*This Convention came into force on 10 June 1938*

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*France.* Ratification: 21 February 1949. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

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*United Kingdom.* Ratification: 29 April 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application to other British non-metropolitan territories.

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

*France.**Cameroons.*

See under Convention No. 2.

*French Guiana.*

Metropolitan legislation has not been extended to the territory, first because Guiana has a manpower shortage, with the result that there is virtually no involuntary unemployment, and secondly because the geography of the territory precludes any close check upon employment, such as is essential to any system of unemployment benefits.

*French Settlements in Oceania.*

Up to the present there has been no unemployment in the territory; however, at the end of the period of the first four-year plan for the development of the territory there was a slowing down of economic activities. A slight improvement is now noticeable.

*Guadeloupe.*

The responsible services of the Ministry of Labour and Social Security are now examining the steps to be taken with a view to assisting unemployed workers in the overseas departments.

The workers' organisations have requested that the legislation in force in metropolitan France concerning assistance to unemployed workers should be extended to Guadeloupe.

*Martinique.*

Most of the workers are agricultural labourers whose employment is seasonal and who are bound to their employers under daily contracts, which leaves them free to work or not, as they please. The payment of allowances to persons who are involuntarily unemployed would therefore give rise to serious difficulties and the Convention could not be applied unless the matter were thoroughly examined.

*Italy.**Trust Territory of Somaliland (First Report).*

Ordinance No. 43 of 18 July 1950.

The special conditions obtaining in Somaliland make the application of the provisions of the Convention rather difficult. Moreover, the problem of unemployment is a relatively minor one and affects only a small number of urban centres. It is therefore not considered necessary to take any measures intended to give effect to the Convention. For the time being, however, benefits and allowances are payable to unemployed Italian workers under Ordinance No. 43 of 18 July 1950.

*New Zealand.**Western Samoa.*

See under Convention No. 1.

*United Kingdom.**Barbados.*

See under Convention No. 2.

*Bahamas.*

The application of the Convention would have no practical value since most of the territory's inhabitants are engaged in peasant farming, fishing and other marine pursuits and domestic service. Many of them change occupations during the course of any given year. Any insurance system would therefore require elaborate machinery and be very complicated, since workers covered at one period of the year might be in other employments for the rest of the year. Further, the legislature would be unlikely to give consideration to the necessary legislation.

*Bermuda.*

See under Convention No. 2.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Cyprus.*

See under Convention No. 24, first paragraph.

*Falkland Islands.*

See under Convention No. 2.

*Gibraltar.*

During the period under review the amount disbursed under the administrative system of financial assistance to persons involuntarily unemployed was £1,320.

*Hong Kong.*

The Convention has not been applied to Hong Kong and there is no system of unemployment benefit. During the last five years the position has been re-examined from time to time but no practicable scheme for introducing unemployment benefits or allowances as envisaged by this Convention has been evolved. The conditions set out in the previous report have not been substantially modified and the difficulties arising out of these conditions and the colony's position vis-à-vis China remain a bar to the implementation of the Convention.

*Kenya.*

It has not been possible to take any steps to apply the provisions of the Convention in Kenya. This is one of the measures for social security for which this colony is not yet ready.

The colony's labour force in wage-earning employment totals about 500,000, of which 11,644 are European males, 27,342 are Asian and other non-Native males, and 6,441 are European and other non-Native females. The remainder are Africans and, with very few exceptions, they have family holdings or communal grazing rights in their tribal reserves. When not in wage-earning employment, or self-employed as traders or craftsmen, they and their families are dependent on peasant farming.

There has not been any unemployment in Kenya of the type experienced in more developed countries. In fact, there have always been more

jobs available for workers of all races than there are persons to take up employment. This applies particularly in the case of Africans required for the plantations and agriculture. All employers who secure their labour from the tribal areas are obliged to return them to their homes on completion of employment.

In these circumstances the provision of unemployment benefits is neither necessary nor, at present, desirable. The transition from a peasant subsistence economy to regular wage-earning employment, for a proportion of the territory's population of 5½ million, might be said to be only just commencing. As this trend develops to any significant extent, provision for unemployment will become a live issue.

#### *Leeward Islands.*

See under Conventions Nos. 2 and 35.

#### *St. Helena.*

In view of the constant unemployment problem and the increasing population, the Convention is applied as closely as possible in conformity with local conditions. The estimated cost of relief for 1954 amounted to £9,000 out of a total budget of £157,484.

#### *Sierra Leone.*

It is considered that for a time conditions will not be suitable for the introduction of unemployment assistance, whether by the payment of benefit in relation to contributions or by the granting of allowances, as there is little involuntary unemployment in this territory of the kind involving persons habitually employed for wages or salary, and whereby workers become destitute. While the adoption of a comprehensive scheme of unemployment insurance may not be practicable at present, nor a matter of urgency, the necessity for applying schemes for the repatriation and resettlement of displaced persons, and for the immediate relief of vagrants or others with no means of subsistence, is constantly borne in mind. The Welfare Department deals with the acute cases of destitution and the Labour Department has funds for the repatriation of unemployed workers from the rural areas or other territories. In the short term, development projects will absorb surplus labour, and the employment exchanges can give priority to persons habitually dependent on wage-earning employment.

#### *Tanganyika.*

A free public employment exchange system is in operation, which has been reported upon fully in relation to the Unemployment Convention, 1919 (No. 2).

#### *Uganda.*

There is no legislation applying this Convention to Uganda, nor do any voluntary schemes exist.

At the present stage of development in the Protectorate and the fact that the demand for labour exceeds the supply, it is not easy to foresee when legislation or voluntary schemes will become necessary.

Paragraph 13 of the annual report of the Labour Department for 1953 enlarges on the situation, as follows: "Uganda is primarily a country of peasant producers where the vast majority of African families meet their needs and fulfil their few financial obligations by the cultivation of economic crops. Approximately 260,000, including immigrants, out of a total population of 5,300,000 are in employment at any one time. The demand for labour greatly exceeds the numbers of the local population seeking employment and the gap is largely filled by immigrants from Ruanda-Urundi and Northern Tanganyika and to a lesser extent by Africans from the West Nile District, the adjoining areas of the Belgian Congo and the Sudan, and from Kenya. Except for mining, railway construction and a group of estates in the Western Province, most of the country's industrial undertakings and the largest agricultural estates are situated in the lakeside areas of Buganda and the neighbouring Busoga District of the Eastern Province. By and large these are the most densely populated areas in Uganda and the soil is extremely fertile. The result is that most of the local population are fully engaged in growing their own food and cash crops; many of them are themselves employers of labour. It is to Kampala and Jinja and the surrounding areas that most of the migrants from the districts where there are no economic crops come in search of employment which will enable them to take home, after a period, sufficient money to meet the needs of their families. This maladjustment of labour resources causes a continuous movement of workers backwards and forwards between their homes in the tribal areas and their places of employment. The result is a largely unstable and inefficient labour force."

Illiteracy, the constant movement of labour between places of employment and the tribal areas and the impracticability of introducing compulsory registration of workers do not lend themselves to the initiation of schemes for unemployment benefit.

Paragraph 31 of the same report reads as follows: "With the supply of skilled and unskilled labour unable to meet the demand there is work for everyone who wants it and involuntary unemployment is really unknown, but youths leaving school sometimes experience difficulty in finding the particular type of work which they are seeking. Some will travel to distant parts of the Protectorate and are prepared to remain without work for some time until they find a job which suits them. Others, lacking the necessary academic qualifications and experience, do not find it easy to obtain the white-collar jobs to which they aspire."

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 45. Underground Work (Women) Convention, 1935

*This Convention came into force on 30 May 1937*

*Australia.* Ratification: 7 October 1953. Applicable without modification: New Guinea and Papua.  
Not applicable: Nauru, Norfolk Island.

*Belgium.* Ratification: 4 August 1937. Not applicable to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 25 January 1938. No declaration on application.

*Italy.* Ratification: 22 October 1952. Applicable without modification: Somaliland.

*Netherlands.* Ratification: 20 February 1937. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*Portugal.* Ratification: 18 October 1937. Not applicable to all Portuguese non-metropolitan territories.

*Union of South Africa.* Ratification: 25 June 1936. Applicable without modification to South-West Africa.

*United Kingdom.* Ratification: 18 July 1936. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

Applicable without modification<sup>2</sup>: Bahamas, Basutoland, Bechuanaland, Cyprus, Falkland Islands, Fiji, Gibraltar, Gold Coast, British Guiana, Hong Kong, Kenya, Malaya, Nigeria, Nyasaland, Northern Rhodesia, Solomon Islands, Southern Rhodesia, Sierra Leone, Singapore, Swaziland, Tanganyika, Uganda.

Not applicable<sup>2</sup>: Aden, Barbados, Bermuda, North Borneo, Dominica, Gambia, Grenada, British Honduras, Leeward Islands, Mauritius, St. Helena, St. Lucia, St. Vincent, Seychelles, Trinidad and Tobago, Zanzibar.

Decision on application reserved<sup>2</sup>: Brunei, Gilbert and Ellice Islands, Jamaica, Malta, Sarawak.

No declaration on application: British Somaliland.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*France.*

*Algeria.*

During the period under review no women were employed in underground work in mines and quarries.

*French Guiana.*

The metropolitan legislation would apply if any projects involving underground work were to be put in hand.

*French Settlements in Oceania.*

As there is no underground work of any kind in the territory the Convention has no purpose.

*French West Africa.*

Article 115 of the Overseas Labour Code specifies that general orders shall lay down the types of work on which women shall not be employed after receiving the recommendations of the Labour Advisory Board.

The text, which was in course of preparation on 1 July 1954, expressly prohibits the employment of women on underground work.

*St. Pierre and Miquelon.*

Local Order of 14 August 1954.

Section 9 of this Order prohibits the employment of women in underground work in mines, surface mines and quarries.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 4 of 27 February 1954 respecting the employment of women.

In virtue of section 4 of the above-mentioned Ordinance, the employment of women in underground work in mines and galleries is prohibited. This prohibition does not extend to women employed in a supervisory capacity or in the health or social services, nor does it apply to women who are not employed in manual labour.

The supervision of the application of these provisions is entrusted to the Directorate for Economic Development (Department of Industry, Internal Trade, Labour and Communications) and more particularly to the General Labour Inspectorate and to the regional inspectors attached to this Department.

No decisions have been given by courts of law involving questions of principle relating to the application of the Convention.

The Government states that, since the Ordinance only came into force on 24 March 1954, it is not in a position to supply statistical data and information regarding its practical application.

No observations have been received from the workers' organisations; there are no employers' organisations.

The text of the Ordinance is appended to the report.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.*

*Cook Islands.*

As the type of enterprise contemplated by the Convention does not exist in the territory, the application of the Convention is not being considered.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

*Portugal.**Portuguese Indies.*

Legislative Order No. 1497 of 13 August 1953.

Although the term "mine" has not been legally defined, the definition usually adopted is that given in the Convention, i.e. a mine is taken to be any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth. Under section 3 of the above Legislative Order, no person, male or female, between the ages of 14 and 16 years may be admitted to employment in a mine. Young persons over the ages mentioned in section 3 may not be admitted to employment in a mine without the permission of their parents or guardians. Women and young persons may not be admitted to employment on underground work in mines, on dangerous worksites or on arduous jobs (section 4 (1) of the above Legislative Order).

There are no exceptions to this legislation.

*Timor.*

See under Convention No. 1.

*Bechuanaland.*

Cap. 100 of the Laws.

*Article 1 of the Convention.* "Mine" is defined as any working made for the purpose of prospecting for or winning minerals.

*Articles 2 and 3.* These two Articles are covered by sections 3 and 4 of the Proclamation.

*British Guiana.*

See under Convention No. 2, paragraph 2 ff.

*Falkland Islands.*

See under Convention No. 2.

*Gibraltar.*

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 7 of 1952.

*Hong Kong.*

A mine opened in 1949 for the extraction of iron ore continues to operate. There was only open-cast surface mining prior to March 1954, when the development of underground mining began. Up to the end of the period under review however, there was no production. Fifteen temporary mining licences previously issued, mainly for wolfram mining, have been renewed; two licences have not been renewed. By Regulation No. 7 of the Factories and Workshops Regulations the employment of any women on underground work in a mine is forbidden. There have been no prosecutions for contravention of the law. Women are, however, employed above the surface at one wolfram mine for hand-crushing and washing of ore; work on other wolfram mines has been practically at a standstill since September 1953. At the iron ore mine women are employed only as earth carriers on the roads and in clearing, construction and general work ancillary to the mines and camps.

*Jamaica.*

Some prospecting was in progress, but no women or children were employed in it. In the mining regulations which have been drafted and are awaiting the Government's consideration, it is proposed to prohibit the employment of women and children in underground work in mines.

*Kenya.*

*Article 1 of the Convention.* Section 2 of the Employment of Women, Young Persons, and Children Ordinance defines "mine" as including any undertaking, whether public or private, for the extraction of any substance from or from under the surface of the earth.

Section 2 of the mining Ordinance defines "mine" as including any place, excavation or working whereon, wherein or whereby any operation in connection with prospecting or mining is carried on; and "to mine" as meaning intentionally to win minerals and including any operations necessary for the purpose.

*Article 2.* Section 10 of the Employment of Women, Young Persons and Children Ordinance prohibits the employment of any female on underground work in any mine (except as provided under Article 3).

In addition, Regulation No. 64 of the Mining (Safety) Regulations makes a similar prohibition (subject to Article 3).

*Article 3.* Section 10 of the Employment of Women, Young Persons and Children Ordinance permits exemptions to be made in respect of females in the four categories mentioned in this Article. No such exemptions have as yet been authorised.

The application of the above legislation is entrusted to the Labour Department in respect of the Employment of Women, Young Persons and Children Ordinance; and to the Mines and Geological Department of the Kenya Government in respect of the Mining (Safety) Regulations. All mines are frequently and regularly inspected under these Ordinances, but by administrative arrangement the responsibility regarding the prohibition on women being employed underground rests principally with the Mines Inspectors of the Mines and Geological Department.

The Convention is fully applied in Kenya by specific legislation on the subject. There were, in 1953, 4,712 Africans and 180 non-Africans employed in mining and quarrying, out of a wage-earning population of 500,000. The number employed in mines is small, and there is currently only one underground mine in the territory.

No infringement of the provisions of the Convention has occurred during the year.

*Sierra Leone.*

Underground work is now being developed in one mine. Women are not employed in the mines in this territory.

*Solomon Islands.*

See under Convention No. 5.



*Tanganyika.*

*Article 1 of the Convention.* The provisions of this Article are fully applied.

"Mine" is defined in section 2 of the Mining Ordinance as "including any place, excavation or working whereon, wherein or whereby any operation in connection with mining is carried on".

*Article 2.* Absolute prohibition of the employment of females on underground work in mines is laid down in section 30 of the Mining (Safe Working) Regulations and in section 14 (1) of the Employment of Women and Young Persons Ordinance.

*Uganda.*

Mining (Safety) Regulations, 1950, made under section 126 of the Ordinance.

Mining Regulations, 1950, made under section 126 of the Ordinance.

Legal Notice No. 262 of 1953.

Ordinance No. 30 of 1953.

*Article 1 of the Convention.* In the Ordinance "mine" includes "any place, excavation or

working whereon, wherein or whereby any operation in connection with mining is carried on".

*Article 2.* Regulation No. 95 of the Mining (Safety) Regulations, 1950, provides that "no woman shall be employed in any open-cast working, quarry, or in any underground working".

*Article 3.* Regulation No. 95 of the Mining (Safety) Regulations provides for no exemptions.

The mines inspectors of the Survey, Land and Mines Department, as well as the labour officers, carry out routine inspections at all mines. If they discover any contraventions of the Ordinance these are reported to the Mines Inspectorate. The mines inspectors also report to the nearest labour officer any infringements of the Uganda Employment Ordinance, the Employment of Children Ordinance or the Employment of Women Ordinance.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 48. Maintenance of Migrants' Pension Rights Convention, 1935

*This Convention came into force on 10 August 1938*

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*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 6 October 1938. No declaration on application.

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*Italy.*

*Trust Territory of Somaliland (First Report).*

In view of the legal status of Somaliland and the degree of the development that the country

has reached, the application of the principles laid down in the Convention is considered impossible.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

*This Convention came into force on 10 June 1938*

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*France.* Ratification: 25 January 1938. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

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*New Zealand.*

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 50. Recruiting of Indigenous Workers Convention, 1936

*This Convention came into force on 8 September 1939*

*Belgium.* Ratification: 26 July 1948. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

*Japan.* Ratification: 8 September 1938. Applicable without modification: Pacific Islands (League of Nations mandate).

*New Zealand.* Ratification: 8 July 1947. Applicable without modification: Cook Islands and Western Samoa. No declaration on application: Tokelau Islands.

*United Kingdom.* Ratification: 22 May 1939. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. Not applicable: Aden, Bermuda, Cyprus, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar. Decision on application reserved: Basutoland, Bechuanaland, Swaziland. Applicable without modification to all other British non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Legislative Ordinance No. 25/351 dated 21 October 1953 amending Part 8 of the Labour Contracts Decree of 16 March 1922 concerning recruitment and labour permits.

*Article 5 of the Convention.* Seven orders were made by Provincial Governors during the period between 1 July 1953 and 30 June 1954.

The decree bringing existing regulations into line with international standards was signed on 30 June 1954. Under a Royal Order of 19 July 1954 the provisions of the new decree are co-ordinated with those of the decree of 16 March 1922 on Native labour contracts.

*New Zealand.*

*Western Samoa.*

See under Convention No. 1.

*United Kingdom.*

*Aden.*

The report states that until very recently there were no cases of recruiting workers for employment abroad. Such workers as have been recruited recently have been engaged on contracts which are governed by Convention No. 64 and applied in Aden by the Contracts of Employment (Indigenous Workers) Ordinance (Cap. 28 of the Laws of Aden).

During 1953 a total of 613 workers was recruited within the colony for service abroad and, although no specific legislation concerning the Convention has been enacted, its provisions were observed.

*Bahamas.*

The Labour Department in Nassau supervises the recruiting of labour for agricultural work in

the United States. British liaison officers are stationed in the United States to safeguard the interests of the men and to ensure that the terms of their contracts are enforced. This method has worked to the satisfaction of all concerned.

*Barbados.*

In its report the Government states that although this Convention has been declared to be applicable without modification in Barbados, it is not considered that it is really applicable. When tested by any of the following criteria: language, culture, group consciousness, the multiple criterion, the functional criterion or the empirical criterion set out in pages 15 to 27 of the I.L.O. publication *Indigenous Peoples*, none of the people of this territory are "indigenous" within the meaning of the Convention.

*Article 2 of the Convention.* This Article is applied by section 2 (2) of the Recruiting of Workers Act, 1938-12.

*Article 9.* Recruiting officers are required to be licensed and no public officer has been so licensed, nor is it intended that he should be. No intervention by a public officer has been resorted to in order to ensure recruiting for workers of a public utility.

*Article 13, paragraph 2.* This Article is applied under paragraph 7 (1) of the 1941 Regulations as amended by Regulation 2 of the Amendment Regulations, 1942 and as further amended by Regulation 2 of the Amendment Regulations, 1949.

Paragraph 4. Regulations may be issued to ensure the provision of the paragraph but so far have not been found necessary.

Paragraph 6. Regulation 4 of the 1941 Regulations provides that no licence shall be issued unless (1) a fee of one pound shall have been paid in respect thereof; and (2) in the case of emigrants from the Island there shall have been deposited with the licensing officer as security such sum of money as he shall consider to be reasonably necessary to recover the cost of repatriating the number of recruits specified in the application for such licence.

If any applicant is dissatisfied as to the amount of the security fixed by the licensing officer he may within seven days after the fixing of the amount of such security appeal to the Governor, whose decision shall be final.

If the licensing officer shall be satisfied that suitable safeguards in respect of repatriation have been introduced by the appropriate authority of the country or place to which the workers are proceeding, he may dispense with the furnishing of security.

*Article 16, paragraph 2.* Applied under paragraph 7 (1) (a) of the 1941 Regulations, as amended by Regulation 2 of the Amendment Regulations, 1942 and 1949.

*Article 18, paragraph 5.* There are no legal provisions, but recruited workers are inoculated and vaccinated where necessary.

*Article 19, paragraphs 2 and 4.* There are no legislative provisions.

Paragraph 3. Does not apply.

*Article 24.* There is no legislation to enforce this Article but the provisions thereof are accepted and acted upon by the Government.

No workers were recruited during the year. Over the past five years the recruiting of workers has been on a very limited scale. The numbers recruited during the calendar years 1949-54 are as follows: 1949, 206; 1950, 112; 1951, 63; 1952, 50; 1953, Nil; 1954, Nil.

#### *Basutoland.*

Basutoland Native Labour (Amendment) Proclamation 1951 (No. 4 of 1951).  
Basutoland Native Labour (Amendment) Proclamation 1951 (No. 43 of 1951).

*Article 3, clauses (a) and (b), of the Convention* have been applied by section 3 (a) of the Native Labour Proclamation where exemption is granted in respect of (a) operations within the Territory on which no more than 50 workers are employed, and (b) employment by Union of South Africa farmers of not more than 50 workers for a period not exceeding two months for seasonal agricultural activities.

The only changes made in the law and practice relating to matters dealt with in this Convention during the five years ended 30 June 1954 were the following:

(a) Proclamation No. 4 of 1951, a copy of which is attached, which increased the stamp duty on contracts from two shillings to six shillings and provided that this fee shall not be recoverable from the recruit.

(b) Proclamation No. 43 of 1951, a copy of which is attached, which exempted from the provisions of the Native Labour Proclamation employment outside the territory by bona fide farmers who reside in the Union of South Africa and who do not employ more than 50 Natives, provided that the employment is for seasonal agricultural activities and does not exceed a period of two months.

#### *British Guiana.*

No recruitment of workers took place during the year 1953-54.

See also under Convention No. 2, paragraph 2 ff.

#### *British Honduras.*

Ordinance No. 20 (1941) amending the Recruitment of Workers Ordinance No. 25 (1938).

The foregoing ordinance is mentioned this year as one of the enactments under which this Convention is applied.

#### *British Somaliland.*

The only legislation under which this Convention is applied is the Native Labour Ordinance (No. 5) of 1901. No subsidiary legislation has been enacted under this ordinance.

*Article 3 of the Convention.* No such exemptions have been made, but the following definition of "labourer" in section 2 of the ordinance should be noted: "'labourer' means a person employed for hire in agricultural, mining or pastoral labour or to take part in any exhibition or in any theatrical, musical or spectacular performance."

*Article 4.* No such scheme has been approved.

*Article 5.* No such permission to recruit labour has been granted.

*Article 6.* Advantage has not been taken of the provisions of this Article. There is no prohibition against the recruitment of non-adult labourers since such a class does not exist.

*Article 7.* It has not been found practicable or desirable to encourage recruited workers to be accompanied by their families. The recruitment of the head of a family would be not deemed to involve recruitment of any member of his family.

*Article 8.* The adoption of such a policy is neither practicable nor desirable.

*Article 9.* No measures are necessary since there are no private undertakings for which recruitment would be needed.

*Article 10.* There are no chiefs or other indigenous authorities.

*Articles 11 and 12.* See section 23 (b) of the Ordinance.

*Article 13, paragraph 1.* The only provisions in this regard are contained in section 6 of, and Schedule B to, the ordinance.

Paragraph 2. Section 13 of the Ordinance provides for the keeping of records.

Paragraph 3. There is no provision for a licensee to appoint an agent.

Paragraph 4. There is no time limit fixed for a licence.

Paragraph 5. Licences are not renewable.

Paragraph 6 (a) and (b). There is no provision for the withdrawal of a licence or for its suspension.

*Article 14.* Licences are personal and there is no provision for assistants.

*Articles 15 and 17.* The adoption of such a policy has not been found either necessary or desirable.

*Articles 16 and 18 to 20.* Article 16 is applied under section 11 of the Ordinance, while Articles 18 to 20 are applied under section 12.

*Article 22.* Families are not authorised to accompany workers.

*Article 24.* The situation has not arisen.

The Committee of Experts asked to be informed of the progress towards implementation of this Convention. The legislation referred to above governs recruitment for service outside the Protectorate. The Committee will note from the report that no such recruitment has ever taken place. Neither is there any recruitment within the Protectorate. The population is almost wholly pastoral and nomadic. There is no large-scale employment in industry (including agriculture). The only "large-scale" employer of labour is the Government. In the circumstances, the Government does not consider it appropriate to enact a separate ordinance to deal with hypothetical activities, but has stated that consideration of further implementation of this Convention will be given when it becomes necessary to amend the Native Labour Ordinance.

Enforcement of the ordinance is the responsibility of the Government Secretary. As no recruitment has taken place, no supervision or special measures of enforcement or inspection have been called for. There are no employers' or workers' organisations in the Protectorate.

#### *Brunei.*

Draft legislation on the lines of the Sarawak Labour Ordinance has been submitted to the State Council. This should be enacted early in 1955 and will then be in accordance with the Convention.

#### *Dominica.*

There was no recruitment during the past year.

*Article 22 of the Convention.* Section 16 (9) of the Recruiting of Workers Ordinance authorises the Governor in Council to make regulations to provide for the observance of the Convention whenever the necessity may arise.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Gambia.*

*Article 4 of the Convention.* The Government is now considering the enactment of a law to amend the Labour Ordinance which will give effect to the provisions contained in clauses (a), (b) and (c) of this Article.

*Article 10.* Applied under section 5 of the Ordinance. Reference to a magistrate or a labour officer of all cases of recruitment ensures the application of this provision.

*Articles 22 and 23.* Applied under section 12 of the Ordinance.

*Article 24.* The circumstances and the amount of recruiting have not necessitated the measures provided for in this Article.

#### *Gold Coast.*

Ordinance No. 43 of 1949 amending the Labour Ordinance, 1948.

Second Schedule to the Recruiting and Employment of Labourers Regulations, 1948.

*Article 2 of the Convention.* The word "recruiting" is defined in section 3 of the Ordinance. "Indigenous worker" is not specifically defined.

*Article 3.* Local legislation makes none of the exemptions provided for in this Article.

*Article 4.* Section 4 of the Ordinance applies.

*Article 5, paragraph 1.* Provision is made under section 5 (2) (a) of the Ordinance.

Paragraph 2. Under section 5 (5) the Commissioner of Labour may fix the maximum number of adult males who may be recruited in an area.

*Article 6.* Section 9 (1) and (2) of the Labour Ordinance 1948, applies.

*Article 7, paragraph 1.* No specific provision is made.

Paragraph 2. Section 32 (1) of the Labour Ordinance 1948, applies.

Paragraph 3. Section 32 (2) and (4) of the Labour Ordinance, 1948, applies.

Paragraph 4. No specific provision is made.

*Article 8.* Regulation 3 (a) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 9.* Section 7 (1) and (2), of the Labour Ordinance, 1948, applies.

*Article 10.* Section 8 of the Labour Ordinance, 1948, applies.

*Articles 11 and 12.* Section 5 (1) prohibits recruitment with licence issued by the Commissioner of Labour.

*Article 13, paragraph 1.* Section 5 (2) (a) and (b) of the Labour Ordinance, 1948, applies.

Paragraph 2. Regulation 9 of the Recruiting and Employment of Labourers Regulations, 1948, applies.

Paragraph 3. No specific provision is made.

Paragraphs 4 and 5. Section 5 (4) of the Labour Ordinance, 1948, applies.

Paragraph 6 (a). Section 6 (1) (a) of the Labour Ordinance, 1948, applies.

Paragraph 6 (b). Section 6 (1) (b) of the Labour Ordinance, 1948, applies.

*Article 14.* Regulation 10 of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 15, paragraph 1.* Section 3 of the Ordinance defines "a worker-recruiter" as "a person who, being employed as a worker is authorised in writing by his employer to recruit on behalf of his employer but who does not receive any remuneration or other advantages for such recruiting".

Paragraphs 2 and 3. Section 12 (1) of the Labour Ordinance, 1948, applies.

Paragraph 4. Regulation 12 of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 16, paragraph 1.* Section 10 of the Labour Ordinance, 1948, applies.

Paragraph 2. Regulation 8 of the Recruitment and Employment of Labourers Regulations, 1948, applies.

*Article 17.* Section 20 of the Labour Ordinance, 1948, applies.

*Article 18*, paragraph 1. Section 17 of the Labour Ordinance, 1948, applies.

Paragraph 2. Regulation 7 (1) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

Paragraph 3. Regulation 7 (4) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

Paragraph 4. Regulation 7 (3) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 19*, paragraph 1. Section 35 of the Labour Ordinance, 1948, applies.

Paragraph 2 (a)-(c). Regulation 5 (1) (a)-(c) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

Paragraph 3 (a) and (b). Regulations 5 (1) (d) and 5 (2) of the Recruiting and Employment of Labourers Regulations, 1948, apply.

Paragraph 4. Regulation 5 (3) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 20*, paragraph 1. Section 33 of the Labour Ordinance, 1948, applies.

Paragraph 2. Regulation 6 (1) of the Recruiting and Employment of Labourers Regulations, 1948, applies.

Paragraph 3. Section 12 (1) of the Labour Ordinance, 1948, states that the provisions concerning recruitment shall, unless otherwise expressly provided, apply to worker-recruiters as if they were licensees.

*Article 21*, clauses (a) and (b). Section 34 (1) (a)-(d) of the Labour Ordinance, 1948, applies.

*Article 22*. Regulation 13 of the Recruiting and Employment of Labourers Regulations, 1948, applies.

*Article 23*, clause (a). As in Article 19 and 20 above.

Clause (b). As in Article 21 above.

Clause (c). Section 34 (2) of the Labour Ordinance, 1948, applies.

*Article 24*, paragraph 1. There is no specific provision on this subject, but section 24 of the Labour Ordinance, 1948, prohibits recruitment under a foreign contract (otherwise than on board a seagoing vessel) save for service in a British territory or in a territory which has been declared by an order of the Minister responsible for labour to be one to which the emigration of labourers is lawful.

Paragraph 2. Section 14 of the Labour Ordinance, 1948, applies.

Paragraph 3. Section 5 (1) of the Labour Ordinance, 1948, applies.

Paragraph 4. Section 5 (2) (a) and (b) of the Labour Ordinance, 1948, applies.

The Commissioner of Labour is responsible for the application of the Convention throughout the territory. Supervision is exercised by the police and through the attestation of contracts by labour officers.

No court decisions affecting the application of the Convention were taken during the year under review. However, one case of illegal recruitment was brought before the courts and conviction obtained. A fine of £10 was imposed.

No practical difficulties have been encountered in applying the Convention. Since 1 January 1953 one licence to recruit a total of 2,000 labourers up to 31 December 1953 has been granted.

No observations have been received from employers' or workers' organisations.

### *Hong Kong.*

This Convention has been applied in Hong Kong without modification. In recent years there has been an increasing flow of workers for employment overseas in territories mainly under British or Commonwealth administration. This movement is largely the result of population pressure on the colony, stemming from the political circumstances of the area and the fact that Hong Kong now has to accommodate a population of about two-and-a-half million in place of the 800,000 persons for which the size of the territory would be more appropriate. Combined with this pressure in Hong Kong is the demand in several territories in east Asia, notably in Borneo, for Chinese labour. In territories where formerly there was a demand for Chinese labour, namely Nauru and Ocean Island, the demand continues but the required labour is now drawn from the New Territories in Hong Kong in place of villages in Kwong Tung on the mainland of China. In the years before the war there was no recruitment in Hong Kong and the interests of Chinese passing through Hong Kong were protected generally by the Asiatic Emigration Ordinance, No. 30 of 1915. This Ordinance provided for the suitability of passage accommodation, feeding arrangements, health and general well-being of the "assisted emigrants", and also ensured that the workmen who were emigrating to some other territory understood and appreciated the proposed conditions of work in their territory. As this Ordinance anticipated international labour Convention No. 50, it was considered at the time of its enactment important to restrict some of the possible abuses of indentured labour, and for this reason no "assisted emigrant" could leave Hong Kong bound by a signed contract. This is still the case, but in order to accord with the spirit of the Convention, workmen proceeding to other territories who are recruited in Hong Kong do, in fact, see their proposed contracts (which are fully explained to them) before going overseas. The actual signature of the contracts is carried out before the competent labour authorities of the territory in which the work is to be done. Administrative practice pending the enactment of the necessary legislation to implement this Convention is as follows:

On intimation from the Emigration Officer or from other sources that workmen wish to take up work in some territory or that an employer wishes to engage men for employment in such other territory, the Labour Department interviews the parties concerned, ascertains the conditions of work, etc., assists, in accordance with international labour Conventions and the local law, in drawing up a form of contract (in English and Chinese) which embodies these conditions, and informs the parties concerned as well as the Secre-

tariat for Chinese Affairs and the Emigration Officer when these steps have been completed. The Emigration Officer is then in a position to see that the prospective worker's travel papers are in order for the employer to arrange the necessary passages. Prior to departure, the contemplated contract is read over and explained to the man concerned at the Secretariat for Chinese Affairs. In the meantime, the competent labour authorities in the territory of destination have been acquainted with full details regarding the workmen and their proposed conditions of employment.

In practice these administrative arrangements are working satisfactorily. One of the senior officers of the Labour Department has visited almost all of the territories to which Chinese labour has been sent and, as a result, certain weaknesses have been eliminated. Legislation is in draft.

*Article 1.* The provisions of the Convention are carried out by a combination of the provisions of the Asiatic Emigration Ordinance of 1915 and current administrative arrangements.

*Article 2.* There are no public employment exchanges in Hong Kong, but the Labour Department is consulted on all matters concerning employment overseas.

*Article 3.* No exemptions have been made in respect of any of the recruiting operations mentioned in this Article.

*Articles 4 and 5.* There is no need to have recourse to recruitment within the meaning of the Convention for any schemes of development in the colony and the numbers of workers proceeding overseas are so small compared with the population that the effect is negligible. The majority of recruited labour is drawn from the New Territories. Recruitment is carried out by one firm of acknowledged standing and is under the supervision of the District Commissioner of the New Territories. The effects are solely beneficial because demand for work greatly exceeds the amount of work available within the colony and it is administrative procedure to ensure that all workers proceeding overseas who are leaving their families or dependants in Hong Kong will be in a position to make adequate remittances to them.

*Article 7.* In most cases it has not been practicable for recruited workers to take wives and families with them, but in some territories, notably Nauru and Ocean Island, where quarters are available for the accommodation of families, this has been possible. There is, however, no recruiting of families.

*Article 8.* It has not been found either necessary or desirable to group recruited workers according to ethnical conditions but, in fact, the Chinese community is usually distinct. In Nauru and Ocean Island where workmen from other territories, e.g. Gilbert and Ellice Islands, are also employed, the two communities are separately housed and fed, but this is more a matter of administrative convenience than of necessity.

*Article 9.* Most of the recruitment in Hong Kong for employment overseas is carried out by one reputable firm acting as agents for various employment agencies. No public officers are authorised to recruit for private undertakings. The Labour Department, the officials of the

Secretariat for Chinese Affairs and the District Commissioner for the New Territories supervise all recruitment to ensure that I.L.O. requirements are strictly observed.

*Article 16.* All persons engaged for work outside the colony are made aware of their future conditions of employment by the officials of the Labour Department or those of the office of the District Commissioner for the New Territories. Under section 38 of the Asiatic Emigration Ordinance, 1915, it is incumbent on the Secretary for Chinese Affairs or one of his officers to ascertain that the workman fully understands his position before proceeding overseas.

*Article 18.* Medical examination of prospective emigrants is provided for by sections 24 to 28 of the Asiatic Emigration Ordinance, 1915.

*Article 19.* The conditions on emigrants' ships and their seaworthiness is provided for by regulations made in section 22 of the Asiatic Emigration Ordinance, 1915.

*Article 20.* The expenses and necessary amenities for workers on their journey are provided for under the conditions of employment insisted upon by the Labour Department and subsequently embodied in the written contract.

*Article 21.* Particular attention is paid to this Article when the proposed conditions of service are drawn up, with the result that repatriation is provided for in all circumstances. Furthermore, the immigration laws of territories in which workers from Hong Kong are to be employed require the prospective employer to be responsible for repatriation in any event.

*Article 22.* The amount which may be paid to workers in respect of advances of wages and the conditions under which such advances may be made are specifically regulated by the proposed contract. In no case is the advance permitted to be more than four weeks' pay.

*Article 23.* Since all the recruitment for territories where families have been allowed to accompany workers has been carried out through the firm previously mentioned, this Article has been kept constantly in mind and the rights of the family, particularly in regard to repatriation, have been meticulously preserved.

*Article 24.* In the few instances where workers have been engaged to go to territories not within the Commonwealth, care has been taken to see that the governments of the territories of employment have ratified the relevant Conventions or are prepared to abide generally by their terms. Further, in most of these cases the headquarters of the employing company have been in Hong Kong. In all cases, the competent authorities in the territory of employment have been duly informed regarding the engagement of the workers concerned and their proposed conditions of employment.

During the period under review 1,403 workers left the colony for employment overseas; of these 803 went to Brunei, 265 to North Borneo and 154 to Malaya. One hundred and sixty of those who were engaged for work in Brunei were unskilled labourers from the New Territories, Hong Kong. The total number of New Territory workers who

left the colony for work overseas (mainly in Nauru and Ocean Island) since the war stands at 2,524. Most of these men remain away from the colony for one year, but nowadays, in accordance with the Contracts of Employment (Indigenous Workers) Convention, 1947, they are away for not more than two years. Hong Kong has had many years' experience in arranging for workers to take up employment overseas. Before the war this mainly took the form of assisting free emigrants in transit through the colony from China to, for example, Nauru and Ocean Island. With the restriction on the movement of persons out of China consequent upon political changes since the war, the character of this assistance has changed. Now the workers are engaged in Hong Kong—a great many of them from the New Territories—and their conditions of employment are very fully supervised by the Labour Department in the first instance. The Labour Department also keeps in close and constant touch with the competent authorities in the territories of employment.

#### *Jamaica.*

*Article 3 of the Convention.* Section 3 of the Recruiting of Workers Law provides for the following exceptions: (a) the recruiting of workers by or on behalf of employers who do not employ more than ten workers; or (b) the recruiting of workers within twenty miles of the place of employment; or (c) the recruiting of personal or domestic servants or non-manual workers; or to any workers so recruited, unless such recruiting is done by professional recruiting agents.

*Article 6.* Section 5 of the Recruitment of Workers Law provides that "Persons under the age of 18 shall not be recruited: Provided that the Governor may by regulation permit persons under that age, but of or above the age of 16, to be recruited, with the consent of their parents or guardians, for employment upon light work subject to such conditions as he may prescribe".

*Articles 11 and 12.* Section 4 of the Recruiting of Workers Law provides that "no person shall recruit workers unless he is licensed in that behalf under the provisions of this Law".

The conditions under which licences may be granted are laid down in this section.

*Article 13.* The Recruiting of Workers Regulations, 1944, prescribe the procedure to be followed in obtaining licences, the records to be kept by licensees, and duties of licensees with regard to the welfare of recruited persons between the time of recruitment and the time of employment.

Section 4 (4) of the Recruiting of Workers Law provides that "No licence shall be issued for a period exceeding one year, but it may be renewed if the licensing officer is satisfied that the conditions on which it was granted have been complied with".

Section 11 (5) of the Law also specifies the circumstances under which licences may be cancelled, or suspended.

Regulation 3 of the Recruiting of Workers Regulations requires that the applicant for a licence should forward together with his application a duly executed bond (a form of which is prescribed in the regulations) in the sum of £500 with two sureties in the sum of £250 each.

Section 11 of the Recruiting of Workers Law empowers the Government to make regulations providing for a remuneration to be paid to the agents of licensees. There is no regulation prescribing the remuneration.

*Article 15.* Section 4 (7) of the Recruiting of Workers Law exempts the worker-recruiter from the obligation to hold a licence. Section 2 (1) of the Law defines "worker-recruiter" as "a person who, being employed as a worker, is authorised in writing by his employer to recruit other workers on behalf of his employer, but who does not receive any remuneration or other advantage for such recruiting".

Section 9 of the Recruiting of Workers Law provides that the provisions of this Law and of any regulations made thereunder shall, unless otherwise expressly provided, apply to worker-recruiters as if they were licensees: Provided that worker-recruiters shall recruit only in such areas as may be prescribed, and shall not make advances of wages to recruited workers.

Regulation 9 of the Recruiting of Workers Regulations, 1944, states that, before any worker-recruiter engages in recruiting he shall present to the licensing officer the written authority granted to him by his employer, and such authority shall thereupon be countersigned by the licensing officer. Regulation 10 also provides that a worker-recruiter shall not recruit in any area or areas save in the neighbourhood of his home, or in the town or village in which he resides.

*Article 16.* Section 6 of the Recruiting of Workers Law requires recruited workers to be brought before a justice of the peace in accordance with regulations made under the Law. This action also requires such a justice of the peace to satisfy himself that the provisions of the Law and any regulations made thereunder have been observed and that the worker has not been subjected to pressure or recruited by misrepresentation or mistake.

*Article 18, paragraph 1.* Section 6 (1) of the Recruiting of Workers Law, 1940, requires recruited workers to be medically examined.

Paragraph 2. Regulation 5 (1) of the Recruiting of Workers Law, 1944, requires the worker to be examined by a duly qualified medical practitioner practising in the Island.

*Article 19.* Section 7 of the Recruiting of Workers Law provides that the expenses of the journey of recruited workers and their families to the place of employment, including all expenses incurred for their protection during the journey, shall be borne, and necessities for the journey shall be provided, by the recruiter (not being a worker-recruiter) or employer in accordance with regulations made under this Law.

Regulation 11 of the Recruiting of Workers Regulations, 1944, also requires the licensee to provide at his own expense the means of transport for workers—(a) from such collecting centres as he may specify to the place of employment, and (b) on the termination of the period of employment, from the place of last employment to such centres within the Island as he may specify; the vehicles and vessels used for such transport shall be in good condition and suitable for such purpose.



*Article 20.* Section 7 of the Recruiting of Workers Law and Regulation 11 of the Recruiting of Workers Regulations, to which reference has been made under Article 19 above, contain the necessary provisions.

*Article 21.* The family of a recruited worker who dies during the journey to the place of employment shall be returned to their home at the expense of the recruiter or employer.

*Article 22.* Regulation 14 of the Recruiting of Workers Regulations provides that no advance shall be made to a worker save with the approval of the licensing officer, and on such terms as the licensing officer may direct.

*Article 24.* No licensing officer has been appointed by the Governor and no licences have been granted, as all recruiting has been conducted through the Kingston Employment Bureau, which is a public employment office operated as a part of the Labour Department. Workers have been recruited through this office for employment in the United States of America, and continued to be so recruited during this period. A copy of the agreement signed in these cases is attached to the report.

No observations have been received from organisations of employers or workers.

#### *Kenya.*

Order by the Governor in Council, in Government Notice No. 706 of 1946.

Employment (Recruiters and Labour Agents) Rules, in Government Notice No. 499 of 1938.

Employment (Amendment) Ordinance, No. 11 of 1950.

Employment (Amendment) Ordinance, No. 14 of 1951.

Recruitment of Employees (Medical Examination) Rules in Government Notice No. 289 of 1949.

Employment (Contract and Return) Rules, in Government Notice No. 290 of 1949.

Employment (Recruiters and Labour Agents) (Amendment) Rules, in Government Notice No. 494 of 1952.

Notice by the Governor in Council, in Government Notice No. 854 of 1952.

Employment of Women, Young Persons and Children Ordinance (Cap. 111, Laws of Kenya).

Employment (Written Contract) Rules, in Government Notice No. 53 of 1944.

Recruiting Operations (Exemption) Order, in Government Notice No. 1151 of 1953.

*Article 1 of the Convention.* The legislation embodies the provisions of this Convention in nearly every particular, and slight amendments due are referred to later. It does not distinguish between indigenous and non-indigenous workers, but under section 2 of the Employment Ordinance "employee" is defined as a person employed for wages at a rate not exceeding any amount prescribed by the Governor in Council of Ministers. By Notice No. 854 of 1952, made under section 3 of the Ordinance, the main provisions of the Ordinance (including those regarding recruiting) are still applied to workers whose earnings do not exceed 100s. per month. This rate is being increased to 200s. during 1955. In effect, therefore, the Ordinance applies to the majority of indigenous Africans.

*Article 2.* Section 2 of the Employment Ordinance defines "recruiting" as including all operations undertaken with the object of obtaining or attempting to obtain the supply of labour of persons who do not spontaneously offer their services at the place of employment or at the

office of a labour agent. "Labour agent" is defined as meaning any person who acts as an agent for an employer in respect of the engaging and forwarding of persons voluntarily offering their services at the office of such labour agent. This Ordinance came into force before the Kenya Government had started to operate public employment offices for Africans, so these are not mentioned in connection with recruiting; but they are regarded, administratively, as non-recruiting bodies by virtue of the fact that labour offers its services spontaneously at employment offices.

The Employment Ordinance does not distinguish between indigenous and non-indigenous workers as regards recruiting, but, as indicated above, it covers the bulk of the African labour force.

*Article 3.* Section 58 of the Employment Ordinance permits the Governor in Council of Ministers to exempt recruiting operations of the types (a), (b) and (c) mentioned in this Article. No exemption has been allowed on the basis of the numbers of workers employed by individual undertakings. The former exemptions (from certain requirements only) granted by Government Notice No. 709 of 1946 applied to contracts not exceeding 90 days for employment—(i) in domestic service generally; (ii) in all occupations, where the recruiting was carried on in the district of employment or an adjacent district; and (iii) in agriculture only, where recruiting operations were carried on in certain specified districts for employment in other specified (and nearby) districts.

This notice was replaced by Government Notice No. 1151 of 1953, which again applied only to non-professional recruiting for contracts not exceeding 90 days' duration; but which exempted recruiting operations (regardless of the type of employer or type of occupation) carried on anywhere in the colony for employment in Kenya within a radius of sixty hours' journey by road or rail, or both. The only requirements from which exemption has been granted are those concerning prior medical examination before transfer to place of employment; prior examination by a magistrate before transfer to place of employment; and medical examination on arrival at place of employment, where prior medical examination has not been possible. See under Articles 16 and 18 below.

*Article 4.* The Provincial Administration of the Kenya Government is responsible for safeguarding the interests of tribal communities, and for dealing with any untoward results which may arise from recruitment of labour from such indigenous groups. District officers and their provincial heads have effective control over the activities of employers seeking labour in such areas, through a system of licensing and supervision. Representations are made by the Provincial Administration to the Ministers for Labour and for African Affairs who, as members of the Council of Ministers (or Cabinet), can have this particular aspect considered when schemes of economic development are being formulated or approved.

The Government has had more recent experience of this particular problem due to the severe shortage of industrial and agricultural labour resulting from removal or detention of members of the



subversive Mau Mau organisation during the years 1953 and 1954. Economic development schemes have proceeded despite the present state of emergency in Kenya and the African labour force, comprising 460,000 out of a total population of 5½ million, has been largely maintained. The effect on the Native communities, however, is mitigated by the continuing practice of workers returning every three or six months to their homes, where they and their families can earn considerable amounts, under present conditions, from maize, cattle, and other produce.

*Article 5.* The factors mentioned in this Article are taken into consideration when permits to recruit in any area are being granted by the Government, but there is in fact no long-term withdrawal of males from tribal areas. Workers are commonly recruited for contracts of six months only; and contracts for one year, or more, are rare except in the case of "resident labourers" engaged on farms under the Resident Labourers Ordinance (Cap. 113, Laws of Kenya). The latter are accompanied by their families and work for farmers under a form of tenancy arrangement. In many cases they have severed all economic ties with their tribal communities.

In these circumstances it has not, as yet, proved necessary to fix any percentages of the normal proportion of adult males to women and children. Maximum numbers of persons to be recruited are fixed by officers of the Provincial Administration for specific areas, as the case requires, and such conditions, along with any other deemed necessary, are endorsed on recruiting permits issued by the Labour Department in liaison with the Provincial Administration. For this purpose, section 49 (4) of the Employment Ordinance requires that the Labour Commissioner shall have the prior consent of the appropriate Provincial Commissioner before issuing a licence to any professional recruiter, private recruiter or labour agent, in respect of any area; and the Employment (Recruiters and Labour Agents) Rules, 1938, require both these officers to sign the licence, and require the recruiter or labour agent to report to the local District Commissioner before starting operations.

*Article 6.* Section 34 of the Employment Ordinance prohibits the recruitment of juveniles (under 16 years of age) by professional recruiters. This is being revised by an amendment (shortly to be enacted) of the Employment of Women, Young Persons and Children Ordinance (Cap. 111, Laws of Kenya) which will totally prohibit the recruitment of such juveniles. No exemption in respect of recruitment for light work, with the consent of the parents, is being granted.

*Article 7, paragraph 1.* There is no specific regulation to this effect, but no contract is valid unless individually and freely entered into by each person concerned. Each person recruited, whether singly or in a batch with other workers, must be attested, in the case of written contracts, according to the forms prescribed under the Employment (Contract and Return) Rules, 1949. Verbal contracts are in any case not valid for more than one month at a time, according to section 4 of the Employment Ordinance.

Any impression given to the relatives of a worker that they were deemed to have been recruited by virtue of the recruitment of the head

of the family would be dispelled by the magistrate who has to satisfy himself, under section 51 of the Ordinance, that no worker has been recruited by misrepresentation or mistake or by the application of unlawful pressure. In the case of recruiting operations exempted from such examination by the Recruiting Operations (Exemption) Order, 1953, a labour officer would discover the irregularity when attesting the contracts.

Paragraph 2. Recruited workers are commonly encouraged to be accompanied by their families, particularly for employment in agriculture. This applies in almost all cases of recruitment for work as resident labourers under the Resident Labourers Ordinance, and considerable numbers of workers recruited for agricultural employment under other forms of contract are also accompanied by their families. The same encouragement often cannot be given, however, in the case of recruitment for short-term projects or for industrial employment in urban areas where there are housing shortages. Though the distance from the workers' homes, and the duration of the contracts, have a bearing on the subject no minimum distance or duration has been applied by the Government in this matter.

Paragraph 3. There is no separation of workers from their wives and minor children who have been authorised to accompany them to the place of employment. Such workers customarily reside with their families.

Paragraph 4. Section 82 of the Employment Ordinance ensures that the family of a recruited worker who have been authorised to accompany him may reside with him at the place of employment for the duration of the contract.

*Article 8.* It has not been found practicable or desirable to require, as a condition of recruitment, that workers shall be grouped at the place of employment under suitable ethnical conditions. Such grouping occurs in some instances, but has not been found to be really necessary.

*Article 9.* Section 49 of the Employment Ordinance forbids any person acting as a labour agent or private recruiter without a licence from the Labour Commissioner. "Private recruiter" is defined in section 2 as a person who recruits for his own bona fide personal or business service exclusively, and includes an officer of Government or of a local authority who recruits, in the course of duty, for the Government or his local authority. Public officers cannot be professional recruiters and are forbidden administratively to recruit for any other employer save public service employers. They might, in special circumstances, forward labour to a private employer, at the employer's expense, but this is not a recruiting operation, as such workers have offered their services spontaneously to the government office concerned.

Owing to the shortage of sanitary workers in certain towns, due to the state of emergency, a few score workers of certain tribes had to be recruited by public officers, during 1954, for employment by local authorities.

*Article 10.* Section 80 of the Employment Ordinance makes it an offence for any person to offer any money or gift to an African chief or headman for the supply of employees. Chiefs are in fact forbidden to act as recruiting agents or

to exercise any pressure upon possible recruits, and this aspect is closely supervised by officers of the Provincial Administration in all tribal areas. Chiefs and headmen are, however, encouraged to urge all able-bodied males to employ themselves usefully, and where there is manpower surplus to local development needs licensed recruiters may be directed to the area.

*Article 11.* Section 49 of the Employment Ordinance requires licensing of professional recruiters by the Labour Commissioner, who may prescribe conditions. Sub-section (2) requires that the application for a licence shall be in writing, specifying, in the case of a professional recruiter, the public departments, employers or organisation of employers for whom the applicant desires to recruit. Sub-section (3) requires the latter to be specified in the licence.

*Article 12.* Section 49 of the Employment Ordinance requires that private recruiters (i.e. recruiting for their own service) and labour agents (forwarding applicants for employment) must be licensed.

*Article 13, paragraph 1.* The licensing procedure under section 49 of the Ordinance ensures that the Labour Commissioner satisfies himself that the applicant for a licence is a fit and proper person. Inquiries are in fact made through the labour officer in the applicant's locality, and sub-section (4) requires the prior consent of the Provincial Administration Officer of the area concerned.

Sub-section 49 (4) (b) enables the Labour Commissioner to require the applicant to execute a financial bond for the due observance of the licence conditions and the Ordinance's provisions. Where the applicant is to be a private recruiter, the Labour Commissioner may require financial or other security for the payment of the wages of the persons to be recruited. These securities sometimes take the form of a cash deposit, but are generally a signed bond.

Sections 50 and 57 require the recruiter to make adequate provision for the health and welfare of recruited workers. Additional requirements can, in special cases, be included as conditions to the licence.

Paragraph 2. Sub-section 49 (7) requires every person licensed under the Ordinance to keep a written record of recruited workers, showing names, identity particulars, wage rates, the place and date of each recruitment and the place and date of forwarding to employment. Engagement returns are also rendered to the Labour Commissioner under the Employment (Contract and Return) Rules, 1949.

Paragraph 3. Sub-section 49 (5) (a) requires that assistants employed by recruiters must be approved in writing by a Provincial Administration Officer or a labour officer. Sub-section (4) (b) requires that wherever possible these assistants shall receive a fixed salary. There is also provision for the Minister for Labour, in consultation with the colony's Labour Advisory Board, to fix the maximum remuneration payable on the basis of a rate per head of employees recruited, but there has not been occasion to do this recently.

Paragraph 4. Sub-section 49 (3) limits the validity of recruiters' licences to 12 months from the date of issue.

Paragraph 5. The manner in which a licensee has respected the conditions attached to his licence is taken into consideration when he applies for a renewal. The Labour Commissioner may, under sub-section 46 (6), refuse to issue another licence, and an appeal against his decision may be made to the Governor.

Paragraph 6. The Labour Commissioner is empowered by sub-section 49 (b) to cancel, for any reasonable cause, any licence which has been issued and an appeal lies to the Governor.

*Article 14, paragraph 1.* Under sub-section 49 (5) (a) of the Employment Ordinance, no recruiter may employ an assistant who is not approved by a Provincial Administration Officer or a labour officer, and the assistant's name must be endorsed on the recruiting licence. The Employment (Recruiters and Labour Agents) Rules, 1938, also require that such assistant shall be issued with a permit (a copy of which is sent to the Labour Commissioner) which the assistant must carry with him on recruiting operations.

Paragraph 2. Sub-section 49 (5) (c) makes the licensee responsible for the proper conduct of an assistant.

*Article 15.* No exemption is made in respect of worker-recruiters from the provisions of the Employment Ordinance.

*Article 16.* Section 51 of the Employment Ordinance requires that recruited workers shall, as soon as possible after being recruited, be brought before a magistrate or justice of the peace, as near as may be convenient to the place of recruiting. Such officer must satisfy himself that the legal requirements have been observed and that the workers have not been recruited by misrepresentation or mistake or by the application of unlawful pressure. There is no special arrangement in respect of workers recruited for employment outside the colony.

Under section 58, the Governor in Council of Ministers has made the Recruiting Operations (Exemption) Order, 1953, exempting from the above requirement all recruiting operations which are not conducted by professional recruiters and which involve recruitment for contracts not exceeding 90 days' duration for employment within the colony at a distance not exceeding 60 hours' journey from the place of recruitment. This was necessary because the majority of workers available for short contracts proved to be unwilling to be taken out of their way for examination by a magistrate. Verbal contracts are in any case not valid for more than one month, under section 4 of the Ordinance; and if they are for longer periods they must be in writing as required by section 13 and must be in the forms prescribed by the Employment (Contract and Return) Rules, 1949. Copies of these forms are subsequently sent to the Labour Commissioner.

*Article 17.* It has not been deemed necessary to make such provision for recruited workers specifically. All workers entering written or verbal contracts are required to be issued by their employers with an "engagement employment

return " card under section 20 of the Employment Ordinance. This must be in the form prescribed by the Employment (Contract and Return) Rules, 1949, and states particulars of identity, wages, and whether the worker is to receive free housing and rations. Workers recruited in batches are entered on a different contract form, similarly prescribed, and a copy is retained by one of the batch.

Every recruited worker in Kenya is actually engaged at or near the place of recruitment since sub-section 48 (3) of the Ordinance forbids the recruiter to forward any person until he has been recruited or engaged for and on behalf of a particular employer; and sub-section (4) makes every recruited worker an employee of a professional recruiter until such recruiter has engaged the worker for a specific employer.

*Article 18*, paragraph 1. Section 50 of the Employment Ordinance requires that any person recruited by a professional recruiter or private recruiter shall be immediately examined by a medical officer at the place of recruitment or engagement, or as near to such place as may be convenient. The Recruitment of Employees (Medical Examination) Rules, 1949, also make it an offence for any recruiter not exempted under the provisions of section 58 of the Ordinance to fail to have the recruited worker examined by a medical officer at the place of recruitment or as near to such place as may be convenient.

Exemption has been granted from the medical and other requirements of section 50 by the Recruiting Operations (Exemption) Order, 1953, made under section 58 of the Ordinance in accordance with Article 5 above. The exemption applies to non-professional recruiting for employment within the colony, on short contracts, and at a distance not exceeding 60 hours' journey from the place of recruitment. This was rendered necessary by the refusal of workers available for short contracts to go through the formalities of medical examination (they either refused employment or travelled independently to seek work); and by the difficulties of obtaining the services of medical officers in the remoter districts. The colony's Labour Advisory Board has approved a proposal to amend the Ordinance so as to permit the Labour Commissioner to require medical examination in special circumstances or for work involving special health risks, despite such exemption.

Paragraph 2. Section 50 of the Ordinance allows medical examination to take place as near as may be convenient to the place of recruiting. There is no exemption in the case of recruitment for employment outside Kenya and such medical examination must therefore take place in all cases before the worker leaves the territory.

Paragraph 3. Section 52 of the ordinance enables the Labour Commissioner to dispense with the requirement of prior medical examination where it is impracticable to arrange it; and if he is satisfied that the worker is fit for the journey and the prospective employment and will be medically examined on arrival at the place of employment, the worker may proceed.

Paragraph 4. Section 53 of the Ordinance enables the Labour Commissioner to require medical examination both at the place of recruit-

ment and after arrival at the place of employment, if he considers it necessary. These circumstances, however, hardly arise in Kenya.

Paragraph 5. Sub-section 87 (1) (i) of the Ordinance enables the Minister for Labour to make rules regarding the acclimatisation of recruited workers and their immunisation against disease. Actual legal provision in these respects has not yet been considered necessary in Kenya. An amendment to the Ordinance will, however, provide for special medical examination where particular health risks are involved, and section 85 gives medical officers power to require special attention to workers generally at their places of employment.

*Article 19*, paragraph 1. Section 54 of the Ordinance requires recruited workers to be provided free of charge, at the expense of the recruiter, with reasonable transport to the place of employment.

Paragraph 2. Section 57 requires recruiters to provide, at their own expense, everything necessary for the welfare of recruited workers during their journey, including adequate and suitable supplies of food, drinking water, fuel, cooking utensils, clothing and blankets; or sufficient money to purchase everything necessary. Rule 6 of the Employment (Written Contract) Rules, 1944, also requires that when workers have to make long journeys in groups they shall be accompanied by a person fit to assume responsibility for their welfare.

There are no regulations regarding the suitability and other conditions of transport vehicles, but road vehicles and railway coaches are subject to supervision by the authorities to prevent overcrowding. Vessels are not used in recruiting operations in Kenya. Similarly, although there are no regulations regarding accommodation and medical assistance at night stops, the Labour Department maintains transit camps at two of the principal centres at which recruited workers break their journeys, and makes suitable *ad hoc* arrangements at other places. Sub-section 87 (1) (d), however, enables the Minister for Labour to make rules regulating the care of workers generally in transit between their homes and place of employment.

Paragraph 3. Recruited workers no longer have to make long journeys on foot to the place of employment. In fact, road transport is available in all areas of recruitment.

Paragraph 4. The Employment (Written Contracts) Rules, 1944, provide that a responsible person must accompany groups of workers on long journeys.

*Article 20*, paragraph 1. Sections 54 and 57 of the Employment Ordinance require that the expenses of recruited workers' journeys to places of employment, and all expenses incurred for their protection during such journeys, shall be borne by their recruiters.

Paragraph 2. Section 57 requires the recruiter to furnish everything necessary for the worker's welfare during the journey, including the items listed in this paragraph.

Paragraph 3. No exemption has been granted in respect of persons recruited by worker-recruiters.

*Article 21.* Section 55 of the Employment Ordinance requires the repatriation at the expense of the employer of any recruited worker who (a) becomes incapacitated through sickness or accident during the journey to the place of employment, or (b) is not employed after recruitment or engagement for a reason for which he is not responsible; and at the expense of the recruiter if the worker is found by a magistrate or justice of the peace to have been recruited by misrepresentation, mistake or unlawful pressure. Sub-section 50 (4) requires such repatriation where any person is rejected as physically unfit for the duties for which he has been recruited.

*Article 22.* No specific regulation has been made to restrict advances of wages to recruited workers; but sub-sections (2) and (c) of section 81 of the Employment Ordinance, applying to workers generally, provide (a) that no person shall give or promise any advance of wages or other valuable consideration upon a condition express or implied that the receiver or a dependant of his shall enter upon any employment, and (b) that an advance in excess of one month's wages to a worker on a verbal contract, or in excess of two months' wages to a worker on a written contract, shall not be recoverable at law.

*Article 23.* The families of recruited workers accompanying such workers to the place of employment are afforded the same health and welfare protection during the journey as the workers themselves. The provisions of Articles 19 and 20 apply to them equally.

Section 56 of the Employment Ordinance provides that the families of recruited workers who have been authorised to accompany such workers to the place of employment shall be transported free by the recruiter, and at the expense of the employer on repatriation. This section also provides for their free repatriation in the event of the death of the worker during the journey to the place of employment.

Section 57 of the Ordinance provides for the welfare of such families accompanying workers on the return journey.

Similar provision in the event of the worker being found physically unfit, or to have been recruited by misrepresentation or mistake, or becoming incapacitated by sickness or accident during the journey, has been omitted. However, section 87 enables the Minister for Labour to make rules as may be necessary or expedient for carrying out the objects or purposes of the Ordinance, and the licensing of recruiters allows for extra conditions to be imposed.

Section 54 of the Ordinance allows an employer, however, to deduct a proportion of the expense of repatriation of the worker and his family where the worker terminates a contract, otherwise than by death or effluxion of time.

*Article 24, paragraph 1.* Section 8 of the Employment Ordinance requires that every contract for service outside Kenya shall be in writing, attested by a magistrate, and approved by the Labour Commissioner. Through this means the Kenya Government can secure a large measure of protection for recruited workers after they have travelled beyond its jurisdiction.

Paragraph 2. Occasion has not yet arisen for the Kenya Government to enter into agreements with neighbouring territories for co-operation in supervising the execution of conditions of recruiting and employment. The Labour Commissioners of Kenya, Tanganyika and Uganda have an informal agreement not to license recruitment for the supply of labour to each other's territories, in view of the internal labour demands of these territories.

Paragraph 3. Only a recruiting licence issued by the Kenya Labour Commissioner is valid for recruiting operations within this colony.

Paragraph 4. Occasion has not arisen to license approved organisations for recruiting operations to supply labour to another territory.

The above-mentioned provisions are enforced by the Kenya Labour Department and by the Provincial Administration, whose officers are posted in all the major recruiting areas and centres of employment. Returns of engagements and discharges of recruited labour are rendered to the Labour Commissioner, as are also monthly reports by labour officers who inspect recruiting operations and attest a large proportion of the written contracts entered into by such labour.

There have been no decisions by courts of law involving questions of principle relating to the application of the Convention.

The Convention has been applied in nearly every material particular for some considerable time. Recruiting operations are conducted principally for the plantation industries and agriculture, but the bulk of the labour force seeks employment independently or is forwarded by labour agents after offering itself spontaneously at well known centres in or adjacent to the tribal areas. The only practical difficulties of any significance are those mentioned under Articles 16 and 18 above, in regard to examination by medical officers and magistrates in the case of workers available for recruitment on short contracts.

The volume of recruiting is generally tending to decline as African workers show a greater inclination to settle permanently in centres of employment, and employers realise the advantages of stabilising their labour at the place of employment. Africans are also more inclined to travel independently to and from work, as communications develop. There has, however, been somewhat exceptional resort to recruiting during the present state of emergency in the territory, to replace workers of certain tribes who constituted a threat to law and order.

There have been no representations by organisations of employers or workers regarding the practical fulfilment of the provisions of the Convention.

#### *Leeward Islands.*

With the exception of the recruitment of workers for employment in the United States and St. Croix (American Virgin Islands), no recruitment takes place in the colony. In such case, however, the workers offer their services at the office of the Labour Commissioners, and for that reason it does not come within the definition of the term "recruiting" as defined in Article 2 of the Convention. Recruitment and labour for agricultural work in the United States is supervised by the Labour Commissioners, who attest each contract

of which the worker receives a copy. The terms of the contract are determined by the Regional Labour Board on which all British West Indian governments are represented. In the United States the welfare and employment of such workers are watched over by the British West Indies Central Labour Organisation in Washington, which has a central liaison officer and regional liaison officers acting as agents for the British West Indian governments.

In the case of workers recruited for employment in St. Croix recruitment is supervised by the Labour Commissioners, who also attest each contract of which the worker receives a copy. The employment and welfare of such workers are watched over by a government officer, seconded as a liaison officer to the corporation which employs the workers.

*Article 15 (4) of the Convention.* Section 12 (e) of the Recruiting of Workers Act provides that regulations may be made for the supervision of worker-recruiters, but no such regulations have yet been made.

#### *Mauritius.*

Recruitment of Workers Ordinance, Cap. 218.

*Article 2 of the Convention.* Applied under section 2 of the Ordinance.

*Article 3.* Applied under section 3 of the Ordinance. The number of workers prescribed under clause (a) is ten; the radius fixed under clause (b) is 50 miles.

*Article 6.* Applied under section 5 of the Ordinance. The age fixed is 14 and the Governor is the "competent authority".

*Article 13.* Applied under section 4 of the Ordinance. A licence is issued for a period of one year. Any licence may be cancelled where the licensee has been convicted of an offence under the Ordinance, has not complied with conditions under which it was granted and is guilty of conduct which in the opinion of the licensing officer renders him no longer a fit and proper person to hold a licence, and also pending a decision of the court or the making of any inquiry.

*Articles 15, 18, 20 and 21* are applied respectively under sections 9, 6, 7 and 8 of the Ordinance.

There is no professional recruiting in Mauritius and the provisions of this Ordinance are seldom required. Should large-scale professional recruiting start, fuller effect would be given to the Articles of the Convention by the enactment of legislation. Up to the present such legislation has not proved necessary.

The Labour Department is responsible for applying the Convention.

No decisions have been taken by a court of law regarding the application of this Convention.

No observations have been received from the employers' and workers' organisations.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

*Article 3 of the Convention.* The number of workers prescribed under clause (a) of this

Article is 25. The limited radius prescribed under clause (b) is 25 miles.

*Article 4.* Sections 62 and 63 of the above-mentioned Ordinance prohibit recruiting except under a licence or permit as the case may be. By Order in Council No. 35 of 1946, as amended by Order in Council No. 48 of 1950, recruiting operation has been prohibited from the Tiv Division of the Benue Province.

*Article 5.* Apart from the total prohibition of recruiting operation from the Tiv Division of the Benue Province, by Order in Council No. 35 of 1946, as amended by Order in Council No. 48 of 1950, it has not yet been necessary to fix any number or percentage of adult males that could be recruited from any area.

*Article 6.* The age fixed for non-adults to be employed in accordance with the proviso to this Article of the Convention is over 16 years. The employment of such persons is made subject to the consent of their parents or guardian as well as to such safeguards relating to the welfare of such non-adults as may be stated in the employer's permit issued by the Commissioner of Labour.

*Article 7.* Labourers recruited for employment in agricultural plantations in the Spanish Territories of the Gulf of Guinea and French Gaboon may be accompanied by members of their family, provided the number of wives accompanying each worker does not exceed two. No restriction except that of age is imposed with regard to children.

No minimum distance has been laid down as a condition for allowing a worker to be accompanied by his family. Where a worker is on a contract for service outside Nigeria for less than one year, the Commissioner of Labour will give authority for the worker to be accompanied by his family only on the agreement of the recruiter or employer. Where, however, the contract is for a period of more than one year and less than two years the authority shall be given irrespective of whether the recruiter or employer has agreed.

The obligation to allow the family of a recruited worker to stay with him for the full duration of his contract is assured under sections 78 (4) and 79 of the Ordinance.

*Article 9.* It is provided under the Ordinance that any public officer who puts any constraint upon the population under his charge or upon any individual member thereof to work for any private individual, company or association shall be guilty of an offence, and shall be liable to a fine of £50 or to imprisonment for a period of six months or to both such fine and imprisonment.

*Article 13.* No specific provision has been made with regard to conditions for renewing licences. No renewal of a licence is permitted where it is proved that the conditions governing the issue of a licence under section 68 of the Ordinance have been abused.

The guarantees required before granting a licence to recruit are enumerated in the report.

No maximum amount has been fixed for the remuneration payable to a recruiter's agent. The provision that has been made in connection with such remuneration, as laid down in section 73 of the Ordinance, is to the effect that such recruiter's

agent shall receive a fixed salary or, alternatively, with the approval of the Commissioner of Labour, the remuneration may be calculated at a rate per head of workers recruited, and such rate will be specified in the written approval given.

In accordance with section 68 (2) of the Ordinance, the period fixed for the validity of licences for recruiting is 12 months.

*Article 24.* No specific provision has been made in regard to the proviso to section 63 (2) of the above-mentioned Ordinance. The Commissioner of Labour may insist on the production of a letter of recommendation from the territory of employment to the effect that the applicant is a fit and proper person to be granted such a permit.

The legislation is enforced through the machinery of the Department of Labour. No court decisions have been received regarding the application of the Convention.

#### *Northern Rhodesia.*

Government Notice No. 32 of 1952.

Government Notice No. 77 of 1953 to prescribe new forms for contracts of service to be used in the case of recruited workers.

*Article 3, clause (a) of the Convention.* Government Notice No. 32 of 1952 lays down that the number of workers to be recruited without a licence by those employers specified in section 92 (3) of the Employment of Natives Ordinance shall be five only.

*Articles 4 and 5.* The provisions of these Articles of the Convention have been included in a new African Employment Ordinance which has been approved by the African Labour Advisory Board and is under consideration by the Government.

*Article 12.* Employers and managers of undertakings employing less than five employees may recruit without a labour agent's licence—section 92 (3) of the Ordinance—but runners employed by such persons to recruit for them require permits—section 98 (1).

#### *Nyasaland.*

Government Notice No. 41 of 1949, to delegate to Provincial Commissioners power to authorise persons other than District Commissioners to issue identity certificates and travelling permits.

African Employment Ordinance No. 3 of 1954 (repeals and replaces Ordinance No. 4 of 1944).

African Emigration and Immigrant Workers Ordinance No. 1 of 1954.

Government Notices No. 102 of 1945, Nos. 172 and 173 of 1949, No. 205 of 1950, No. 164 of 1951, No. 77 of 1952, No. 201 of 1952, No. 224 of 1952, No. 13 of 1953, No. 175 of 1953.

*Article 1 of the Convention.* Applied without modification under Part 8 of the African Employment Ordinance No. 3 of 1954.

*Article 3.* The provisions of this Article are included under the definition for recruiting contained in section 2 of Ordinance No. 3 of 1954. No exemptions have been granted under clause (a) but, except when undertaken by persons engaged

in professional recruiting, the law excludes from the definition of recruiting operations for the engagement of personal domestic servants and non-manual workers. In the case of operations to be undertaken within a prescribed limited radius from the place of employment, this has been laid down as being within the district in which the employment is situated and within a radius of 20 miles from the place of employment.

*Article 5.* Paragraphs 1 and 2 are applied without modification by section 81 of Ordinance No. 5 of 1954. The only persons authorised to recruit labour in Nyasaland for services outside the Protectorate are (i) Witwatersrand Native Labour Association, (ii) Rhodesia Native Labour Supply Commission, (iii) Imperial Tobacco Company of Southern Rhodesia. Each has a fixed annual quota.

*Article 6* is applied without modification by section 83 of the above-mentioned Ordinance. No one under 16 years of age may be recruited for work within the territory, while for work outside the territory 18 is the lower limit. All recruits are required to be medically examined, which examination is a safeguard against the recruitment of persons under age.

*Article 8.* Application of this Article is impracticable.

*Article 10.* Applied without modification by sections 80 and 84 of the ordinance. The attesting officer must satisfy himself that the law and regulations concerning recruiting have been observed.

*Article 13.* A permit to engage in recruiting shall be valid for such period not exceeding 12 months from the date of issue thereof as may be specified therein.

*Article 15.* Under section 74 of the African Employment Ordinance No. 3 of 1954 provision is made for the issue of permits to engage Africans for work within the Protectorate. These permits may be issued by the Commissioner for Labour at his discretion after consultation with the Provincial Commissioner of the province in which the permit authorises recruiting operations to be carried on. Such permits as these have taken the place of the worker-recruiter permits which were permitted under section 34 of the old Native Labour Ordinance, which has now been cancelled. The Commissioner for Labour may attach such conditions as he considers fit to any permit issued by him.

*Article 17* is applied without modification by section 17 (7) of the Ordinance. Copies of the Witwatersrand Native Labour Association and the Rhodesia Native Labour Supply Commission Agreements are appended to the report. Section 17 (7) of the Ordinance provides that in the case of a number of employees listed on one form of contract a copy of that form of contract shall be delivered to one of their number.

No male adult African may leave the Protectorate unless in possession of a valid identity certificate.

*Article 18* is applied without modification. Under section 19 (3) every employee who enters



into a contract of foreign service shall be medically examined before his departure from the Protectorate.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

During the period under review the Native Labour Ordinance No. 4 of 1944 has been superseded by the African Employment Ordinance No. 3 of 1954, Part 8 of which deals with recruiting. Section 83 of the replacing Ordinance permits the recruitment of persons of 16 years of age for work within the territory and 18 for work outside the territory; the cancelled Ordinance created a minimum limit of 18 years of age whether for work within or outside the territory. Under Article 13 (4) of the Convention the limit as to the validity for a recruiting licence has now been fixed at one year. The new Ordinance was enacted for the purpose of applying this Convention more fully.

No observations have been received from organisations of employers or workers concerned regarding the conditions of application of the Convention.

#### *Sarawak.*

Ordinance No. 19 of 1953, to amend the Labour Ordinance.  
Labour Ordinance No. 24 of 1951.

*Articles 4 and 5 of the Convention.* When permission is granted for a recruiting operation, the factors referred to in this Article of the Convention are uppermost in the mind of the competent authority.

*Article 6.* Subject to the exception provided for in section 47 of the Ordinance, persons under the age of 16 may not be recruited.

*Article 13.* Section 46 (2) of the Ordinance states that "every person desirous of obtaining a licence under this section shall apply to the Protector, who may in his discretion issue a licence (a) if he is satisfied that the applicant is a fit and proper person to be granted a licence; (b) if any security prescribed has been furnished; (c) if he is satisfied that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited; (d) if he is satisfied that the person is proposing to recruit for a public department or authority or for a specified employer or association of employers".

#### *Seychelles.*

Recruiting of Workers Regulations, 1950.

The Government includes the foregoing regulations in its report this year among the enactments under which certain provisions of the Convention are applied.

#### *Solomon Islands.*

The Government states that the Protectorate has made considerable progress since the end of the Second World War, but the rehabilitation period cannot yet be said to be over. During the period under review the recruitment of indi-

genous workers showed an increase on previous years. At present there are 12 licensed professional recruiters.

The application of the Convention is the responsibility of labour officers and district commissioners, together with authorised officers appointed in writing by the High Commissioner. Supervision is exercised through the right of such officers to enter any premises for the inspection of conditions of employment. The organisation at present consists of one labour officer and eight administrative officers, all available for touring and inspection. This is considered adequate for the proper supervision of conditions at the present stage of the Protectorate's development. Enforcement, where necessary, is by prosecution before the court in summary jurisdiction.

There have been no difficulties regarding the practical fulfilment of the conditions prescribed by the Convention.

There are no employers' or workers' organisations in the Protectorate, nor is there any Labour Advisory Board. Accordingly, no steps have been taken to circulate the reports within the Protectorate itself.

#### *Tanganyika.*

Master and Native Servants Ordinance (Chapter 78 of the Revised Edition of the Laws).

Master and Native Servants (Written Contract) Ordinance (Chapter 79 of the Revised Edition of the Laws).  
Master and Native Servants (Recruitment) Regulations (Government Notice No. 211 of 1946 and Chapter 80 of the Revised Edition of the Laws).

Master and Native Servants (Worker-Recruiters) Regulations (Government Notice No. 212 of 1946 and Chapter 80 of the revised Edition of the Laws).

*Article 1 of the Convention.* The legislation fully applies the provisions of the Convention relating to the regulation of recruiting.

*Article 2.* The provisions of clause (a) of the Article are incorporated in the definition of "recruiting" contained in section 2 of the Master and Native Servants (Recruitment) Ordinance.

*Article 3.* Provision for the exemptions contained in clauses (a), (b) and (c) of the Article are contained in paragraphs (a) (i) and (ii) of section 16 and paragraph (a) of section 15 respectively of the Master and Native Servants (Recruitment) Ordinance.

Clause (a). Under the Master and Native Servants (Recruitment) Regulations, the number of workers is prescribed as ten.

Clause (b). No radius has been prescribed but under section 15 (c) of the Master and Native Servants (Recruitment) Ordinance, the recruitment of persons for employment at a place within the district of recruitment and on daily rates of pay is exempted from the provisions of the Ordinance.

Clause (c). Recruiting operations for the engagement of personal and domestic servants are exempted from the provisions of the Ordinance under section 15 (a).

*Article 4.* The provisions of this Article are given effect by the limitation of all recruiting to the holders of recruiting licences containing the

requisite safeguards. Such licences are issued by the Labour Commissioner in close consultation with officers of the Provincial Administration. The Labour Board also acts in an advisory capacity to the Labour Commissioner in connection with the allocation of recruiting licences to the various employing interests.

*Article 5.* As a general practice the proportion of adult males who may be recruited from any district has been fixed at ten per cent. of the tax-paying population; this may be varied to some minor extent, depending upon the local conditions. The maximum number of persons who may be so recruited is stated in the relevant licence issued in respect of the district in question, and constant scrutiny of the recruitment figures is maintained by the labour officer under whose jurisdiction the area falls, to ensure that this quota is not exceeded.

*Article 6.* The provisions of this Article are fully implemented by section 9 of the Master and Native Servants (Recruitment) Ordinance. The recruitment of young persons under the age of 18 years is permitted subject to the consent of their parents and guardians and with the written permission of an administrative or labour officer, who must satisfy himself that the employment for which the young person is recruited conforms with the provisions of the Employment of Women and Young Persons Ordinance, No. 5 of 1950.

*Article 7, paragraph 2.* Every encouragement is given to recruited workers to be accompanied by their families and the Government issued an Administrative Instruction to this effect in February 1952. This instruction forms Appendix IV of the Labour Department Annual Report, 1952. In view of the circumstances prevailing, it has not been possible to fix any minimum distance in respect of the encouragement given by the authorities for family recruitment, but as a general practice recruited workers proceed beyond their own province for employment and every encouragement is given in such cases. The minimum duration of recruited employment can be said to be six months. Free housing and medical attention is provided by employers for workers' families, and in the larger employing concerns increasing attention is being given to the provision of other amenities and services of a social and educational nature. In the case of workers who are recruited for periods exceeding two years, free rations are provided to their wives and families in accordance with the prescribed scales. In other cases free rations are provided to those members of the worker's family who actually work. In many cases workers are given encouragement to cultivate small-holdings for the production of Native foodstuffs to supplement their rations.

*Article 8.* The provisions of the Article have been accepted as an aim of policy, but no regulations giving effect to these provisions have yet been enacted. In actual practice, many of the larger employers by preference only recruit workers of specific tribes, and in such cases the labour camps in which such workers reside at their place of employment are generally composed of workers of the same tribe.

*Article 11.* The licensing of professional recruiters and their subsequent operations are governed by the provisions of sections 3 and 4 of the Master and Native Servants (Recruitment) Ordinance.

*Article 12.* The provisions of this Article are incorporated in sections 3 and 4 of the Master and Native Servants (Recruitment) Ordinance and the definition of "private recruiter" is contained in section 2.

*Article 13.* The identification of a recruited worker is assured by the particulars required to be recorded on the standard form of written contract prescribed by the schedule to the Master and Native Servants (Written Contracts) Ordinance. Paragraph (7) of section 5 requires that any application made by the holder of the main licence, for the issue of "assistant recruiter" permits, shall contain particulars of the rate of remuneration to be paid to such agents. Under the provisions of sections 4 (2) and 5 (2) of the Master and Native Servants (Recruitment) Ordinance all licences and permits issued under the provisions of the Ordinance shall be valid for a period not exceeding one year unless previously cancelled or suspended by the competent authority.

*Article 15, paragraph 1.* The general provisions of this Article are given effect by the Master and Native Servants (Worker-Recruiter) Regulations, Government Notice No. 212 of 1946 enacted under the legislation in force at that time, which is now incorporated in section 16 (a) (iii) of the Recruitment Ordinance.

Paragraph 2. This provision has not been incorporated in the above Regulation but such practice is not known to exist.

*Article 16, paragraph 1.* This specific provision is not incorporated in the Recruitment Ordinance, since in practice all recruited workers, with the exception of those engaged by worker-recruiters, are recruited for periods in excess of six months' duration, and such contracts of employment under the provisions of section 3 (1) of the Master and Native Servants (Written Contracts) Ordinance are required to be in writing and accordingly to be attested before an administrative or labour officer under the procedure prescribed by section 6 (2) and (3) of this Ordinance.

Paragraph 2. In so far as recruits for employment within this territory are concerned the provisions of this paragraph are given effect by section 6 of the Written Contracts Ordinance (see 19 (1) (a)-(c), Cap. 79), and a similar protection is afforded to any workers recruited for employment outside the territory by the provisions of section 19 (1) of this Ordinance.

*Article 18, paragraph 1.* Section 8 (1) of the Written Contracts Ordinance requires every worker who enters into a written contract of service to be medically examined.

Paragraph 4. Section 12 (1) of the Recruitment Ordinance requires that the recruiter shall provide reasonable means of transport from the place of recruitment to the place of employment, and supply the necessaries for the welfare of recruits for the duration of such journeys. Accordingly it has not been found necessary to implement the provisions of this paragraph of the Article.



Competent authorities for the issue of recruiting licences are: for professional recruiters' licences: the Labour Commissioner; for private recruiters' licences: the Labour Commissioner where the licence authorises recruitment outside the district in which the recruited workers are to be employed, and the District Commissioner where the licence only authorises recruitment within the district in which the recruited workers are to be employed; for worker-recruiters' permits: the Labour Commissioner where the permit authorises recruitment of Natives for employment outside the province wherein they reside; the Provincial Commissioner where the permit authorises recruitment of Natives for employment within the province but outside the district in which they reside; and the District Commissioner where the permit only authorises recruitment within the district in which the recruited workers are to be employed.

The Convention is applied to the territory without modification, the provisions of the Convention being given effect by the Master and Native Servants (Recruitment) Ordinance No. 6 of 1946, which repealed earlier legislation which did not fully implement the Convention.

The tendency for indigenous workers spontaneously to present themselves at Forwarding Offices or other centres maintained by private recruiting agencies has continued. As a consequence of this the proportion of the labour force which may be said actually to have been recruited within the usual meaning of the term is steadily diminishing. For example, in mid-1953 there were approximately 448,000 indigenous workers in employment. During that year a total of some 32,000 were recruited, but of these 20,000 spontaneously offered themselves for employment under contract. The number of those recruited by professional recruiters was approximately 3,000, which number represents less than 0.7 per cent. of the employed indigenous labour force. The proportion of the labour force recruited by the private recruiting organisations was 7 per cent., of whom nearly 5 per cent. spontaneously offered themselves for employment.

The progress made in connection with the stated policy of reducing recruitment to a minimum and progressively abolishing professional recruitment is borne out by the increasing number of volunteers who availed themselves of the labour-forwarding facilities during the calendar year 1953.

As at 30 June 1954, only three professional recruiters who continue to provide a genuine service to the smaller employing concerns were operating in the territory.

The greater proportion of private recruitment continues to be carried out by the Labour Bureau of the Tanganyika Sisal Growers' Association and the Northern Province Labour Utilisation Board, which recruits on behalf of its members, the majority of whom are small employers engaged in the production of essential foodstuffs.

The activities of these private recruiting agencies confirm the view that properly staffed and equipped organisations of this nature ensure that proper care and attention is afforded to workers travelling long distances to and from centres of employment.

No representations have been received from any organisation of either employers or workers.

## Uganda.

Uganda Employment Ordinance, 1951 (Cap. 83 of the Revised Laws of Uganda).

*Article 1 of the Convention.* The provisions of the Convention are applied in Uganda by Part 5 of the above-mentioned Ordinance.

*Article 2.* Section 2 of the Ordinance defines recruiting as in this Article. The term "indigenous workers" is not expressly defined in the Uganda Employment Ordinance.

*Article 3.* Provisos (a), (b) and (c) to the definition of "recruiting" in section 2 of the Ordinance give effect to the exemptions permitted by this Article. In terms of those provisos the Labour Commissioner has prescribed (a) that the number shall be ten employees who can be engaged under operations undertaken by or on behalf of employers, and (b) that the radius from the place of employment shall be ten miles in certain specified areas which are sparsely populated, five miles in other specified areas and two miles in named areas of dense population.

*Article 4.* Section 39 of the Ordinance provides that "No person shall engage in recruiting unless he is in possession of a valid recruiting permit issued by the Labour Commissioner or is a recruiter's agent duly approved by an authorised officer" and section 40 provides that "The Governor may by notice in the *Gazette* prohibit recruiting in any district, or other area of the Protectorate. No person shall recruit in any place or area other than such places or areas as may be specified by the Labour Commissioner by notice in the *Gazette*."

Compliance with the provisions of clauses (b) and (c) is secured by section 45 of the Ordinance. Before granting a recruiting permit in any area the Labour Commissioner, usually with the advice of the District Commissioner, considers the possible effect of the withdrawal of adult males on the social life of the population.

*Article 5.* Section 45 of the Ordinance provides full safeguards in the sense of this Article. The Labour Commissioner consults District Commissioners regarding the suitability of recruiting in their districts.

*Article 6.* Section 47 of the Ordinance provides that no juvenile may be recruited. A "juvenile" is defined in section 2 of the Ordinance as a person under the apparent age of 16. Advantage has not been taken of the proviso to this Article.

*Article 7.* (a) Section 46 (1) of the Ordinance provides that "the recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family".

(b) Section 46 (2) of the Ordinance provides that "except at the express requests of the persons concerned recruits shall not be separated from wives and minor children who have been authorised by an authorised officer to accompany them to, and remain with them at, the place of employment".

(c) Section 46 (3) of the Ordinance provides that "an authorisation to accompany a recruit shall, in default of agreement to the contrary before the departure of the recruit from the place

of recruiting, be deemed to be an authorisation to remain with him for the full duration of his term of service”.

(d) Uganda's two largest sugar estates are permitted to recruit married men to be accompanied by their families, provided that they undertake to house them in accommodation approved by a labour officer and to provide rations according to the second schedule to the Uganda Employment Ordinance. Family recruiting, up to the present, has been confined to agricultural employment. Some employers, wishing to stabilise their labour, are keen to obtain permission for family recruiting, in spite of the expense that this involves. No regulation has been made prescribing the minimum distance from the home of the workers or the minimum duration of employment.

*Article 10.* Section 44 of the Ordinance secures the provisions of this Article. District Commissioners and their staffs ensure the application of the provisions.

*Articles 11 and 12.* Sections 39 and 42 of the Ordinance secure the provisions of these Articles.

*Article 13.* Section 41 of the Ordinance is in almost identical terms to this Article.

(a) Rule 5 of the Uganda Employment Rules provides that “prior to the issue of a recruiting permit, the Labour Commissioner may require the applicant to deposit as security a sum not exceeding 2,000 shillings or to execute a bond with one surety, to the satisfaction of the Labour Commissioner, for a sum not exceeding 2,000 shillings in the Form E in the Fourth Schedule hereto”.

(b) It is not customary for recruiters to be paid according to the number of workers recruited. No maximum rate per head has been prescribed, but should it be found necessary to do so section 41 (3) makes provision for this to be done.

(c) The validity of recruiting permits has been limited to a maximum of one year by rule 11 of the Employment Rules.

Under Section 41 (6) of the Ordinance the Labour Commissioner is entitled to “(a) cancel any recruiting permit if the recruiter fails to observe the conditions thereof or has been convicted of an offence or is guilty of any misconduct which in the opinion of the Labour Commissioner unfits him to conduct recruiting operations; and (b) suspend any recruiting permit pending the result of any inquiry into the conduct of the recruiter”.

*Article 14.* Section 42 of the Ordinance fully provides for the provisions of this Article.

*Article 15.* Section 43 of the Ordinance secures the provisions of this Article. Worker-recruiters must be in possession of Labour Department Form No. L.D.14 (two copies are appended). Section (c) of the form allows the recruiter to recruit only within the area specified. Section (i) of the form requires the recruiter to report to the District Commissioner and the chief of the area in which he is to recruit prior to commencing recruiting.

*Article 16.* Section 48 (1) and (2) secures the provisions of this Article.

*Article 17.* Section 41 (1) (d) of the Ordinance empowers the Labour Commissioner to “require the applicant for a recruiting permit to issue to

each recruit, who is not engaged at or near the place of recruiting, a document in writing containing particulars of identity, prospective conditions of employment and any advances of wages made to the recruit and such other particulars as he may deem necessary”. So far it has not been found necessary to implement this section.

*Article 18.* Application of this Article is provided by section 49 and by rule 16 of the rules made under the Ordinance.

*Article 19.* Section 51 empowers the Governor to make rules to cover the provisions of this Article. No rules have been made because in practice, unless an employer is prepared to provide proper transport and for the general welfare of the recruits on the journey as mentioned in Article 19, he is not permitted to recruit. The activities of recruiters are closely supervised by labour officers and Administrative Officers.

*Article 20.* The provisions of section 52 secure this Article.

*Article 21* is secured by section 53 of the Ordinance.

*Article 22.* Section 14 (2) of the Ordinance provides that no advance in excess of one month's wages shall be recoverable in a court of law.

*Article 23* is secured by section 54 of the Ordinance.

*Article 24.* Section 48 (3) of the Ordinance provides that “No person shall be recruited for employment within or outside the Protectorate except upon the terms of a contract in writing executed by the employer or his authorised agent and the said person in the presence of and approved by a magistrate or an authorised officer. Where the employment is to be outside or partly outside the Protectorate such contract shall be a foreign contract of service.” (Two copies are appended.)

The provisos to section 48 (3) exempt (a) the crews of vessels plying between ports inside and outside the Protectorate, and (b) employees of the East African High Commission.

There are very few cases of employers wishing to recruit workers for duty outside the Protectorate. Before permitting workers to be taken outside the Protectorate, the Uganda Labour Department satisfies itself that the conditions offered by the employer in the territory of destination are satisfactory. This is usually done by contacting the Labour Department in the territory of destination before attesting the Foreign Contract of Service.

The Administrative Officers and the police notify the Labour Commissioner of any irregularities that they discover.

No decisions have been given by the courts involving questions of principle relating to the application of the Convention.

No practical difficulties have been encountered in applying the Convention and there is no reason to believe that any serious contraventions of the law concerning recruiting have occurred.

#### *Zanzibar.*

Labour Decree No. 10 of 1952.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 52. Holidays with Pay Convention, 1936

*This Convention came into force on 22 September 1939*

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*Denmark.* Ratification: 22 June 1939. Not applicable: Greenland. No declaration on application: Faroe Islands.

*France.* Ratification: 23 August 1939. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*New Zealand.* Ratification: 10 November 1950. Not applicable to all New Zealand non-metropolitan territories.

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*Denmark.*

*Faroe Islands.*

The Government indicates that the Convention is at present inapplicable to the Faroe Islands and states that it will later supply the reasons why this is so.

*Greenland.*

The Government points out that this Convention is inapplicable to Greenland. Persons sent out from Denmark to work in Greenland and persons employed by public authorities in Greenland are guaranteed a paid vacation, but no regulations exist relating to holidays for workers or employees engaged by private employers in Greenland.

*France.*

*Algeria.*

The regulations concerning annual holidays with pay have become deeply rooted in the custom of the country. In the rare cases where it has been reported that workers did not take their annual holidays, this was done of their own accord, holidays being forgone voluntarily in order to increase wages by the amount of compensation granted. There are frequent requests to carry over the holiday from one year to the next; this system is favoured by the employers whereas accumulation of holidays in advance is only authorised in exceptional cases. The regulations concerning annual holidays with pay cover 248,759 adults and 27,389 children. During the period under review 568 infringements were reported; proceedings were instituted in 140 cases.

*French Equatorial Africa.*

General Order of 26 December 1953 to prescribe the transitional arrangements for the grant of leave.

In application of the provisions of section 132 of the Overseas Labour Code a general order was made on 26 December 1953 prescribing the transitional arrangements for the grant of leave and travelling expenses to workers already in service in French Equatorial Africa at the date when the Act of 15 December 1952 came into application.

*French Guiana.*

Labour Code, Title I, Book II, Chapter IV *ter*. Decree of 1 August 1946.

The report analyses the main provisions of metropolitan legislation and states that no difficulties have been encountered in applying them in the territory.

*French Settlements in Oceania.*

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 provisions of Title V, Chapter V of the Overseas Labour Code grant to workers benefits which are higher than those provided for in the Convention.

Effect is now being given to the provisions of the Labour Code; at the same time, leave accrued since the date of promulgation of the Code is being granted. These measures have resulted in a number of disputes in individual cases which have been settled either through the trade union representatives or through the labour inspection service.

*French West Africa.*

General Order of 3 September 1953, to establish temporary measures regarding holidays with pay and reimbursement of cost of displacement for workers in French West Africa.

Workers are entitled to holidays with pay equal to five, one-and-a-half or one working day for each month of service according to whether they regularly reside outside the Federation, in a territory of French West Africa other than the territory in which they are employed, or within the territory of employment.

The period of effective service entitling to holidays is fixed respectively at two years, 18 months and one year in respect of the three cases above.

The Order of 3 September 1953, prescribing an "employer's register", complies with the provisions of Article 7 of the Convention concerning the keeping of a record showing the duration of the annual holiday with pay and the remuneration received in respect thereof.

*Morocco.*

It is prohibited for employers to employ a worker during his holidays; such an employer would be liable to a fine and, in certain cases, damages. A wage earner who carries out remunerated work during his holidays with pay is liable to a fine and damages may be sought against him before the courts.

In 1953, 154 reports were made relating to 1,066 contraventions to the holidays with pay legislation; the number of contraventions corresponds with the number of persons in respect of whom the legislation was infringed.

*St. Pierre and Miquelon.*

Local Order of 14 May 1954.

The above-mentioned Order provides for provisional measures respecting the grant of holidays and transportation to workers employed within the territory of the Islands of St. Pierre and Miquelon, as from the date of application of the Act of 15 December 1952.

*Togoland.*

Order of 24 September 1953 to apply sections 121-125 of the Act of 15 December 1952.

During the period under review the Inspectorate of Labour and Social Legislation has frequently had to intervene to ensure that employers pay the compensation in lieu of holidays awarded when workers are dismissed.

Annual holidays are not yet a fully established social custom. Almost all workers prefer to carry their holiday entitlement over for a period of two or three years and so obtain a longer though less frequent holiday. Many workers, who prefer to receive compensation in lieu of holidays, apply for long leave of absence without pay in order to attend to their family responsibilities.

The Inspectorate of Labour and Social Legislation ensures that the award of compensation in lieu of holidays is restricted to cases of dismissal, and insists that employers should arrange for their workers to have a holiday each year by

drawing up holiday rosters. These rosters are prepared in the light of industrial requirements and the preferences of the individual workers.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 9 of 5 April 1954.

Decree No. 268 of 23 March 1938.

The principles laid down in the Convention are applied in Somaliland to all Somali staff employed in the public administration, under the above-mentioned Ordinance, and to Italians employed by the public administration or private enterprises under Decree No. 268, which was issued by the Governor-General of what was formerly Italian East Africa. This Decree is still in force under the terms of Ordinance No. 5 of 12 April 1950 concerning the recognition of the statutory instruments in force in Somaliland on 31 March 1950.

*New Zealand.*

*Cook Islands.*

It is considered that the application of this Convention would not be warranted as the only substantial body of wage earners are employed by the Administration and may be exempted under the terms of this Convention.

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 53. Officers' Competency Certificates Convention, 1936

*This Convention came into force on 29 March 1939*

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*Belgium.* Ratification: 11 April 1938. Decision on application to non-metropolitan territories reserved.

*Denmark.* Ratification: 13 July 1938. Applicable without modification: Faroe Islands. Not applicable: Greenland.

*France.* Ratification: 19 June 1947. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*New Zealand.* Ratification: 29 March 1938. No declaration on application.

*United States.* Ratification: 29 October 1938. Applicable without modification: Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Decision reserved: Panama Canal Zone. No declaration on application: Territories of the Pacific under Trusteeship.

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*Denmark.*

*Faroe Islands.*

Nautical Education Act, No. 48 of 28 February 1916. Act No. 78 of 19 March 1930 respecting engineers' certificates, etc.

Act No. 8 of 19 March 1954 respecting nautical education.

Act No. 31 of 22 October 1954 respecting the manning of Faroese vessels.

The above-mentioned legislation applies to the Faroe Islands.

*Greenland.*

The Government points out that the Convention is inapplicable to Greenland since no vessels of more than 200 tons are registered in the territory.

*France.*

*French Equatorial Africa.*

See under Convention No. 55.

*French Settlements in Oceania.*

Order of 27 April 1954 to modify the conditions required to obtain a certificate of competency for the operation of engines of less than 300 h.p.

The Order of 27 April 1954 fixes at 20 years the age at which a candidate may take the examination for the operation of engines of less than 300 h.p.; certificates are granted to persons who are over 24 years of age and have had four years of actual service on board ship in the engine-room department, or two years in the engine-room department plus two years in a workshop for mechanical repairs. During the year under review the following certificates were issued: master in distant trade, three; chief petty officer in distant trade, one; chief petty officer in in-shore coastal trade, one. Two certificates of competency for the operation of engines of 300 h.p. were also issued.

*Togoland.*

See under Convention No. 8.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Mercantile Marine Code for Tripolitania and Cyrenaica. Royal Decree No. 902 of 22 May 1913, extended to Somaliland by Royal Legislative Decree No. 1019 of 1 June 1936.

Ordinance No. 6 of 6 March 1954.

Decree No. 42 of 10 May 1954.

The subject matter of the Convention is still covered by the Mercantile Marine Code for Tripolitania and Cyrenaica, approved by the above-mentioned Royal Decree. Pending the issue of a new code, the Administration had recognised the need to supplement and amend the existing regulations by new ones more appropriate to the present political and administrative machinery in Somaliland, and to the conditions actually obtaining in the local merchant marine. Consequently Ordinance No. 6 mentioned above, concerning occupational certificates for seafarers, was issued on 6 March 1954, followed by Decree No. 42 of

10 May 1954 which established the procedure for and subjects of examination for seafarers' certificates of competency.

The port authorities are responsible for the enforcement of these provisions.

As the above ordinance and decree came into force originally in April and June of last year respectively, no statistics or reports on their practical application have yet been supplied. No workers' organisations or employers have sent in any comments on the practical application of these provisions.

The Government is not aware of any decisions by courts of law concerning questions of principle relating to the application of the Convention.

*Cook Islands.*

The Convention is inapplicable to the Cook Islands but the position will be reconsidered if ports of registry are established in the territory.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

*United States.*

*Trust Territory of the Pacific Islands.*

The United States Government is examining the possibility of the eventual application of this Convention to the above-mentioned territory.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

*This Convention came into force on 29 October 1939*

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*Belgium.* Ratification: 11 April 1938. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 19 June 1947. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*United States.* Ratification: 29 October 1938. Applicable without modification: Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Decision reserved: Panama Canal Zone. No declaration on application: Territories of the Pacific under Trusteeship.

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*France.*

*Cameroons.*

The majority of shipping companies are represented by important agencies in Douala which undertake the charge of treating and repatriating sick and discharged seamen under the supervision of the Shipping Registration Service.

*French Equatorial Africa.*

Act of 13 December 1926 to promulgate the Seamen's Code.

Decree of 17 June 1935 and 7 May 1952 to determine the régime of seamen's insurance.

The local regulations concerning the obligations of employers in the case of sickness, accident or death also apply to seafarers. The orders made in virtue of the provisions of sections 133 and 134 of the Overseas Labour Code, relating to hygiene, safety and the medical service, will shortly be published.

*French Settlements in Oceania.*

Sections 79 to 86 of the Act of 13 December 1926 to issue a Seamen's Code.

The assistance granted comprises medical care and surgical and hospital treatment; the shipowner is not responsible for supplying surgical appliances. There is no compulsory sickness

insurance system which would make it possible for the shipowner to avoid discharging his liabilities. All seamen are affiliated to the National Provident Fund which is responsible for granting benefits upon the expiration of a period of 16 weeks during which the shipowner is responsible. The shipowner is required to pay the wages in full of seamen both on board and ashore. The total amount of funeral expenses (lowest rate) is borne by the shipowner. All seamen without distinction enjoy equality of treatment.

*Togoland.*

See under Convention No. 8.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 27 of 23 December 1951 concerning insurance against industrial accidents.  
Ordinance No. 18 of 18 July 1950.  
Decree No. 155 of 28 December 1951.

In view of the small size of the Somali merchant marine, which consists of a few ships of small tonnage and some sailing vessels, the application of this Convention is considered unnecessary. Seamen who are victims of accidents are covered by Ordinance No. 27 of 23 December 1951 concerning insurance against industrial accidents which applies to all workers. Sickness insurance exists in Somaliland under the terms of Ordinance

No. 18 of 18 July 1950, and Decree No. 155 of 28 December 1951, but for Italian workers only. The authorities responsible for the enforcement of the above provisions are the Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications), and more particularly the Central Inspectorate of Labour, its regional branch offices, and the port authorities.

During the period under consideration the inspections made by the supervisory authorities did not reveal any breach of the provisions mentioned above. No workers' organisations or employers have sent in any comments on the practical application of the provisions under consideration.

The Government is not aware of any decisions by courts of law concerning questions of principle relating to the application of the Convention.

*United States.*

*American Samoa, Trust Territory of the Pacific Islands.*

The Government is examining the possibility of the eventual application of this Convention to Samoa and the Trust Territory of the Pacific Islands.

The reports concerning other territories reproduce or refer to the information previously supplied.

## 56. Sickness Insurance (Sea) Convention, 1936

*This Convention came into force on 9 December 1949*

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*Belgium.* Ratification: 3 August 1949. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 9 December 1948. No declaration on application.

*United Kingdom.* Ratification: 30 September 1944. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

Not applicable: Basutoland, Bechuanaland, Gambia, Nyasaland, Northern Rhodesia, St. Helena, Swaziland, Uganda.

No declaration on application: Southern Rhodesia.  
Decision on application reserved for all other British non-metropolitan territories.

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

*France.*

*Cameroons.*

Certain shipowners voluntarily apply the provisions of the Metropolitan Seamen's Code to indigenous seamen. Consequently, shipowners undertake the full charge of seamen falling sick or injured while on board and are responsible for the cost of treatment and wages for a period of four months.

*French Equatorial Africa.*

See under Convention No. 55.

*French Settlements in Oceania.*

Fishermen in all the islands and seamen engaged on cutters which do not trade in ports in Papeete are not affiliated to the insurance fund.

The insured person is entitled to one-half of his remuneration as from the fourth day after the illness has been reported and in all cases for a period of six months, except in the case of an industrial accident when he is entitled to two-thirds of his remuneration.

The insured person contributes 20 per cent. towards benefits, except as regards industrial accidents.

Insurance benefits are granted for an unlimited period after the termination of the last contract, provided the insured person has paid contributions for 50 out of 90 or for 200 out of 365 days before the illness.

The total number of seafarers who are covered by compulsory insurance is approximately 1,200.

During the period under review, a total of 648,983 francs (Pacific rate) was paid out in cash

benefits in cases of incapacity for work. The average amount of benefits for each insured person was 2,163 francs. The total amount of benefits in kind was 35,136 francs.

The total resources amounted to 1,514,507 francs of which 1,009,672 francs were derived from employers' contributions and 504,835 francs from insured persons. No contributions were received from the public authorities.

#### *New Caledonia.*

In 1953, 1,767,420 francs were paid out in benefits to seamen and their families.

#### *Togoland.*

See under Convention No. 8.

#### *United Kingdom.*

##### *Aden.*

The Government states that no legislation has been enacted applying this Convention.

##### *Bahamas.*

The Convention has not been applied. Only a very few seamen are not self-employed. Most shipping in the Bahamas is engaged in fishing and trading on inter-island routes, with a small number of vessels using the comparatively short sea routes between Nassau, the United States mainland, Haiti, Cuba and Jamaica. The question of sickness insurance has never arisen and is unlikely to arise in the foreseeable future.

##### *Barbados.*

The Convention is not applied; its application would involve difficulties of administration for which no practical solution has yet been found. The small number of vessels of Barbadian registry rarely, if ever, call at Barbados; contributions would be difficult to collect; wage rates are low and not standardised; there is intermittent employment among the seamen who would be concerned; the absence of vessels for substantial periods would create difficulties and seamen would be unwilling to contribute to an insurance fund unless the benefits were substantial. Examination of the possibility of instituting a general social security scheme is to be undertaken by an expert.

##### *Bermuda.*

No legislative or administrative regulations apply the Convention but, should the Social Security (Sickness and Workmen's Accident Benefit) Act, 1949, be brought into operation, its provisions would apply to seafarers as to other wage earners, except certain specified categories. The nine steamships of local registry rarely, if ever, call at Bermuda, whilst seamen going to Bermuda in vessels other than of Bermudian registry are subject to the insurance legislation and regulations of their respective countries of registry.

##### *British Guiana.*

Decision on the application of the Convention had previously been reserved and existing cir-

cumstances do not admit any deviation from this decision.

See also under Convention No. 2, paragraph 2 ff.

##### *British Honduras.*

This Convention cannot be applied to British Honduras in its present undeveloped state.

##### *British Somaliland.*

No vessels of any kind are registered in the territory and this Convention therefore does not apply.

##### *Brunei.*

No legislation has been passed to give effect to the Convention.

The difficulty of introducing insurance in a thinly populated country with relatively widely dispersed population and inadequate communications has already been stressed in reports on other Conventions concerning insurance.

Shipping is mostly native craft and a few coastal ships of small tonnage; the Convention has little practical application.

No advisory board, as such, has examined the possibility of applying the Convention.

##### *Cyprus.*

There is no legislation by which the Convention is applied to Cyprus. In actual practice, Cypriot seamen employed by British ships registered in the United Kingdom enjoy the same benefits as seamen resident in the United Kingdom, while Cypriot seamen signing on foreign vessels have the benefits such foreign governments allow to their own nationals.

The general question of sickness insurance is related to a comprehensive social insurance scheme which the Government is considering with the assistance of an adviser from the United Kingdom Ministry of National Insurance. Preparatory work has reached an advanced stage but no decisions have yet been taken.

##### *Dominica.*

There is no need for legislation to enforce the terms of the Convention in Dominica. Very few vessels engaged in maritime navigation are registered in the territory, and these are all within the 10- to 20-ton class of sloop. Sea-fishing is undertaken by teams of two or three men in open boats between 8 and 16 feet long, the catch being divided equally between the fishermen concerned and the boat owner.

##### *Falkland Islands.*

See under Convention No. 2.

##### *Fiji.*

There are approximately 400 persons, including masters and engineers of vessels, employed as seamen in the inter-insular trade of the colony and the majority are Fijians. It is estimated that about 50 per cent. of the number are regular seamen. Incapacity caused by accidents arising out of and in the course of an employment is

covered by the Workmen's Compensation Ordinance (Cap. 81). Free medical and hospital treatment is provided for Fijians and Indians who have resided in the colony for three years or more. Indian out-patients pay 6d. per bottle for medicine. There is at present no scheme for compulsory sickness insurance for the workers as a whole and there is no evidence of greater need among seamen than among other categories of workers.

#### *Gibraltar.*

There is no legislation applying the Convention. Seamen engaged on locally registered ships may obtain medical treatment, including hospital treatment, through the Government medical services; such treatment may be given free or at a reduced charge if the persons concerned are without means to pay normal charges. The majority of seamen engaged on locally registered ships are granted paid sick leave by their employers.

#### *Gilbert and Ellice Islands.*

All colony Natives are entitled to free medical attention. The Workmen's Compensation Ordinance (No. 6 of 1949) applies to seamen, and the Government is equally liable with a private employer. To that extent the Convention is applicable but there is no sickness insurance scheme for seamen, as such.

#### *Gold Coast.*

The Convention has not been applied in the Gold Coast since no ships are yet registered in the territory.

#### *Grenada.*

There is no Government sponsored insurance scheme for seamen. It has not been practicable to institute such a scheme at this stage of the territory's development.

#### *Hong Kong.*

There are neither legislation nor administrative regulations to give effect to this Convention in Hong Kong. The Convention has not been applied in the colony. It would be virtually impossible to implement such a scheme in Hong Kong. Asiatic seamen, the majority of whom are non-residents and are natives of China, are recruited locally for ships of several countries and their engagements are sanctioned by the respective consuls for these countries. Under these conditions the difficulties in the collection of contributions would be vast. A number of employers, however, provide free medical advice and attention for sick employees and pay their salary or wages during sickness. It must also be stated that free hospitals are provided by the Government and by private institutions subsidised by the Government for those who are found unable to pay.

#### *Jamaica.*

The provisions of the Convention have not been applied by legislation or administrative regulations.

#### *Kenya.*

There is no legislation or administrative provision in Kenya, as yet, to provide compulsory sickness insurance for seamen.

Seamen engaged on vessels visiting Kenya, but which are registered in the United Kingdom or other maritime countries, are covered by such sickness insurance schemes as pertain in those countries. There are, however, no large seagoing merchant or fishing vessels registered in Kenya so far.

The only vessels registered in Kenya are native vessels and some Arab dhows which ply in the Indian Ocean. The East African Railways and Harbours Administration, which is one of the East African High Commission services common to the East African territories, also operates tug boats at the colony's port of Mombasa and lake steamers from the port of Kisumu on Lake Victoria. The crews of these vessels are employed under conditions common to government servants and are adequately safeguarded for the purposes of this Convention. The crews of native vessels are mainly members of the same family.

For the reasons indicated in the Kenya Government's report on Convention No. 24, concerning sickness insurance in industry, it is still premature for this colony at its present stage of development to provide compulsory sickness insurance schemes on a large scale.

#### *Leeward Islands.*

No legislation has been enacted in this territory to give effect to the provisions of the Convention.

See also under Conventions Nos. 2 and 35.

#### *Malta.*

The Government indicates that decision on the Convention is reserved. Financial stringency has prevented the Government from applying even partially the terms of the Convention.

#### *Mauritius.*

No legislation has been enacted applying the Convention.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

Workmen's Compensation Ordinance, Cap. 234 of the Laws of Nigeria (Revised 1948).

The report states that, no seagoing vessels having been at present registered in Nigeria, the application in full of the Convention is not at the moment necessary.

Seamen, as workers within the definition laid down in section 2 of the Labour Code Ordinance, are legally entitled to be paid wages during absence through temporary illness up to a maximum of seven days in any period of six months under section 35 (3) of the Ordinance. Under the Workmen's Compensation Ordinance, seamen are also entitled to periodical payments within the limits prescribed in the Ordinance in consequence of absences from work until they are fit again to resume work or until an assessment can be made of the degree of their permanent or partial total



incapacity. In addition they are entitled to the benefit of free medical and surgical treatment.

No court decisions have been made regarding the application of the Convention and no observations have been received from the organisations of employers or workers concerned.

#### *North Borneo.*

The Government reaffirms that decision has been reserved on the application of this Convention.

No legislation exists applying the terms of this Convention.

#### *Nyasaland.*

The Convention applies only to masters and members of the crew of vessels engaged in maritime navigation or sea fishing; it is not therefore applicable to Nyasaland.

#### *St. Helena.*

The Government states that as there are no ships registered in the colony there is nothing to report.

#### *St. Lucia.*

It has not been possible to implement this Convention in the territory, in view of the present state of social development.

#### *St. Vincent.*

No compulsory sickness insurance schemes are practicable at this stage of the territory's social and economic development. There are very few vessels locally registered and all of these are under 100 tons.

#### *Sarawak.*

The question of the partial application of this Convention will be considered.

#### *Seychelles.*

Order in Council of 25 July 1927.  
Local Trading Vessels Ordinance No. 2 of 1951.

Compulsory sickness insurance as such has not been applied in the Seychelles. The Merchant Shipping Act which has been applied to Seychelles (with certain reservations) by Order in Council of 25 July 1927, published under Governor's Order No. 131 of 1927, and the Local Trading Vessels Ordinance, 1951 (Ordinance No. 2 of 1951) which extends the provisions of the Merchant Shipping Act to vessels of 30 tons net register and over, registered in the colony, provides for free medical attendance and maintenance expenses to seamen in the case of injury or illness. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he is not entitled to wages for the time during which he is by reason of the illness incapable of performing his duty. It also provides that where the service of a seaman terminates before the date contemplated in the agreement because of his unfitness or inability to proceed on the voyage, he shall be entitled, in respect of each day on which he is in fact unem-

ployed, during a period of two months from the date of termination of service, to receive wages at the rate to which he was entitled at the date.

*Article 1 of the Convention.* Although sickness insurance has not been made compulsory, medical facilities, free treatment and maintenance expenses are provided by the Merchant Shipping Act and the Local Trading Vessels Ordinance, 1951.

*Article 2.* Cash benefit has not been applied. In the event of death of a seaman before expiration of agreement the wages and effects accruing to the seaman are handed over to the Superintendent of Mercantile Marine for delivery to the legal personal representative of the deceased.

*Article 3.* See under Article 1 above. In the case where a seaman is by reason of illness incapable of performing his duty and it is proved that the illness has been caused by his own wilful act or default he is not entitled to wages and free medical treatment for the time during which he is by reason of the illness incapable of performing his duty.

*Articles 4, 5 and 6.* These Articles do not apply.

*Article 7.* This Article does not apply. See under Article 1 above. In the event of termination of agreement before the date contemplated, through unfitness or inability to proceed on the voyage, a seaman is entitled to two months' wages from the date of termination of service.

*Article 8.* This Article does not apply. There is no sickness insurance scheme in force.

*Article 9.* This Article does not apply. The application of the provisions of the Merchant Shipping Act and the Local Trading Vessels Ordinance is the responsibility of the Port Officer.

*Article 10.* This Article does not apply. Proceedings for recovery of wages may be instituted in the Supreme Court in the form of civil action.

No court of law or other court has given decision involving the question of principle relating to the application of the Convention.

Sickness insurance has not been applied, but compulsory medical facilities and free treatment have been provided.

#### *Singapore.*

The Government considers that the provisions of this Convention cannot, at present, be applied in Singapore.

#### *Solomon Islands.*

The report states that the Protectorate has no legal provisions dealing with this matter and that in the present stage of development they are not required.

Practically all those employed as masters and members of the crews of vessels are indigenous workers who are under no strong economic necessity to work for wages. Indigenous seamen who become ill, however, are treated and main-

tained at the employer's expense and their wages remain payable during sickness until such time as contracts are terminated by mutual agreement. On termination, the ex-worker is treated and maintained in hospital, free of charge.

### *Tanganyika.*

Master and Native Servants Ordinance (Chapter 78 of the Revised Edition of the Laws).  
 Workmen's Compensation Ordinance No. 43 of 1948 (Chapter 263 of the Revised Edition of the Laws).  
 Workmen's Compensation Regulations (Government Notice No. 110 of 1949), as amended, by the Workmen's Compensation (Amendment) (Regulations) 1951 (Government Notice No. 332 of 1951).  
 Workmen's Compensation (Rules of Court) Rules 1949 (Government Notice No. 80 of 1949).  
 Master and Native Servants (Medical Care) Regulations, 1947 (Chapter 78 of the Revised Edition of the Laws).

*Article 1 of the Convention.* This Article is not applied.

*Article 2.* This Article is not applied.

Section 28 (1) of the Workmen's Compensation Ordinance applies the provisions of the Ordinance to masters, seamen and apprentices to service at sea, provided that such persons are workmen within the meaning of the Ordinance, but excludes members of the crew of fishing vessels who are remunerated either wholly or mainly by shares in the profits of the working of the vessel in which they are so employed (section 28 (2)).

Section 9 of the Workmen's Compensation Ordinance requires employers to pay compensation in respect of periods of temporary incapacity arising out of injuries sustained by workers in the course of their employment, and periods of incapacity due to occupational diseases are equally covered by the provisions of this section.

The rate of compensation prescribed by section 9 of the Workmen's Compensation Ordinance for cases of temporary incapacity is as follows: half the difference between the workman's monthly earnings at the time of the accident and his monthly earnings after the accident, payable at monthly intervals subject to a maximum payment of 320 shillings per month for a total period not exceeding 96 months in duration.

An employer may be exempted from liability for compensation in respect of incapacity caused by the wilful misconduct of the workman under the provisions of section 5 of the Ordinance.

*Article 3.* This Article is not applied.

Free medical treatment is provided for the indigenous population by a system of government hospitals and dispensaries which has been established and maintained throughout the Territory.

Since "boatman" and "sailor" are specifically included in the definition of "servant" contained in section 2 of the principal Ordinance, the following existing legislation is relevant in connection with the provisions of this Article:

(1) The Master and Native Servants (Medical Care) Regulations, 1947. These regulations impose a legal obligation upon employers to provide free medical care for their African employees. If it should be necessary for such employee to be admitted to a government hospital, nominal

charges are made, for which the employer is responsible, for the first 14 days, after which further treatment is provided free.

(2) The Workmen's Compensation Ordinance, 1948. This legislation is applicable to all workers, including those in the sea service irrespective of race, subject to the provisos contained in section 2 thereof.

Under the provisions of sections 15 and 32 of the Workmen's Compensation Ordinance, employers are required to provide for medical examination and treatment, including specialist treatment, for workers who sustain injury arising out of their employment, or who contract any of the occupational diseases contained in the third schedule to the Ordinance.

The scale of fees and charges in respect of such medical aid, and which are borne by the employer, are contained in the second schedule to the Workmen's Compensation Regulations, 1948, as amended by the Workmen's Compensation (Amendment) Regulations, 1951.

*Article 4.* This is not applicable.

*Article 5.* This is not applicable.

*Article 6.* This is not applied.

The dependants of a government employee are provided for by the existing conditions of service which, in the case of a pensionable employee who may die, allow for the payment of a gratuity to such dependants; the amount whereof shall not exceed one year's personal emoluments.

Similar provision exists for the dependants of a non-pensionable employee, the amount of the gratuity payable on the death of such employee to be an amount equal to a minimum of 20 shillings for each completed year's service up to a maximum of half a month's salary for each completed year of service.

In the case of non-pensionable government employees, 15 years' completed service is necessary to qualify for such benefits, but a proposed amendment to the existing conditions of service will reduce the qualifying period to seven years.

Where the death of a worker results from an injury arising out of and during the course of his employment, or from an occupational disease, section 6 of the Workmen's Compensation Ordinance provides that where the deceased workman leaves any dependants wholly dependent upon his earnings, the amount of compensation for which the employer shall be liable shall be a sum equal to 36 months' earnings or 14,000 shillings whichever is the less.

Where the dependants were not wholly dependent on the earnings of the deceased workman, the amount of compensation shall be determined by the court as to be reasonable and proportionate to the injury to such dependants.

*Article 7.* This is not applied.

The provisions of the Workmen's Compensation Ordinance relating to the payment of compensation in cases of occupational diseases are applicable, provided that the disease causing disablement or death was contracted within the 24 months preceding such disablement or death (section 35 (1)), and the employer who last employed the workman during such period shall be liable

for compensation unless he proves that the disease was not contracted while the workman was in his employment (section 36 (1)).

*Article 8.* This is not applicable.

*Article 9.* This is not applicable.

*Article 10.* This is not applicable.

Payment of compensation under the provisions of the Workmen's Compensation Ordinance may be the subject of an agreement between employer and workmen in accordance with section 16 of the Ordinance, or may be the subject of court action in accordance with the Workmen's Compensation (Rules of Court) Rules, 1949.

Section 22 of the Workmen's Compensation Ordinance contains provisions for appeal to the High Court from any order of the court relating to compensation.

*Article 11.* This is not applied.

Section 16 of the Workmen's Compensation Ordinance permits an employer and workman to agree in writing as to compensation to be paid by the employer, provided that—

(a) such agreement shall be approved by the Labour Commissioner or a person appointed by him in writing in that behalf;

(b) the compensation agreed upon shall not be less than the amount payable under the provisions of the Ordinance;

(c) in cases where the workman is unable to read or understand the language in which the agreement is expressed, such agreement shall be read over and explained to the workman by a District Commissioner or labour officer or a person appointed by the Labour Commissioner in writing in that behalf.

A decision as to the application of the provisions of the Convention to this territory was reserved by Her Majesty's Government when ratifying the Convention on 30 September 1944.

As yet, it is considered inappropriate to apply this Convention owing to conditions peculiar to this territory. The only vessels registered in the territory are either dhows or schooners engaged in the coastal trade, and in many cases conditions of employment on such vessels are traditional, relationship between master and crew being more in the nature of partnership rather than that of master and servant.

Conditions of service both in government and the East African High Commission services, certain departments of which do employ seamen to some minor degree, contain generous provisions for payment of wages during sickness. Government employees, including seamen, are entitled according to their grade of service to payment of wages in the event of absence from duty owing to sickness, for periods of between 28 and 90 days on full pay, with subsequent proportional periods on half pay, in any period of 12 months.

#### *Trinidad and Tobago.*

It has not yet been found practicable to introduce legislation giving effect to this Convention. See also under Convention No. 24.

#### *Uganda.*

The provisions of this Convention are not applicable to Uganda as there are no ships engaged in maritime navigation or sea-fishing.

#### *Zanzibar.*

This Convention has not been applied in Zanzibar. There is no sickness insurance scheme in the Protectorate. Section 65 B of the Labour Decree, 1946, as amended by the Labour (Amendment) Decree, 1951, prohibits deduction of wages during sickness of the worker in certain circumstances. The workers and their families can receive free medical treatment in government hospitals if they so wish.

The reports concerning other territories reproduce or refer to the information previously supplied.

## 58. Minimum Age (Sea) Convention (Revised), 1936<sup>1</sup>

*This Convention came into force on 11 April 1939*

*Belgium.* Ratification: 11 April 1938. Decision on application to non-metropolitan territories reserved.

*France.* Ratification: 9 December 1948. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 8 July 1947. No declaration on application.

*New Zealand.* Ratification: 10 October 1946. No declaration on application.

*United Kingdom.*<sup>2</sup> Applicable without modification: Aden, Dominica, Fiji, Gambia, Grenada, Gold Coast, Jamaica, Kenya, Mauritius, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Uganda, Zanzibar. Applicable with modification: Bahamas, Barbados, North Borneo,

Cyprus, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, British Guiana, British Honduras, Hong Kong, Leeward Islands, Malaya, Malta, Nigeria, Nyasaland, St. Lucia, St. Vincent, Sarawak, Singapore, Tanganyika, Trinidad and Tobago. Not applicable: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland. Decision on application reserved: Bermuda, Brunei. No declaration on application: British Somaliland, Channel Islands, Isle of Man.

*United States.* Ratification: 29 October 1938. Applicable without modification: Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Decision reserved: Panama Canal Zone. No declaration on application: Territories of the Pacific under Trusteeship.

<sup>1</sup> This Convention revises the 1920 Convention. See Convention No. 7.

<sup>2</sup> Unratified Convention: see footnote 2 to Convention No. 3.

*France.**French Equatorial Africa.*

See under Convention No. 15.

*Togoland.*

See under Convention No. 8.

*Italy.**Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

The subject matter of the Convention is dealt with in the above Ordinance, which came into force on 15 August 1953 and which contains general regulations concerning the employment of children in private or public industry or agricultural undertakings, even if the latter are vocational or charitable in character. The following is the text of sections 3 to 5 of this Ordinance, which was drafted taking into consideration the text of Convention No. 7 dealing with the same subject:

"Section 3. No child under 14 years of age may be employed on vessels other than training vessels approved by the public authorities, or vessels in which members of the child's family who accept responsibility for him, are employed.

"Section 5. To facilitate the enforcement of articles 3 and 4 above, the master of the ship must keep a register of all persons under 18 years of age employed on board, their ages and their duties."

The insertion of a specific reference to ships-of-war, an exception mentioned in the Convention, was considered superfluous for the obvious reason that Somaliland has no such ships.

As there is a vocational school for seafarers and fishermen in Somaliland, due account was taken of the provision under which pupils may go on training cruises in vessels owned or approved by the public authorities.

The authorities responsible for enforcement of these provisions are the Directorate of Economic Development (Office of Industry, Internal Trade,

Labour and Communications) and more particularly the Central Inspectorate of Labour and the six regional inspectorates founded under the terms of Ordinance No. 21 of 23 February 1951, which are under the authority of the above Office.

No decisions by courts of law were brought to the notice of the Government.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.**Western Samoa.*

See under Convention No. 1.

*United States.**Alaska, Guam, Hawaii, Puerto Rico, American Samoa, Virgin Islands.*

The statutes cited in previous reports, applying an age standard higher than that required under the Convention for the admission of children to employment at sea, relate no less to the above-mentioned territories than to the continental United States. Under the definition of "commerce" as used in the Fair Labor Standards Act and the Child Labor Regulations issued pursuant thereto, the employment of children under the age of 16 years on board ships engaged in the transportation of persons or property in commerce is not permissible. This prohibition relates to American Samoa as well as to the above-mentioned territories and the continental United States.

For the reasons stated in the report for the period 1950-51, the provisions of the Convention continue to be not "appropriate" to the particular circumstances of the Trust Territory of the Pacific Islands. However, the possibility of eventual application of the Convention to this territory is being studied by the Government.

The reports concerning other territories reproduce or refer to the information previously supplied.

59. Minimum Age (Industry) Convention (Revised), 1937<sup>1</sup>

*This Convention came into force on 21 February 1941*

*Italy.* Ratification: 22 October 1952. No declaration on application.

*New Zealand.* Ratification: 8 July 1947. No declaration on application.

*United Kingdom.*<sup>2</sup> Applicable without modification: Aden, Bechuanaland, Fiji, Gambia, Gold Coast, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar. Decision on application reserved: Brunei. No declaration on application: British Somaliland, Channel Islands, Isle of Man. Applicable with modification: all other British non-metropolitan territories.

<sup>1</sup> This Convention revises the 1919 Convention. See Convention No. 5.

<sup>2</sup> Unratified Convention: see footnote 2 to Convention No. 3.

*Italy.**Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

This Ordinance, which came into force on 15 August 1953, regulates the employment of children in any form. It therefore does not contain a list of industrial establishments to which it is applicable, nor does it draw a line of division separating industry from commerce and agriculture. It is laid down in the Ordinance that no child under 14 years of age may be employed in industry, with the exception of children employed

by members of their families. In view of the precocious nature of the Somali population, the age limit has been fixed at 14 years instead of 15, as in the Convention. In addition, the age limit of 14 years may be reduced to 12 for light work, provided that parents or guardians of the child make no specific objection, or that the permission of the regional Inspectorate of Labour is first obtained. The Ordinance does not apply to work done by young persons in non-profit-making vocational schools.

Employers are required to indicate the ages of young workers on their cards or pay sheets. These documents must always be at the disposal of the labour inspectors.

The authorities responsible for the enforcement of these provisions are the Directorate of Economic Development and, in particular, the central and regional Inspectorates of Labour.

The inspections made by the supervisory authorities during the period under consideration did not reveal any failure worthy of note to apply the Convention in question. No workers' organisations or employers have sent in any comments whatever on the application of its provisions.

No decisions by courts of law were brought to the notice of the Government.

#### *New Zealand.*

##### *Cook Islands.*

See under Conventions Nos. 1 and 10.

#### *Western Samoa.*

See under Convention No. 1.

#### *United Kingdom.*

##### *Southern Rhodesia.*

*Article 4 of the Convention.* Employers are required to notify the Native Commissioner of the district in which service is to be performed of the names of African juveniles under the age of 16 years whom they engage for employment, together with information as to the duration and nature of the service and the rate of wages stipulated by the terms of the Native Juveniles Employment Act (Chapter 89).

Application of the legislation is supervised and enforced by administrative officers of the Department of Labour, the Department of Native Affairs and the Department of Social Welfare, and members of the police. An inspectorate of itinerant labour officers visits all centres of employment and ensures that juveniles work under suitable conditions.

The Convention is being applied through the provisions of the Native Juveniles Employment Act and the Children's Protection and Adoption Act. No practical difficulties have been encountered.

The reports concerning other territories reproduce or refer to the information previously supplied.

## 60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937<sup>1</sup>

*This Convention came into force on 29 December 1950*

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*Italy.* Ratification: 22 October 1952. No declaration on application.

*New Zealand.* Ratification: 8 July 1947. No declaration on application.

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<sup>1</sup> This Convention revises the 1932 Convention. See Convention No. 33.

#### *Italy.*

##### *Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

The subject of the Convention is dealt with in the above-mentioned Ordinance, which contains general regulations covering the employment of children in industry, agriculture and commerce, no line of division being established between industrial and non-industrial activities.

As primary education does not exist in Somaliland, and in any case could not be introduced considering that a large part of the population lives a nomadic existence, it is deemed unnecessary to introduce the measures in Article 2 of the Con-

vention, or to issue regulations stating that children may only be employed outside the hours fixed for attendance at elementary schools. No provision is made for the granting of individual permits to enable children to appear as artists in public entertainments. In any case, no request for such provision has ever been made to the competent authorities.

There is no provision in Somali legislation corresponding to Articles 5 and 6 of the Convention. Employers must indicate the ages of their young workers on the latter's cards or pay-sheets. These documents must at all times be at the disposal of the labour inspectors.

The authorities responsible for the enforcement of these provisions are the Directorate of Economic Development, and more particularly the central and regional Inspectorates of Labour.

The inspections made by the supervisory authorities during the period under consideration did not reveal any failure worthy of note to apply the Convention. No workers' organisations or employers have made any comments whatever on its application.

See also under Convention No. 59.

No decisions by courts of law were brought to the notice of the Government.

*New Zealand.*

*Cook Islands.*

See under Conventions Nos. 1 and 10.

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 62. Safety Provisions (Building) Convention, 1937

*This Convention came into force on 4 July 1942*

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*Belgium.* Ratification: 3 October 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 16 December 1950. No declaration on application.

*Netherlands.* Ratification: 2 May 1950. Applicable without modification: Surinam. Not applicable: New Guinea. Decision reserved: Netherlands Antilles.

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*France.*

*Algeria.*

The number of persons employed in the building industry is 154,224. During the period under review 7,378 accidents were reported in the building industry, of which 32 were fatal. The principal causes of these accidents were: collapse of earth, handling of heavy loads, falling from ladders, hand tools, moving vehicles, incandescent material and machine tools. It should be noted that the number of accidents in building and public works has substantially decreased in relation to the figures for the previous years, despite the increase in the number of persons employed in this industry.

*French Equatorial Africa.*

A general order will shortly be published to determine the general hygiene and safety regulations applicable in the undertakings of French Equatorial Africa.

*French Guiana.*

Labour Code, Book II, sections 65, 66, 66 (a), 66 (c) and 66 (d).

Decree of 9 August 1925.

Decree of 29 August 1947, as amended by a Decree of 9 September 1950.

The report analyses the legislation in force and states that it satisfies the requirements of the Convention.

*French Settlements in Oceania.*

During the year 1953 there were 17 accidents in the building industry, one of which was fatal; five accidents were caused by falling and slipping, and two by the fall of various objects. In nine cases the cause of the accident was not established and in one case the accident was due to an explosive.

Some observations were made by workers' trade unions regarding the practical application of the regulations in force.

*French Somaliland.*

Provisions of the Decree of 22 May 1936 relating to hygiene and safety of workers are to be amended in application of the provisions of sections 133 to 137 of the Overseas Labour Code.

*French West Africa.*

General Orders of 24 December 1953 and 5 January 1954, to establish a Federal Technical Advisory Committee for the study of questions relating to hygiene and safety of workers.

A general order governing conditions of hygiene and safety prepared by the Federal Technical Advisory Committee was to be issued shortly after 1 July 1954.

*Guadeloupe.*

In virtue of a circular of 12 February 1952, the Labour Inspection and Manpower Services no longer compile the statistics of industrial accidents by occupational category. The Social Security Fund which has been charged with this work compiles statistics which do not correspond with the period under review.

*Martinique.*

Decree of 9 August 1925, as amended, respecting the protection of workers employed in building or public works.

Decree of 4 August 1935, as amended, respecting the protection of workers in undertakings in which electric power is used; certain sections of this Decree relate specifically to building.

Decree of 23 August 1947 concerning the special safety measures for hoisting apparatus, other than lifts.

Between 3,500 and 4,000 wage earners are employed in building and public works. During the period under review 632 accidents occurred to workers employed in building, that is 11.3 per cent. of the total number of accidents which occurred in all trades. The principal causes of the accidents in building were as follows: percussions and blows: 149; the fall of objects: 96; the fall of workers: 90; walking of workers: 76; hand tools: 65; handling of goods: 23; vehicles and cars: 20. A total of 497 accidents resulted in a stoppage of work by the injured person of more than 24 hours; only two accidents were fatal.

Section 2 of the Decree of 9 August 1925 provides for the checking of goods under the responsibility of the employer and the possibility for employees to make known in writing their observations on the efficiency of the safety measures.

It frequently occurs that employers do not apply the safety regulations set out in the text; the wage earners themselves are frequently imprudent.

*New Caledonia.*

During the period under review there were 134 industrial accidents (two of them fatal) among a total of 700 workers in the building trades.

*Togoland.*

Order of 19 March 1954 to establish a Technical Advisory Committee.

The Technical Advisory Committee will be convened to study health and safety problems as soon as the pressure of other work permits.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 63. Convention concerning Statistics of Wages and Hours of Work, 1938

*This Convention came into force on 22 June 1940*

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*Australia.* Ratification<sup>1</sup>: 5 September 1939. No declaration on application.

*Denmark.* Ratification<sup>2</sup>: 22 June 1939. Not applicable: Greenland. No declaration on application: Faroe Islands.

*France.* Ratification: 28 June 1951. No declaration on application.

*Netherlands.* Ratification: 9 March 1940. No declaration on application.

*New Zealand.* Ratification<sup>1</sup>: 18 January 1940. Not applicable to all New Zealand non-metropolitan territories.

*Union of South Africa.* Ratification<sup>3</sup>: 8 August 1939. Not applicable to South-West Africa.

*United Kingdom.* Ratification: 26 May 1947. Applicable *ipso jure* without modification<sup>4</sup>: Channel Islands, Isle of Man. No declaration on application for all other British non-metropolitan territories.

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<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part III.

<sup>3</sup> Excluding Parts II and IV.

<sup>4</sup> See footnote 1 to Convention No. 2.

*Australia.*

*Nauru.*

Statistics relating to the territory are published in its annual reports and it is not considered practicable to furnish more detailed statistics at this juncture.

*New Guinea.*

Statistics Ordinance, 1950.

The application of this Convention has not been extended to the Territory of Papua and New Guinea. The collection of these statistics is subject to the regulations and the directions of the Administrator. Section 6 (i) of the Ordinance refers to the collection of statistics of wages, earnings and conditions of employment. The existing directions do not cover the collection of such statistics, although some data are available concerning government employees and the employment of Native people.

As regards non-indigenous labour, statistics about earnings are obtained through the annual censuses of agricultural, mining and manufacturing production. For these industries figures are collected of total annual costs incurred by employers in connection with the employment of non-indigenous labour, but it is not possible as yet to arrive at average annual earnings of such employees, because records are not available of *average* annual employment. No records are available of hours actually worked by non-indigenous employees in the aforementioned industries.

As regards Native labour, data are available from information supplied on labour agreement forms by employers of such labour, to provide reasonably comprehensive statistics of average minimum earnings of Native employees in mining, manufacturing and agricultural industries. It is to be noted, however, that no information is available as to any increases in wages which may be paid by an employer subsequent to registration of his original labour agreement. Particulars of hours actually worked are not at present supplied by employers, and in many cases are probably not even recorded by them.

*Part I.*

*Article 1 of the Convention.* The Statistics Ordinance, 1950, provides for the collection of statistics of wages, earnings and conditions of employment, but the particular provisions have not yet been implemented to the extent required by the Convention.

*Article 2.* For the reasons that industrial legislation in force applies only to indigenous workers and makes no provision for time rates of wages and for differential hours of work or monthly wages as between industries, the application of Part III of the Convention would not be appropriate.

*Article 3.* Section 10 of the Statistics Ordinance, 1950, specifically prohibits the publication or revelation of particulars which would result in

the disclosure of information relating to any individual undertaking or establishment. Section 12 of the Ordinance imposes comprehensive secrecy provisions and their observance under penalties.

*Article 4.* Statistical information collected up to the present time only partly meets the requirements of this Article. When it is decided to collect data in respect of non-indigenous labour, these will be confined to a sample of establishments embracing organisations capable of providing the required information from existing records. Compulsory collection powers are available under the Statistics Ordinance, 1950, but so far it has not been found necessary to use the penal provisions of the Ordinance.

## *Part II.*

Australian ratification of this Convention is subject to a reservation in respect of Part II.

*Article 5.* No decision has yet been taken to collect statistics of average earnings and of hours actually worked. The present stage of development of the territory and the absence of extensive facilities for the purpose does not warrant immediate action. For the time being, the only statistics published are those incorporated in the annual reports of the territories. Statistics covering actual annual costs incurred by employers of indigenous and non-indigenous labour are obtained through the annual censuses of agriculture, mining and manufacturing production, but the information is not published as a whole. Relevant particulars only are incorporated in the annual reports.

*Article 6.* When statistics of average earnings are collected, the data required by this Article will be incorporated in the collections.

*Article 7.* It is customary in this territory for some allowances in kind to be made. Details of such allowances are not incorporated in any publications, except in the sections of the annual reports referring to the employment of indigenous labour.

*Article 8.* Statistics concerning family allowances are not collected and published.

*Article 9.* When statistics of average earnings are collected, they will be related to an appropriate period and the actual hours of work will be related to that period.

*Articles 10 and 11.* See under Articles 5 and 9.

*Article 12.* Index numbers showing the general movement of earnings are not compiled at the present time.

## *Part III.*

*Articles 13 to 21.* See under Article 2.

## *Part IV.*

*Article 22.* The only publications of statistics of wages of wage earners engaged in agriculture are those incorporated in the annual reports of the territories. The tables contain particulars of wages of Natives in employment, by occupation

and category of employment and by occupation by district of employment. No statistics are published concerning the employment of the non-indigenous population.

The categories of employment for Native agricultural wage earners are enumerated in the report.

The person responsible for the collection and tabulation of statistics in the territory is the Statistical Officer appointed under the Statistics Ordinance 1950.

The present stage of development of the territory, the difficulties of collecting statistical data in a territory in which industrialisation is at a minimum and the people are at varying cultural and technical levels, the lack of facilities for extensive collections, are factors which to date have mitigated against the application of the Convention.

## *Norfolk Island.*

Statistics relating to the territory are published in its annual reports and it is not considered practicable to furnish more detailed statistics at this juncture.

## *Papua.*

See under *New Guinea*.

## *Denmark.*

### *Greenland.*

The Government points out that the Convention is inapplicable to Greenland. As regards the provisions in force on wages and hours of work, reference is made to the regulations of 15 February 1954, concerning casual skilled workers (artisans) in Greenland, a copy of which is appended to the report on Convention No. 14.

### *Faroe Islands.*

The Committee of Experts has suggested to the Government of Denmark that, although the Convention is not applicable, statistics on the Faroe Islands would be desirable. In recent years efforts have been made by the authorities of that territory to improve upon the statistics, but progress is slow on account of lack of sufficient personnel. Main emphasis has been on statistics which are of primary importance to the Islands themselves where the larger part of the population consists of independent farmers and fishermen. Wage earners are in the minority and therefore wage statistics have a very low order of priority.

## *France.*

### *Algeria.*

The compilation of statistics concerning wages and hours of work raises a number of administrative problems. Considerable time would be required to set up the various administrative services needed.

### *Cameroons.*

Local Orders of 2 December 1953 concerning the methods of compilation and publication by undertakings of periodical reports concerning the manpower situation.



A General Statistical Service was established in the territory in 1945, attached to the Economic Affairs Service. Set up as an autonomous service on 31 August 1950, it is charged with centralising statistical data concerning all branches of activity in the territory and with carrying out studies and inquiries to improve and amplify documentation on the demographic and economic life in the territory, and has technical responsibility for the preparation of data relating to the economic position of the territory. Due to lack of resources and material difficulties, it has not so far been possible for the General Statistical Service or for the Inspectorate of Labour and Social Legislation to arrange for regular and systematic inquiries to be carried out by qualified persons, which would supply the complete information required by the Convention.

The Labour Code of 15 December 1952 (article 170) requires every person who intends to open an undertaking of any kind to submit a declaration to the Inspectorate of Labour for the area. Two local orders of 2 December 1953 prescribed the manner of making such declarations and of the subsequent publication of periodic information to keep the initial declaration up to date.

Employers are thus required to give a quarterly report regarding the number of staff employed (men, women, children) according to occupational category, and the maximum and average salaries for each occupational category, together with bonuses in cash or in kind.

Regular publication of this information will henceforth make it possible to arrange for the compilation of the statistics in conformity with the provisions of the Convention. On 1 November 1954 employers were required for the first time to submit declarations. The information obtained will be analysed in the next annual report.

#### *French Equatorial Africa.*

The report refers to texts issued in 1953 and 1954 with regard to wages, hours of work and overtime.

#### *French Guiana.*

The Labour Inspection Service supplies the Ministry with statistics of wages and hours of work; these statistics are published in the same way as those for metropolitan France.

#### *French Settlements in Oceania.*

In view of the limited financial resources of the territory it is not possible to envisage the establishment of an autonomous statistical service. However, the labour and social legislation inspection service supplies the main basic statistics.

#### *French West Africa.*

General Order of 22 March 1954 prescribing the manner of making periodical declarations regarding the manpower situation.

The above order requires undertakings coming under the Convention to make a report, before 30 July of each year, regarding wages and hours of work for the period 1 July to the following 30 June. In the future it will therefore be possible to forward regularly the required statistics concerning average wages and hours of work.

Information regarding time rates of wages and normal hours of work are given in the monthly bulletin published by the General Statistical Service in French West Africa.

#### *Madagascar.*

Two orders to fix the minimum inter-occupational guaranteed wages and the payment of overtime rates serve as a basis for the graded remuneration according to the occupational value of the worker. Various local orders have fixed the relevant indices for various specified occupational categories according to the branch of activity. As a rule wages are augmented by various allowances and payments in kind.

The hours of work have been regulated by a considerable number of orders relating to each activity, on the basis of 2,400 hours per annum in agriculture and 40 hours per week for non-agricultural branches of activity.

It is difficult to supply detailed statistics in view of the small number of personnel now available in the overseas labour and social legislation inspectorate.

#### *Martinique.*

Statistical inquiries are not carried out periodically in Martinique with a view to surveying the evolution of wages and hours of work in the various industrial branches and in agriculture. In this country, where the economic situation is precarious and where there is an over-abundance of manpower, the information which would be compiled by such an inquiry would be extremely useful from every point of view.

It would seem possible to send simple questionnaires periodically to employers. The chief occupations concerned would be agriculture, agricultural industries, building and other industries or commerce.

#### *Netherlands.*

##### *Netherlands Antilles.*

The report includes statistics regarding wages of female shop assistants and in the building industry and states that the working week has been generally fixed at 48 hours at most.

##### *Netherlands New Guinea.*

See under Convention No. 2.

#### *New Zealand.*

##### *Cook Islands.*

Extension of the application of the Convention is not intended since the scale of regular wage-earning employment is insufficient to warrant the collection of detailed statistics of wages and hours of work.

See also under Convention No. 1.

##### *Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 64. Contracts of Employment (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

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*Belgium.* Ratification: 26 July 1948. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

*New Zealand.* Ratification: 8 July 1947. Applicable without modification: Cook Islands, Western Samoa. No declaration on application: Tokelau Islands.

*United Kingdom.* Ratification: 24 August 1943. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. Not applicable: Cyprus, Falkland Islands, Gibraltar, Malta. Decision on application reserved: Bahamas, Barbados, Bermuda, North Borneo. No declaration on application: Southern Rhodesia. Applicable without modification: all other British non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Ordinance No. 23/9 of 12 January 1953 to amend Ordinance No. 476 *bis*/AIMO of 8 December 1940 respecting contracts of employment and the health and safety of workers.

Ordinance No. 23/377 of 6 November 1953 to amend Ordinance No. 476 *bis*/AIMO of 8 December 1940 respecting the health and safety of workers and the keeping of work-books.

Legislative Ordinance No. 22/122 of 6 April 1954 respecting the setting up of safety and health committees in undertakings.

Ordinance No. 23/9 of 12 January 1953 amended the provisions of the Ordinance of 8 December 1940 as regards the medical personnel which must be available to employers to ensure the medical care of their workers and their families in conformity with the Decree respecting contracts of employment.

In virtue of the new regulations, all undertakings in which more than 3,500 workers are employed must have in their service two doctors, one of which is a full-time employee of the undertaking engaged under a contract of employment. Up to now this provision only applied to undertakings in which more than 5,000 workers were employed.

In addition any agreement by which an undertaking ensures the assistance of a doctor must be submitted for approval to the Labour Inspectorate.

Ordinance No. 23/377 of 6 November 1953 amended the provisions of the Ordinance of 8 December 1940 respecting the keeping of work-books. In order to facilitate the keeping of such books in undertakings where machines are used for the purposes of accountancy, the Ordinance authorises the replacement of the work-book by an equivalent document. Prior authorisation must be obtained from the Director of Labour.

The study of the amendments proposed with regard to the Decree of 16 March 1922 respecting contracts of employment (see report for 1951-52) has been pursued and resulted in the approval by

the King on 30 June 1954 of an important Decree. However, at the end of the period under review the Decree had not yet been published nor had it come into force; it will therefore be analysed in the report for 1954-55.

*New Zealand.*

*Western Samoa.*

See under Convention No. 1.

*United Kingdom.*

*Aden.*

Six hundred and thirteen contracts for service abroad were attested during 1953. It is estimated that the present labour force in Aden amounts to 69,860 and that 66.5 per cent. is of migratory origin entering Aden Colony from the Aden Protectorate and the Yemen. It is probable that up to one-fifth of this percentage is recruited by traditional methods but do not serve under contract. Considerable numbers of indigenous manual workers have arrived from other countries and, in such cases, the Convention has been applied wherever possible.

*Barbados.*

The consultations suggested by the Committee of Experts have taken place. However, it was considered that the Convention was not applicable to the territory since the people of this territory cannot be considered as indigenous within the meaning of the Convention.

*Basutoland.*

Native Labour Proclamation, Part II (Chapter 57 of the Laws of Basutoland), promulgated in 1942. Proclamations Nos. 4 and 43 of 1951.

Proclamation No. 4 of 1951 increased the stamp duty on contracts from 2s. 6d. to 6s. and provided that this fee should not be recoverable from the recruited person. Proclamation No. 43 of 1951 exempted certain types of employment from the provisions of Part II of the Native Labour Proclamation.

*Article 2, paragraph 2, of the Convention.* This paragraph is applied by subsection 21 (1) (a) of the Native Labour Proclamation. Exemption has also been granted in the case of employment by Union of South African farmers who do not employ more than 50 workers, provided the employment is for a period not exceeding two months and is for seasonal agricultural activities.

*British Guiana.*

Legislation to give full effect to this Convention is now in draft and is expected to be enacted shortly.

See also under Convention No. 2, paragraph 2 ff.

*British Somaliland.*

*Article 2*, paragraph 4, of the Convention. This is not applicable. No exception has been made.

*Article 4*, paragraph 2. This is applied by virtue of the common law.

*Article 6*, paragraph 7. Since no contracts have yet been entered into, no measures have been taken to implement this paragraph.

*Article 13*, paragraph 5. No measures for repatriation of workers in accordance with this paragraph have been necessary.

*Article 14*, clause (d). No criteria have been adopted for the purpose of granting exemptions under this clause.

*Article 15*, paragraph 2. This is provided for in section 18 (2) of the Ordinance. The onus of taking all necessary measures has been placed upon the employer and a penalty for failure to do so is laid down in section 18 (3) of the Ordinance.

*Article 18*. This is provided for in section 21 of the Ordinance. No regulations have yet been made.

The Convention is of little or no application in the Protectorate. No statistics are available. No representations have been received from any organisations.

*Brunei.*

Draft legislation on the lines of the Sarawak Labour Ordinance has been submitted to the State Council. It should be enacted early in 1955 and the Government states that the legislation will then comply with the provisions of the Convention.

*Dominica.*

The workers in this territory liable to be considered as indigenous workers in the sense of Article 1 of the Convention do not conclude employment contracts of the kind indicated in Article 3 of the text. 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 of six months. Moreover, the problem of the families or dependants of workers being implicitly bound by employment contracts does not arise and the possibility of compulsory transfer of workers from one employer to another is not envisaged either. The law and practice in the colony is in no way contrary to the provisions of the Convention and the introduction of legislation does not appear necessary.

*Falkland Islands.*

See under Convention No. 2.

*Fiji.*

In the absence of penal sanctions employers do not consider long-term contracts an advantage. The tendency towards the disappearance of "contract" labour still continues, although the wage population is increasing. The number of contracts entered into during the period 1953-54 was 26 as compared with 104 for the period 1948-49, 76 for 1949-50, 92 for 1950-51, and 48 for 1952-53. It can be generally stated that the few contracts which have been entered into were made under stress of labour shortage and any breaking of contracts was on the worker's side. There was one case where a group of workers complained that the terms of the contract had not been adhered to by the employers; this was thoroughly investigated by the Labour Department.

*Gambia.*

The Government is considering the enactment of an Ordinance which will give effect to the provisions of the Convention.

*Gold Coast.*

Labour Ordinance of 1948, as amended by Ordinance No. 43 of 1949.

The Government states that the above-mentioned text applies the provisions of the Convention in respect of labourers, clerical workers and apprentices.

*Grenada.*

See under *Dominica*.

*Hong Kong.*

The Asiatic Emigration Ordinance No. 30 of 1915 has some bearing on contracts of employment for workers proceeding overseas. There has been a considerable growth in administrative procedure covering the cases of manual workers engaged for work overseas for whom written contracts have been devised to include all the relevant provisions of this Convention and of Convention No. 86. By reason of section 17 of the Asiatic Immigration Ordinance, these contracts cannot be signed in Hong Kong, but arrangements are made for them to be signed before the competent labour authority in the territory of employment. In Hong Kong manual workers are invariably engaged on unwritten contracts which do not, and may not, exceed one month in duration (section 6 of the Employers and Servants Ordinance). Although this section provides that contracts of service for more than one month must be in writing and executed before a magistrate, such contracts are in fact unknown for manual workers. Disputes regarding the observation of the terms of contracts (usually disputes as to dismissals without adequate notice or pay in lieu thereof) are legally determinable by a magistrate, but in the majority of cases the workers prefer to seek an equitable settlement in the Labour Department rather than to have recourse to law. If a mutual satisfactory settlement cannot be reached in the Labour Department, the case is referred to the magistracy.

*Article 4, paragraph 1, of the Convention.* Under British law there is no privity of contract except between the parties to the contract.

*Article 5.* This Article is covered by section 10 of the Ordinance as regards local contracts. Conditions of service overseas, which on arrival in the territory of employment will form the contract, invariably include the particulars set out in paragraph 2 of this Article.

*Article 6.* In the case of contracts for employment overseas, the conditions of service are very carefully explained to the prospective emigrant for employment, by virtue of section 38 of the Asiatic Immigration Ordinance.

*Article 7.* As regards local employment, there is no provision in the Ordinance prescribing medical examination, but, as stated earlier, written contracts are unknown. For workers going overseas such provision is made by section 26 of the Asiatic Emigration Ordinance.

*Article 8.* Eighteen years is the minimum age accepted by administrative procedure for overseas employment.

*Article 9.* In the case of contracts to be carried out overseas the maximum periods as set out in Convention No. 86 are applied. Leave periods are prescribed in the conditions of service.

*Article 10.* Overseas contracts may not be varied except by mutual consent before the competent authority.

*Article 11.* In the case of persons proceeding overseas provision for termination of the contract is made in the conditions of service in accordance with the Convention.

*Article 12.* In the case of workers going overseas provision is made to cover the contingencies envisaged by this Article.

*Article 13.* In the case of workers proceeding overseas great care is taken that their employment conditions (which on arrival in the territory of employment are incorporated in a written contract) provide for repatriation in accordance with the terms of the Convention. It has never been necessary to invoke the assistance of the competent authority to secure repatriation.

*Article 14.* No exemption from the liability of the employer to repatriate workers has been made.

*Article 15.* Under the conditions of employment overseas suitable transport by sea or air is provided.

*Article 16.* Great care is taken that the maximum period of service of an original and re-engagement contract does not exceed, in the case of a single person or a person separated from his family, a period of two years, or in the case of a person accompanied by his family, a period of three years from the date of arrival in the territory of employment. As most of the territories of employment are at a considerable distance from Hong Kong and the journey is long and expensive, the contract is usually for two years. It follows, therefore, that a worker may be separated from his family for this period. In practice re-engagement contracts without a prior leave in Hong Kong are very rare.

*Article 17.* No legislative provision is made in Hong Kong for the enforcement of this Article, but care is taken that in the case of workers proceeding overseas they are aware of all the conditions of employment under which they would work before leaving Hong Kong. These conditions are also set out in English and Chinese and a copy is given to the employee.

*Article 18.* In the case of workers engaged in Hong Kong who are proceeding to territories which are not members of the British Commonwealth, care is taken by the responsible labour authorities in Hong Kong to ascertain beforehand that the countries in question have ratified the relevant Conventions and are aware of the terms and conditions under which the persons so engaged are to be employed.

*Article 19.* The provisions of this Article are applied in the following manner: Paragraph 1, clause (a). In virtue of the Asiatic Emigration Ordinance, the contract may not be signed in Hong Kong, but by section 38 of this Ordinance the conditions of employment are fully explained to the worker by the secretariat for Chinese affairs.

Clause (b). The worker is given a copy of the conditions of service in a language which he can understand, that is, Chinese.

Clause (c). The medical examination takes place under section 26 of the Asiatic Emigration Ordinance.

Clause (d). A person under the age of 18 years is not allowed to enter into a contract of service for employment overseas.

Clause (e). In the event of the likelihood of a worker being transferred from one territory to another, for example, in the case of a worker engaged in Hong Kong for employment in Kenya with the possibility of being transferred to Tanganyika or Uganda, care is taken to ensure that the transfer does not take place without the consent of the worker concerned before the competent authority and only if conditions of employment in the territory to which he is being transferred are at least as good as in the territory of his original employment.

Clause (f). The conditions of employment which constitute the contract in the territory of employment specify that the limits shall not exceed those laid down in paragraph 3 of Convention No. 86.

Clause (g). As soon as the contract is signed in the territory of employment the conditions under which it may be terminated are determined by the legislation of the territory of employment, and by the terms of the contract itself.

Clause (h). No case has occurred where these obligations have had to be discharged by the competent authority. No difficulty is anticipated in this respect since the majority of the territories to which Hong Kong workers have been sent are within the British Commonwealth, and this Convention has either been ratified by them or has been applied to them.

Clause (i). No exemptions have been reported.

Clause (j). Co-operation between the competent authorities of the territory of origin and the territory of employment of this and similar matters is provided for before workers leave Hong Kong.

Clause (k). In practice the maximum period of service is prescribed by the competent authorities in Hong Kong and has been accepted by the authorities in the various territories of employment.

Paragraph 2, clause (a). In those few cases where workers have been engaged in Hong Kong for employment in a territory where the Convention is not in force, great care has been taken by the Labour Department in Hong Kong to ensure that the conditions of employment will not be less favourable than in territories where the Convention is in force.

Clause (b). The situation covered by this provision does not arise.

Paragraph 3. No formal government-to-government agreements have been made, but where the Convention is not in force in the territory of employment steps have been taken to ensure that workers engaged in Hong Kong for employment in such territory are adequately protected by the terms of their engagement in the spirit of the Convention.

The administration of the relevant provisions of this Convention in the case of workers proceeding overseas is the responsibility in the first instance of the Commissioner of Labour and the Immigration Officer. Subsequently, the terms of engagement are explained to the workers by an official in the secretariat for Chinese affairs. The provisions of the Asiatic Emigration Ordinance concerning medical inspection of conditions on ships used for the transportation of such workers is the responsibility of the Director of Marine. The particulars of the proposed contract are carefully examined by the Labour Department, which informs all interested parties, including the competent authorities of the territory of employment, of the details of the proposed contract.

As stated above, it is not customary for Chinese manual workers to sign written contracts of employment. They are well aware of the provisions of the Employers and Servants Ordinance as will be seen from the number of cases dealt with by the Labour Department. In practice, the provisions of the Conventions have proved most useful in regard to workers engaged in Hong Kong for employment in overseas territories, notably in Nauru, Ocean Island, in the three Borneo territories of North Borneo, Sarawak and Labuan, and in Singapore.

In recent years there has been a constant demand for Chinese artisans, mainly as a result of the war, and since these can no longer be engaged from the mainland of China engagement has mainly taken place in Hong Kong. From the inception of such engagement the Labour Department in Hong Kong has had regard to the relevant Conventions regarding recruitment, written contracts and maximum periods of employment. Although the necessary legislation to put this Convention into effect has not yet been enacted, administrative arrangements between Hong Kong and the various territories of employment are such that substantially all the necessary requirements of this Convention are complied with. The chief objection raised to strict enforcement of the Convention has been in regard to the length of engagement. Employers complain that a maximum of two years' employment is uneconomic

having regard to the present-day cost of travel. In at least one instance a substantial offer of employment was withdrawn because no relaxation of these provisions was possible. Objections have also been received from workers on this point. The Chinese artisan is a very independent and self-reliant person who does not take kindly to interference with his freedom and choice in such matters, particularly when such interference removes him from a well-paid job and returns him to the overcrowded labour market of Hong Kong.

#### *Jamaica.*

Although the provisions of the Convention are not applied by legislation they are to a large extent observed in practice, since all recruitment of workers for employment outside the Island is conducted through the Labour Department, which insists on adherence to the requirements of the Convention.

#### *Kenya.*

Employment Ordinance, 1938 (Cap. 109, Laws of Kenya).

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 35 of 1950.

Apprenticeship Rules, in Government Notice No. 759 of 1952.

Workmen's Compensation Ordinance, 1948 (Cap. 119, Laws of Kenya).

See also legislation under Convention No. 50.

*Article 1 of the Convention.* The legislation relevant to this Convention does not distinguish between indigenous and non-indigenous workers. Under section 2 of the Employment Ordinance, however, "employee" is defined as a person employed for wages at a rate not exceeding any amount prescribed by the Governor in Council of Ministers. By Notice No. 854 of 1952, made under section 3 of the Ordinance, the main provisions of the Ordinance are still applied to workers whose wages do not exceed 100 shillings per month, 24 shillings per week, or 4 shillings per day. In effect, this means that the Ordinance applies to the majority of African employees.

Section 2 of the Ordinance defines "employer" as meaning any person, firm, company or corporation, the Government and the East African High Commission Railways and Harbours Administration. There is no distinction between indigenous and non-indigenous employers.

"Contract of service" is widely defined in section 2, but subsequent sections stipulate the types of contract which must be made in writing.

*Article 2, paragraph 1.* The Employment Ordinance does not refer to contracts for remuneration otherwise than by cash. The Ordinance does not distinguish between manual and non-manual employment. Due to the above-mentioned wage limits currently prescribed and the generally higher wage levels of non-manual workers, the Ordinance only affects a small proportion of non-manual workers at present.

Paragraph 2. The Government has not made use of the exclusion provided for in this paragraph.

Paragraph 3. Special regulations apply to apprentices, e.g. sections 22 to 31 of the Ordinance and the Apprenticeship Rules, 1952.

Paragraph 4. The Government has made one exclusion of contracts of employment under which the principal or only remuneration is the occupancy or use of land belonging to the employer. This is in the case of African resident labourers engaged virtually as tenants under the Resident Labourers Ordinance. This Ordinance applies only to farms held under grant, lease or licence from the Crown, and to state forests and railway lands.

*Article 3, paragraph 1.* Section 4 of the Employment Ordinance provides that no contract shall be in force for a longer period than one month unless it is in writing and signed by the parties. Section 7 requires that any written contract for a longer period than six calendar months, or six "tickets" of 30 days' work each, must be attested by a magistrate in the case of an employee who is unable to read. Section 5 permits "ticket" contracts (notwithstanding section 4) to extend for 42 days during which the employee completes 30 days' work. Section 6 permits "special contracts" in writing, whereby an employee works for a definite number of days (in succession or otherwise) within a specified period not exceeding two years, subject to the working days constituting at least five-sevenths of the total number of days of the contract's duration. Section 8 requires all foreign contracts to be in writing.

There is no other specific provision for contracts to be in writing where the contract terms differ materially from those customary in the district of employment for similar work.

Paragraph 2. Under section 7 of the Employment Ordinance, the magistrate attesting a written contract for an employee who is unable to read and understand writing must read over and explain the contract to the employee, and ensure that he has entered into it voluntarily and with full understanding of its meaning. All foreign contracts must be signed by the parties and duly attested.

Workers also indicate their assent to contracts by placing their thumb prints (or signatures in the case of literate workers) on the forms prescribed by the Employment (Contract and Return) Rules, 1949.

Paragraph 3. Section 4 of the Employment Ordinance provides that a contract which is not made in writing shall not be enforceable beyond one month from the making thereof, except that section 5 permits "ticket" contracts to be enforceable up to a maximum of 42 days.

Paragraph 4. Employers failing or neglecting to comply with section 8 of the Employment Ordinance in regard to foreign contracts being in writing, or with section 13 in regard to other written contracts being made in the required form and manner, are liable to be prosecuted and suffer the penalty prescribed in section 83.

An employee may also complain to a magistrate in accordance with section 59 of the Ordinance, and have the contract rescinded and damages awarded under section 64.

*Article 4, paragraph 1.* No contract under the Employment Ordinance can bind the family or dependants of a worker unless such persons are individually parties to contracts of employment.

Paragraph 2. Employers are responsible for the performance of any contracts made by parties acting on their behalf.

*Article 5, paragraph 1.* The particulars to be contained in such written contracts are prescribed by the Employment (Contract and Return) Rules and by section 9 of the Employment Ordinance.

These particulars are equivalent to those required by the Article, save that the place of engagement is only recorded in respect of recruited workers; the manner of repayment of advances is not specifically required to be recorded; and the conditions of repatriation are required to be entered only in the case of contracts for foreign service.

*Article 6, paragraph 1.* Attestation may be carried out only by magistrates or justices of the peace.

Paragraph 2. Section 7 of the Employment Ordinance requires the officer attesting a contract to certify that the contract is entered into voluntarily and with full understanding of its meaning. Section 51 requires an officer attesting recruited workers to satisfy himself that they have not been recruited by misrepresentation or mistake or by the application of unlawful pressure.

The attesting officer must also satisfy himself that the contract is in the prescribed legal form, and not in conflict with these Ordinances or any other legislation.

Paragraph 3. A written contract with a recruited worker would be invalidated by a magistrate if it was refused attestation. Other written contracts, in respect of illiterate workers, cease to be valid after six months if a magistrate has not attested them in accordance with section 7 of the Ordinance.

Paragraph 4. The maximum period for unwritten contracts has been limited to one month by section 4 of the Ordinance; all recruited workers' contracts are therefore customarily for longer periods and must be in writing and are not enforceable unless attested.

Paragraph 5. Section 64 (1) (c) of the Ordinance empowers magistrates to rescind contracts and award damages upon any complaint under the Ordinance, such as on the grounds of omission to present a contract for attestation.

Paragraph 6. Copies of the forms of written contracts prescribed in the Employment (Contract and Return) Rules are forwarded to the Labour Department and duly recorded.

Paragraph 7. By the same provisions, copies of such written contracts must be issued to the workers concerned, or at least to one member of a group of workers engaged under a batch contract. In addition, section 20 of the Employment Ordinance requires employers to issue to every worker entering a contract an "employment return card" as prescribed under the Employment (Contract and Return) Rules. For administrative convenience, written contracts with individual workmen have hitherto been recorded on their employment return cards in such a manner as to make them a valid document of contract. Section 13 (2) of the Ordinance provides that an attested copy of a written contract

shall be receivable in evidence without further proof.

A worker may also prove the existence and terms of such contract, or verify the terms of a contract, by reference to the local labour officer or provincial administrative officer who has kept a copy in the case of batch recruitment or batch engagement contracts.

*Article 7*, paragraphs 1 to 3. The Employment (Written Contracts) Rules, 1944, require that all workers entering into written contracts shall be medically examined, that whenever possible the medical examination and issue of a medical certificate shall precede attestation of the contract; and that where this is not possible the attesting officer shall endorse the contract to that effect and the worker shall be examined at the earliest possible opportunity.

Paragraph 4. There is no specific exemption from such medical examination in respect of employment in small agricultural undertakings or in specified types of employment in the vicinity of the workers' own homes. A general exemption from medical examination has, however been granted by the Recruiting Operations (Exemption) Order, 1953, in respect of workers engaged by labour agents or recruited by private (non-professional) recruiters for contracts not exceeding 90 days, and which involve a journey not exceeding 60 hours' duration to the place of employment. Workers recruited for contracts of more than 90 days' duration must therefore be medically examined under section 50 of the Employment Ordinance.

*Article 8*, paragraph 1. Section 32 of the Employment Ordinance prohibits the employment of any "juvenile" (under 16 years of age) except under a verbal contract of service. This does not, however, apply to apprenticeship contracts.

Paragraph 2. There are as yet no specific limitations in regard to the employment under written contracts of non-adult persons above the age of 16 years. See also under Convention No. 5.

*Article 9*. Section 14 of the Employment Ordinance provides that no written contract (other than apprenticeship) shall be binding or valid for longer than one year, unless the worker is accompanied by his family, in which case the limit is two years. For workers imported from outside the colony, however, these limits are set at two and three years respectively. Kenya regulations do not prescribe the leave to be granted during such written contracts. Written contracts in Kenya rarely exceed three to six months, and the workers concerned generally return home for leave before renewing contracts.

*Article 10*. The Kenya Ordinances make no general provisions regarding transfer or assignment of contracts. It is necessary that a contract be terminated and a new contract drawn up in these circumstances. Specific regulations apply to the transfer or assignment of contracts of apprenticeship.

*Article 11*. There is nothing in Kenya legislation that conflicts with the assumption that a contract expires with the completion of the term for which it was made, or on the death of the worker before completion of the term. On the death of a worker covered by the Employment

Ordinance, the employer is required by section 46 (2) of the Ordinance to pay to the labour officer or provincial administrative officer all wages due to the worker at the date of his death and to deliver all property belonging to the deceased for transmission to the person legally entitled thereto.

*Article 12*, paragraph 1. There are no regulations in Kenya prescribing conditions under which contracts shall be subject to termination when the employer is unable to fulfil the contract, or when the worker is prevented by sickness or accident from doing so. In practice, such contracts are terminated by mutual consent, but where difficulty arises either party may complain to a magistrate under section 59 of the Employment Ordinance; section 64 empowers the magistrate to safeguard or adjust claims and to rescind the contract. Damages may be awarded or earned wages and deferred pay ordered to be paid. Compensation in respect of accident or occupational disease is recoverable under the Workmen's Compensation Ordinance, regardless of the circumstances in which a contract is terminated. Repatriation at the employer's expense is assured by section 47 of the Employment Ordinance, and by either section 55 or section 54 in the case of recruited workers.

Paragraph 2. Conditions for termination of contracts by agreement between the parties are not prescribed by regulation. As stated for paragraph 1 above, grievances can be taken to a magistrate for settlement. Labour officers are also available to either party to ensure that all monetary liabilities have been settled and that the worker has freely consented to termination by agreement. The general right to repatriation is safeguarded by section 47 of the Ordinance and is dependent on the worker's wishes; but in the case of recruited workers the employer is allowed the option, where the contract is prematurely terminated otherwise than by death, to reduce the amount of transport expenses both to and from the place of employment, payable by the employer, by the same proportion as the unexpired portion of the contract bears to the total period of the original contract.

Paragraph 3. It remains open to either party to apply to a magistrate, as mentioned above, in the event of disagreement about terminating a contract. Where a contract has no specified duration it is terminable by either party, under section 15 of the Employment Ordinance, at the end of any monthly or weekly pay period without notice, or with one week's or one month's notice in the case of a contract for work to be performed outside Kenya.

Paragraph 4. Section 59 of the Ordinance provides for a worker to complain to a magistrate in case of ill-treatment by his employer; the magistrate may examine the matter under section 64 and rescind the contract.

Paragraph 5. Magistrates have discretionary powers under section 64 of the Ordinance to terminate contracts also in the event of complaints made under section 59 regarding differences as to the rights or liabilities of either party, misconduct or neglect of either party, or injury to the person or property of either party.



*Article 13*, paragraph 1. Section 47 of the Employment Ordinance makes general provision that on termination of a contract the employer shall, if the worker so desires, repatriate him to the place of engagement, at the employer's expense. This applies regardless of the reasons for which the contract may have been terminated. It is the same for a recruited worker who does not take up employment owing to accident or sickness on the journey or for other reasons for which he is not responsible.

Paragraph 2. The repatriation of families brought to the place of employment by employers is enforced only in the case of families of recruited workers, by section 56 of the Ordinance.

Paragraph 3. The general provisions of section 47 of the Ordinance require that employers provide either free transport of a reasonable type or make a cash payment of the cost thereof; or a sufficient supply of food for the journey or sufficient cash to purchase such supply. Additional provision on these lines must be made in the case of recruited workers and their families (under section 57 of the Ordinance).

Paragraph 4. As repatriation is at the option of the worker the employer would not be responsible for his subsistence during any period of delay by the worker. Similarly, the employer would not be responsible in the event of delay through *force majeure*. There are no regulations on the subject, but labour officers can handle such situations administratively.

Paragraph 5. There is no regulation empowering the Government to repatriate a worker engaged within Kenya and then charge the cost to the employer. Labour officers do in practice repatriate at government expense in special cases. A magistrate may, however, provide subsistence for a worker at government expense (under section 75 of the Ordinance) pending prosecution of the employer for failure to repatriate; the employer may then be ordered to refund that cost as well as to repatriate the worker.

*Article 14*. The provisions of this Article are not covered by regulation. If an employer does not repatriate a worker because of one of the circumstances mentioned in the Article, it is open to a labour officer to verify whether the worker does not desire repatriation. Where the worker does in fact desire repatriation, such repatriation is in all cases obligatory, save that under section 54 of the Employment Ordinance an employer may reduce his repatriation liability by a proportionate amount in the case of an uncompleted contract of a recruited worker. Provision exists for deferred pay in respect of written contracts under the Employment (Contract and Return) Rules, 1949, but this is not commonly used.

*Article 15*, paragraph 1. Transport must be provided, under sections 47 and 54 of the Employment Ordinance, though money may be given instead.

Paragraph 2. The regulations do not provide in detail for all the requirements of this Article. Section 57 of the Ordinance, however, requires the employer to provide everything necessary for the welfare of the worker during the journey; and the Employment (Written Contract) Rules, 1944, require that groups of workers making long

journeys shall be accompanied by a person who is fit to assume responsibility for their welfare.

*Article 16*. There is no special provision in Kenya regulations regarding re-engagement contracts. Such contracts must in all respects comply with the requirements relating to initial contracts.

*Article 17*. Statutory or administrative provision has not been made for summaries of the regulations relating to contracts to be supplied, in appropriate languages, to employers and workers, or to be posted up as notices. Labour officers are the usual channels for the dissemination of such information, and are readily available to workers in most places in the territory.

*Article 18*. Section 8 of the Employment Ordinance requires all contracts made for work outside Kenya to be in writing, properly signed and attested, in the prescribed form, and approved by the Labour Commissioner. Section 11 requires that an employer engaging workers on a foreign contract shall, where he does not reside or carry on business in Kenya, give security by bond for the due performance of the contract; if he does reside in Kenya this security is at the discretion of the attesting officer. Section 12 makes it an offence to engage a person on an informal contract for foreign service.

*Article 19*, paragraph 1. The provisions of the Employment Ordinance comply with most of the requirements of this Article in regard to contracts made in Kenya for work to be performed outside the territory. Section 8 of the Ordinance requires prior attestation of foreign contracts; section 20 requires that the worker be given a written record; prior medical examination is required according to the form of contract prescribed under section 8; section 32 prevents juveniles (under 16 years of age) from being engaged on such contracts in that they must be in writing; section 14 limits the duration of contracts generally and applies equally to foreign contracts; repatriation of the worker is assured, as mentioned earlier, and security must be given by the employer for due fulfilment of all the conditions if he has no residence or business office in Kenya. There are no specific regulations for transfers of contracts, or re-engagement contracts, nor in respect of contracts being subject to termination according to the laws of the territory of employment. By virtue of the Labour Commissioner's power to approve foreign contracts under section 8, it is possible to ensure that transport arrangements are adequate and that the term of a contract exceeds neither the maximum permitted by the territory of engagement nor the maximum permitted by the territory of employment.

Paragraph 2. The Convention applies to Kenya and also to the territories to which Kenya workers are taken under contract.

Paragraph 3. No agreements relating to this Convention have yet been made with other territories, save that there has been an understanding between the Governments of Kenya, Tanganyika, Uganda and Zanzibar that workers shall not generally be recruited from each other's territories.

For the authorities entrusted with the application of the legislation, see under Convention No. 50.



There have been no decisions of courts of law involving questions of principle relating to the application of this Convention.

There has been little significant change, during the period under review, in the legislation relating to this Convention. The Recruiting Operations (Exemption) Order, 1953, relaxed the requirements regarding medical examination in respect of certain recruiting operations for short contracts involving journeys of limited duration within Kenya. The principal change has been the expansion of the colony's Labour Department, which enforces the legislation and generally safeguards workers and employers against malpractices.

The Convention is substantially applied through existing legislation and the administrative supervision exercised by the Labour Department. There has been no opportunity in recent years to carry out a major revision of the Employment Ordinance, which deals largely with contractual matters, and this Ordinance still applies generally to workers where monthly earnings do not exceed 100 shillings. However, Africans in employment number 456,000 out of the colony's total labour force of 500,000, and the great majority of African workers is covered by the Ordinance. Observance of the Convention in all particulars, and also in regard to indigenous workers generally, can only be brought about by a major revision of legislation.

No observations relating to the application of this Convention have been received from organisations of employers or workers.

#### *Leeward Islands.*

In the case of workers recruited for employment in St. Croix (one of the Virgin Islands of the United States) recruitment is supervised by the Labour Commissioners who attest each contract, of which the worker receives a copy. The employment and welfare of these workers are watched over by a government officer who is seconded as a liaison officer to the corporation which employs the workers.

*Article 3 of the Convention.* Provision is made under section 10 of the Emigrants Protection Act, 1929, for the execution of contracts of service between the recruiting agent and the recruited worker.

#### *Malta.*

The Government states that this Convention is not applicable to Malta where the conditions for which the Convention was designed do not exist.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

*Article 8 of the Convention.* For the purpose of paragraph 1, a minimum age of 16 years has been prescribed and for paragraph 2 the minimum age is 18 years. No trades have yet been formally declared as being injurious to the moral or physical development of non-adults.

*Article 13.* If the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by or under the

directions of an authorised labour officer and any sums so expended may be recovered by civil suit.

*Article 14.* No exemptions have been granted to the conditions laid down in clause (d) of this Article.

*Article 16.* The maximum period stipulated for re-engagement contract is nine months or 18 months in the case of the renewal of a first contract of 24 months' duration. No special advantage has been taken of the exception provided in paragraph 2 of this Article.

Legislation is enforced through the machinery of the Department of Labour.

#### *North Borneo.*

During the period under review no contracts subject to the legislation giving effect to the Convention were entered into in respect of workers recruited and engaged within the colony. The almost universal practice in the colony is that engagement is on oral monthly contracts and the application of the Convention is thus not a matter of complexity. Use has, however, been made of these provisions in completing and attesting contracts of employment fully in respect of about 800 workers recruited from Hong Kong for employment in North Borneo.

#### *Northern Rhodesia.*

Government Notice No. 77 of 1953.

During the period under review new forms for contracts of service were prescribed under the above-mentioned Notice.

#### *Nyasaland.*

African Employment Ordinance No. 3 of 1954.

General Notice No. 175 of 1953, specifying the close season for the period of recruiting, 1953-54.

Government Notice No. 26 of 1952, cited as the Native Labour (Fees) (Amendment) Rules, 1952.

During the period under review the Native Labour Ordinance No. 4 of 1944 was cancelled and replaced by the African Employment Ordinance No. 3 of 1954. All the Articles of the Convention were applied without modification under the old Ordinance; the position has not been altered with the enacting of the new Ordinance.

*Article 2 of the Convention.* Under section 2 of the above-mentioned Ordinance "contract" means a contract of service, whether oral or in writing and whether expressed or implied, (a) to employ any person; (b) to serve or be employed by any person for any period of time; (c) to execute any work. No exclusions have been made under paragraph 2 of Article 2. Special provisions have been included for contracts of apprenticeship.

*Article 7.* Contracts for agricultural workers in this country are on a month-to-month basis and therefore not required to be in writing. No written contracts requiring the use of the exception provided for in paragraph 4 (c) have been made.

*Article 8* is applied without modification. The minimum age is 16 years. A non-adult person whose apparent age exceeds 16 years but is less

than 18 years is not capable of entering into a contract unless approval is given by an attesting officer. Before giving approval the attesting officer must be satisfied that the employment is not injurious to the moral or physical development of the young person.

*Article 9.* The maximum period of service which may be stipulated in any contract shall in no case exceed 12 months if the employees are not accompanied by their families, or two years if the employees are accompanied by their families. This period may be extended in the case of contracts in which the Commissioner for Labour certifies that a long and expensive journey is involved. The leave, if any, to be granted during the period of the contract shall be such as may be prescribed.

*Article 14.* This Article is applied without modification. With respect to clause (d) (ii) of the Article, suitable arrangements have been made, by means of a system of deferred pay, to ensure that workers recruited for employment in the mines in South Africa have the necessary funds for the payment of repatriation expenses. In fixing the rates of wages for work in the mines in South Africa proper allowance has been made for the payment of repatriation expenses by the worker. Arrangements for the repatriation of the workers are made by the employers who deduct such expenses involved in accordance with the conditions of employment attested before an attesting officer before the recruit leaves Nyasaland.

*Article 16.* This Article is applied without modification. When the period of service to be stipulated in any contract of re-engagement involves the separation of any employee from his family for more than 18 months, the employee shall not, unless an attesting officer or a labour officer grants permission otherwise, begin the service in the contract of re-engagement until he has had an opportunity to return home at the employer's expense.

No courts of law or other courts have given decisions involving question of principle relating to the application of the Convention.

No reports have been received with regard to any contraventions.

No observations have been received from organisations of employers or workers concerned regarding the conditions or application of the Convention.

#### *St. Helena.*

An advance in the law and practice relating to the matters dealt with in the Convention during the five previous years was secured by the introduction of the Contracts of Service Ordinance, 1951, and the Contracts of Service (Amendment) Ordinance, 1953.

#### *St. Lucia.*

See under *Dominica*.

#### *St. Vincent.*

See under *Dominica*.

#### *Sarawak.*

Labour (Amendment) Ordinance No. 19 of 1953.

Ordinance No. 24 of 1951, which came into force on 1 July 1952, repealed the Labour Protection Ordinance which previously had complied with the Convention.

The text of the Ordinance of 1953 is appended to the report on Convention No. 5.

#### *Seychelles.*

The Government has not found it necessary to invoke certain provisions of the Convention. Should the need arise, regulations could be made for their application under section 42 of the main Ordinance, No. 25 of 1945. The provisions of the Convention in question are the following: paragraphs 3 and 4 of Article 3, paragraphs 1 and 2 of Article 4, paragraphs 4 and 5 of Article 6, paragraphs 3 and 4 of Article 7, paragraphs 1 and 2 of Article 11, and Article 14.

#### *Sierra Leone.*

The report states that more detailed information will be supplied next year on the new apprenticeship schemes by collective agreement, since the new scheme has not yet been brought into force.

#### *Solomon Islands.*

A Colonial Office note is attached to the report in which it is stated that there are no organisations of employers or workers in the Protectorate and that, since there is no labour advisory board, it is not possible to introduce arrangements for the local distribution of reports.

#### *Southern Rhodesia.*

Industrial, Commercial and Local Authority Natives Employment Regulations, 1953 (in Government Notice No. 1087 of 1953).

#### *Tanganyika.*

Master and Native Servants Ordinance (Chapter 78).  
Master and Native Servants (Written Contracts) Ordinance (Chapter 79).

Master and Native Servants (Written Contracts) (Amendment) Ordinance No. 3 of 1952.

Master and Native Servants (Repatriation) Regulations, Government Notice No. 306 of 1944 (Subsidiary Legislation, Chapter 78).

*Article 1 of the Convention.* The definition of "servant" for the purposes of the Written Contracts Ordinance does not include a person entering into a contract of apprenticeship. For the purposes of the Ordinance, the word "contract" shall be a contract which is required to be made in writing.

*Article 9.* The maximum periods of service that may be stipulated in any contract shall be: in the case of a worker who is accompanied by his wife and children, three years; in all other cases, two years.

*Article 12, paragraph 3.* An application of either party for the termination of any contract will be deemed to be a complaint and dealt with under the relevant provisions of section 32 of the principal Ordinance.

*Article 13.* No cases have occurred of an employer failing to fulfil his obligations to repatriate workers. In furtherance of the provisions of section 14 of the Written Contracts Ordinance, the Master and Native Servants (Repatriation) Regulations require that where a contract of service has been terminated by reason of the ill-health of or accident to any worker, such servant must be medically examined by a government medical officer prior to repatriation to ensure his fitness to travel.

*Article 14.* The competent authority for the purposes of the above section is an administrative or labour officer. The prescribed period for the purposes of clause (d) of the Article is six months.

*Article 16.* The Master and Native Servants (Written Contracts) (Amendment) Ordinance No. 3 of 1952 has increased to three years the maximum period prescribed for the purposes of a re-engagement contract in respect of workers accompanied by their wives and children.

In continuation of the policy to encourage workers to proceed from their tribal areas for employment, accompanied by their families, an amendment to the existing Written Contracts Ordinance was enacted in 1952, which increased the maximum period of written contracts to three years in the case of workers accompanied by their families, and in all other cases to two years. A consequential amendment to the Master and Native Servants Ordinance has been enacted, under the provisions of which the families of workers engaged on contracts of service for periods exceeding two years now receive free rations in accordance with the prescribed scale regardless of whether such members of a worker's family work or not. The great majority of employers in the agricultural undertakings, particularly the sisal industry, give every support to this policy and provide many amenities of a social and educational nature to encourage workers to seek employment as family units.

No practical difficulties have been experienced in applying the provisions of the Convention. In practically all cases attestation and medical examination of recruits is carried out prior to departure from the home district, but in cases where this is not always practicable the formalities are still observed prior to the workers leaving the province of recruiting. In districts where labour officers are stationed attestation is normally carried out by such officers, and in other cases by officers of the provincial administration.

During the period under review 174 workers, accompanied by 235 dependants, were attested on three-year contracts of service.

No observations were received from organisations of either employers or workers.

*Trinidad and Tobago.*

See under *Dominica*.

*Uganda.*

Uganda Employment Ordinance, Cap. 83 of the Revised Laws of Uganda, 1951.

Employment of Children Ordinance, Cap. 86 of the Revised Laws of Uganda, 1951.

*Article 2 of the Convention.* Under section 2 of the Uganda Employment Ordinance the term

"contract of service" means any contract whether in writing or oral, whether expressed or implied, to employ or to serve as an employee for any period of time and includes any contract of apprenticeship.

*Article 3.* Section 10 of the Uganda Employment Ordinance provides that a contract of service which is not in writing and signed by the parties thereto shall not be in force for more than one month. But the exception to this is that an employer and an employee may enter into a contract of service, either orally or in writing, for an aggregate of 30 working days to be completed within 42 days.

The method by which the worker shall indicate his assent to the contract is laid down in section 11 of the Uganda Employment Ordinance.

*Article 4.* Section 46 (i) of the Uganda Employment Ordinance provides that the recruiting of the head of a family shall not be deemed to involve the recruiting of any member of the family. "Employer" is defined in section 2 of the Ordinance as any person, company, firm or corporation, that has entered into a contract of service to employ any other person and the agent, foreman, manager, recruiter or factor of such employer.

*Article 5.* Rules Nos. 17 and 18 of the Uganda Employment Rules prescribe forms which comply with the conditions of Article 5.

*Article 6.* Section 11 of the Uganda Employment Ordinance provides that no written contract of service shall be enforced as against any employee who is unable to read and understand writing unless it bears an attestation, under the hand of a magistrate or authorised officer, to the effect that such contract was read over and explained to such employee, in the presence of such magistrate or authorised officer, and was entered into by him voluntarily, and with full understanding of its meaning. Section 13 (2) of the Ordinance provides that every written contract of service shall be made and attested in quintuplicate and copies shall be delivered to the employer, the recruiter (if any), the Labour Commissioner, the employee (or in the case of a gang of employees, to the headman), and to the district commissioner of the district where the contract was attested.

*Article 7.* Section 49 of the Ordinance provides for the medical examination of all recruits. No exceptions as permitted under paragraph 4 of this Article have been made.

*Article 8.* Children under 12 years of age may not be employed (section 3 (1)) or under 14 years of age in a town (section 3 (2)) except with special permission from the Labour Commissioner. No general class of occupations has been approved as not being injurious to the moral or physical development of non-adults.

*Article 9.* Section 16 of the Ordinance provides that no foreign contract of service or other written contract of service, other than a contract of apprenticeship, shall be binding or valid for a longer period than two years from the date thereof: Provided that where the employee is not accompanied by his wife or family the contract shall not exceed 12 months. Section 19 of the Ordinance provides that one week's paid leave shall be

granted in any year in which the employee has worked for 280 days.

*Article 12.* Section 17 of the Ordinance lays down that in cases where the contract is to pay wages at a rate other than monthly the contract shall be terminable by either party at the close of any day without notice. In cases where the contract is to pay wages monthly or at monthly rates the contract is determinable by either party at the end of any month without notice.

Section 57 of the Ordinance provides for an employer or employee who feels aggrieved to make a complaint to any magistrate. In fact, employers and employees report their complaints to the nearest labour officer or district commissioner, who make immediate investigations and endeavour to settle the complaint by mediation.

*Article 13.* Section 37 of the Ordinance provides that whenever any employee shall have been taken to the place of employment at the expense of the employer, the latter shall, at the termination of the contract of service otherwise than by cancellation thereof by a magistrate on account of any wrongful act or default of the employee, in like manner return the employee to the place of engagement should the employee wish to return. Section 38 requires the employer on the termination of a contract of service to provide at his own expense a sufficient supply of food for the employee's consumption on the way back to his place of engagement. Section 54 of the Ordinance applies the provisions of sections 50, 51, 52 and 53 to the families of recruits.

It has not been found necessary to take any particular measures to deal with cases in which an employer has failed to meet his obligations in respect of repatriation. Each year the Government votes funds to cover the cost of repatriating sick or destitute workers, and in the rare cases which occur of an employer failing to repatriate a worker these funds are used and the amount expended recovered from the employer if possible.

*Article 15.* Vehicles used for the transport of workers have to be examined by the Inspector of Vehicles (Police) at least once a year before they are issued with the necessary passenger vehicle licence. Labour camps operated by the Labour Department are situated on the main labour routes throughout the Protectorate.

*Article 16.* There is no legislation covering re-engagement contracts. It is customary, on the expiry of a written contract of service, for the employee to return immediately to his home. If he wishes to go back to his employer for a further

period of service then he must enter into a fresh contract. Instances do occur whereby a man having completed one contract with a certain employer, returns to him of his own volition and works under an oral contract on a daily or monthly basis.

*Article 17.* It has not been found necessary to cause summaries of the regulations relating to contracts to be printed, as the vast majority of the labourers who offer themselves for recruitment are illiterate. Section 11 of the Ordinance requires an attestation by the magistrate or authorised officer to the effect that the terms of the contract have been read over and explained to the employee.

*Article 18.* Section 82 (2) of the Ordinance forbids the recruitment of persons for service outside the Protectorate except under the terms of a contract of foreign service.

*Article 19.* It has not been found necessary to enter into agreements in accordance with the provisions of paragraph 3 of Article 19. But there is an understanding between the Labour Departments in the three East African Territories that they will assist any man from any of the three territories who may require assistance while on a contract of foreign service outside his own territory. In general, sections 8 to 13 and 48 to 51 of the Ordinance give general effect to the terms of this Article.

No decision involving questions of principle relating to the application of this Convention have been given by courts of law.

Careful supervision and inspection has continued throughout the year. There is no reason to believe that any serious contraventions remain undetected.

No observations regarding the Convention have been received from organisations of employers or workers.

#### *Zanzibar.*

Labour Decree, 1946, as amended by the Labour (Amendment) Decrees, 1951 and 1952.

During the period under review 159 contracts for employment both within and outside the Protectorate were concluded, but no special difficulties arose.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 65. Penal Sanctions (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

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*Italy.*<sup>1</sup> Applicable without modification: Italian Somaliland.

*New Zealand.* Ratification: 8 July 1947. Applicable without modification: Cook Islands, Western Samoa. No declaration on application: Tokelau Islands.

*United Kingdom.* Ratification: 24 August 1943. Ap-

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plicable *ipso jure* without modification<sup>2</sup>: Channel Islands, Isle of Man. Not applicable: Cyprus, Falkland Islands, Gibraltar, Malta. No declaration on application: Southern Rhodesia. Applicable without modification: all other British non-metropolitan territories.

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<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.  
<sup>2</sup> See footnote 1 to Convention No. 2.

*Italy.**Trust Territory of Somaliland.*

Administrative Decree of 31 December 1951 repealing Proclamation No. 2 of 1947 respecting agricultural manpower and the Implementing Regulations of 14 February 1947 (Notices Nos. 17 and 18 of 1947).

The Administrative Decree of 31 December 1951 repealed the texts promulgated by the British administration which provided for penal sanctions in the case of workers breaking their contracts or leaving their employment. These texts were considered incompatible with the new legal status of the territory.

The supervision of the application of the legislation is entrusted to the central inspection service and to the regional labour inspectors.

No court of law has given any decision on questions of principle involving the application of the Convention.

No observations were made by the workers' and employers' organisations.

*New Zealand.**Cook Islands.*

No act is punishable unless it is expressly made punishable by an Act of Parliament for the time being in force. There is no longer in the territory, including Niue, any enactment in force which makes it an offence to break a contract of employment. Thus, no penal sanctions can lawfully be imposed for breach of contract on any indigenous worker or other person. If any employer should attempt to impose such sanction on any employee, that employer would be guilty of the offence of assault or of some other criminal offence for which he would be liable to severe punishment.

*Tokelau Islands.*

See under *Cook Islands*.

Consideration is being given to the question of extending the application of this Convention to the Tokelau Islands.

See also under Conventions Nos. 1 and 29.

*Western Samoa.*

See under *Cook Islands*.

Additional protection has been afforded to indigenous workers by the Contract of Employment (Indigenous Workers) Ordinance, 1950, which regulates and restricts the contractual rights of persons who employ indigenous workers.

*United Kingdom.**Bahamas.*

This Convention is applied in the colony. No legislation containing penal sanctions within the meaning of the Convention now exists.

*Barbados.*

Better Security Act, 1920.

For the prospects of applying this Convention see under Convention No. 50, paragraph 1.

There has been no change in the law during the year. Legislative provision which was considered to have given effect to the principles of the Convention was made by Act No. 17 of 1937, which repealed the penal clauses in the Master and Servant Act, 1898. However, under the Better Security Act of 1920 certain penal sanctions still exist and consideration is being given to their repeal.

*Articles 1 and 2 of the Convention.* The only existing penal sanctions are contained in the following sections of the Better Security Act of 1920:

"2 (1). Where a person employed in the Waterworks Department of this Island or by any person upon whom is imposed by statute the duty or who has assumed the duty of supplying any town place or any part thereof or any human habitation with gas or electricity for lighting wilfully and maliciously breaks a contract of service with that Department or person, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of any part of the Island wholly or to a great extent of their supply of water, or the inhabitants of that town, place or part, or of that habitation wholly or to a great extent of their supply of gas or electricity, he shall be liable on summary conviction to a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months with or without hard labour.

"(2). The manager of the Waterworks Department shall cause to be posted up at the premises of the Department, and the person upon whom lies the duty of supplying gas or electricity, as aforesaid shall cause to be posted up at the gas or electric works, as the case may be, belonging to such person, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed; and as often as such copy becomes defaced, obliterated or destroyed shall cause it to be renewed with all reasonable despatch. And if the manager or any such person as aforesaid shall make default in complying with the provisions of this subsection he shall be liable on summary conviction to a penalty not exceeding five pounds for every day during which such default continues; and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

"(3). Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall be liable on summary conviction to a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months with or without hard labour."

*Basutoland.*

Native Labour Proclamation (Section 42 (Chapter 57) of the Laws of Basutoland).

*Article 2, paragraph 1, of the Convention.* Penal sanctions are now solely used in the case of the male African mineworker who breaks his contract after being recruited by a labour agent for work on the mines and after being granted an advance of cash and certain other facilities. It is a fact that an appreciable number of Africans do allow themselves to be recruited, draw allowances and desert at the first opportunity, frequently repeating the performance with another labour agent.

It is most improbable that civil damages could be recovered from such an individual and, unless there is some deterrent to desertion, its continued practice would adversely affect the recruitment of Basuto labour for the mines in the Union of South Africa, which makes a substantial contribution to the economy of the territory and consequently the welfare of its people.

The restricted penal sanction permitted by section 40 of the Native Labour Proclamation has been found to be an effective deterrent to desertion and its abolition at present could only harm rather than assist the economy and well-being of the territory. Sentences are normally suspended on condition of satisfactory completion of the contract.

Until an alternative deterrent is found it is not practicable to set a date for the abolition of this sanction.

Paragraph 2. This is applied in Basutoland by section 42 (1) of the Native Labour Proclamation. A non-adult person is defined as "any person under the age of 18 years".

#### *British Guiana.*

Steps are being taken to repeal section 36 of the Labour Ordinance of 1942 which provides for penal sanctions for breach of contract. These are sanctions against failure to commence service under a contract of employment after having received but not having repaid or tendered repayment of an advance of wages.

See also under Convention No. 2, paragraph 2 ff.

#### *British Honduras.*

The report states that the penal sanction applied when a worker absconds before the whole or any portion of an advance has been repaid is necessary because of the long-established and deep-rooted system whereby employers are called upon to make cash advances to workers upon their engagement. As soon as it is possible to abolish this practice, the sanction can be cancelled. Legislation to this end is under consideration.

#### *British Somaliland.*

Contracts of Employment (Indigenous Workers) Ordinance No. 6 of 1953.

With the repeal of the Master and Servant Ordinance (Chapter 108 of the Laws) by the Contracts of Employment (Indigenous Workers) Ordinance No. 6 of 1953, no penal sanctions within the meaning of the Convention exist save those provided in respect of government servants in the Departmental Servants Ordinance No. 5 of 1945.

The Committee of Experts asked what measures were being taken to apply the provisions of the

Convention. The Bill to which the report referred has now been enacted as the Contracts of Employment (Indigenous Workers) Ordinance No. 6 of 1953, and thus the Convention is fully applied but for the exception noted above.

#### *Brunei.*

Enactment No. 24 of 1 December 1953.

With the repeal of sections 490 and 491 of the Penal Code by section 8 of Enactment No. 24 of 1 December 1953, no penal sanctions for breach of contract now exist.

The text of the repealed sections is reproduced in the report.

#### *Falkland Islands.*

See under Convention No. 2.

#### *Fiji.*

The minimum age for contract labour in the colony is 18 years.

#### *Hong Kong.*

In conformity with the Ordinance now in force, the magistrates are the officers to whom the enforcement of this legislation is entrusted. In practice, the labour department deals with a very large percentage of cases concerning the conditions of service or the termination of contracts of service. These cases are dealt with administratively at the request of all parties to the dispute. If no settlement is achieved recourse may be had to legal proceedings.

#### *Kenya.*

Employment Ordinance, 1938 (Cap. 109, Laws of Kenya).

Government Notice No. 854 of 1952.

Resident Labourers Ordinance, 1940 (Cap. 113, Laws of Kenya).

*Article 1 of the Convention.* The Employment Ordinance, which deals with breaches of contract and related acts of commission or omission on the part of workers or employers, does not distinguish between indigenous and non-indigenous persons; however, by Government Notice No. 854 of 1952, the main provisions of the Ordinance are applied only to workers whose wages do not exceed 100 shillings per month, and this in effect includes the bulk of the African labour force.

The Resident Labourers Ordinance refers specifically to "Africans", which includes persons of the Somali tribe for this purpose (see section 5 of this Ordinance).

The meaning of the term "breach of contract" in the Convention is interpreted in the light of the views expressed by the Committee of Experts.

*Article 2, paragraph 1.* The Government has had under consideration for some time the possibility of removing the remaining penal sanctions in its labour legislation.

The Law Offices have recently drawn attention to the fact that sections 64 (1) (b) and (d) of the Employment Ordinance, and section 27 (2) (b) of the Resident Labourers Ordinance, carry penal sanctions for breaches of contract which are not complicated by offences against public order and

discipline (e.g. fraud, disorderly conduct or loss or damage of property).

Section 64 (1) (b) empowers a magistrate dealing with a complaint regarding breach of contract to direct, in lieu of awarding damages, the party committing the breach of contract to find security for the due performance of so much of the contract as remains unperformed, and, if the party neglects or refuses to find such security, to commit him to prison until he finds it, the term of imprisonment, however, not to exceed three months.

Section 64 (1) (d) empowers a magistrate dealing with a breach of contract case to fine, or to imprison for one month in default of payment of fine, either party, if in the opinion of the magistrate pecuniary compensation will not meet the circumstances of the case, or if no amount of compensation or damages can be assessed.

Section 27 (2) (b) of the Resident Labourers Ordinance makes provision similar to that of section 64 (1) (b) of the Employment Ordinance.

It is the intention that all these penal sanctions, including that for desertion under section 67 (1) (e) of the Employment Ordinance (see definition of "desertion" in section 2 of the Ordinance), shall be removed by amending Bills which it is hoped to introduce into the legislature in 1955.

It will remain an offence, entailing a fine or imprisonment, under section 70 of the Employment Ordinance if without good reason a worker quits his employer's service before he has fully repaid or worked off a recoverable advance of wages given him by his employer. By an amendment it will also be made an offence if a worker quits his employer's service before repaying to the employer the expenses of transport to the place of employment where his *written* contract of service stipulates such repayment in the event of the worker prematurely terminating the contract.

These provisions are considered necessary by the colony's Labour Advisory Board and by the Kenya Government at the present stage of the territory's development owing to the prevalence of workers defrauding their employers of advances of wages or using contracts of employment as a means of obtaining "free" transport on long, expensive journeys.

Paragraph 2. There are no penal sanctions for breach of contract applicable to juveniles (i.e. those below 16 years of age). Section 67 (2), the proviso to section 64 (1), and section 70 (2), of the Employment Ordinance, preclude the application of these sanctions to juveniles. In the case of the Resident Labourers Ordinance juveniles are not permitted to enter into resident labourers' contracts; section 5 (2) of that Ordinance only provides for the attestation of male members of the resident labourer's family who are of the apparent age of 16 years and over.

The application of the above-mentioned legislation is entrusted to the colony's Labour Department, under the control of the Minister for Labour. The Labour Department has labour officers and labour inspectors based on labour offices situated in the European farming areas where such resident labour is employed. Regular inspections are carried out, subject to the supervision of senior labour officers posted at provincial headquarters, and there is an adequate system of inspection forms and monthly reports which have to be submitted by inspecting officers.

There have been no decisions by courts of law involving questions of principle relating to the application of the Convention.

The Convention has been accepted for some time as settling a desirable standard to be attained, but practical considerations in a territory where so much of the African labour force is still incapable of appreciating the necessity of honouring contractual obligations have precluded abolishing all penal sanctions.

There was no material change in the position during the period under review, but in 1954 steps were taken to prepare amendments of the legislation so as to abolish the remaining penal sanctions which were in conflict with the Convention. It is hoped that this amending legislation will be enacted in 1955. Throughout the period, therefore, a limited number of penal sanctions for breach of contract have continued to apply.

No observations regarding the practical fulfilment of the conditions of the Convention have been received from organisations of employers or workers.

#### *Malta.*

See under Convention No. 64.

#### *Mauritius.*

Belated discovery was made of a penal clause in the Lesser Dependencies Ordinance No. 4 of 1904, and this has been repealed by Ordinance No. 45 of 1953, a copy of which is appended to the report.

#### *Nigeria.*

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria (Revised 1948).

No decisions of courts of law have been given regarding the application of the Convention, although some cases of breaches of contract have been determined by the courts.

#### *Northern Rhodesia.*

During the last five years there have been no amendments to the Employment of Natives Ordinance (Chapter 171, of the Laws of Northern Rhodesia) in respect of penal sanctions.

After consideration of advice tendered by the African Labour Advisory Board, the Government has agreed that, while there is no objection to the repeal of section 72 (1) (d) of the Employment of Natives Ordinance (power of magistrate to impose fines or imprisonment) at the earliest opportunity, the penalties under section 74 (1) for failure to commence service and under section 75 for desertion must be retained for the present.

Legislation to repeal section 72 (1) (d) will be introduced at the first opportunity.

The Northern Rhodesia Farmers' Union has made representations for the retention of the sanctions and for more effective enforcement of the sanctions against deserters.

#### *Nyasaland.*

African Employment Ordinance No. 3 of 1954.

During the period under review the Native Labour Ordinance No. 4 of 1944 has been replaced



by the African Employment Ordinance No. 3 of 1954, which contains no penal sanctions for breaches of contracts of employment by indigenous workers.

#### *Sarawak.*

The new Labour Ordinance of 1951, which came into effect on 1 July 1952, simultaneously repealed sections 490 and 491 of the Penal Code and the Labour Protection Ordinance which, under section 6 (3), permitted an employer, on failure of an employee to give notice, to dismiss him and by application to the court to obtain by way of damages a sum not exceeding one month's wages.

#### *Seychelles.*

Ordinance No. 13 of 1947 amending the Employment of Servants Ordinance, 1945.

Penalties are provided in the above-mentioned Ordinance for contravention of any of the provisions of the Convention.

#### *Sierra Leone.*

A new apprenticeship scheme was recently approved by the representatives of the workers and the employers, and will shortly be put into practice.

#### *Solomon Islands.*

The report states that the Convention is in fact applied since all legislative provisions which laid down penal sanctions for breaking of employment contracts have been repealed. A note from the Colonial Office adds that as there are no employers' or workers' organisations in the Protectorate, and as no labour advisory board exists, the reports have not been circulated within the Protectorate itself.

#### *Tanganyika.*

The only legislation which still contains provisions for the imposition of penalties for breach of contract is the Master and Native Servants Ordinance (Chapter 78 of the Revised Edition of the Laws), section 33 of which enables a court to impose a penalty on the servant who has neglected or refused to fulfil any contract of service. Section 36 makes it an offence for a servant to depart without lawful excuse from his employer's service with intent not to return thereto.

In view of the proposed introduction of a new and comprehensive employment Bill no changes have been made in the present Ordinance during the period under review, but administrative instructions were issued in October 1953 to the effect that prosecutions should not be instituted by labour officers against workers who leave employment during the course of a monthly

contract. Thus the institution of legal proceedings for desertion has since this date been limited to desertion in breach of fulfilment of written contracts valid for periods of six months or more in which circumstances desertions usually involve the employer in a pecuniary loss.

*Article 1, paragraph 2, of the Convention.* Penal sanctions for breach of contract under the present legislation may be imposed under sections 32 and 33 for refusal to fulfil a contract of service by a servant and under section 36 for desertion by departure from an employer's service with intent not to return thereto.

*Article 2, paragraph 1.* This question is still under review in connection with pending legislation.

The present legislation is administered by the Labour Commissioner and its enforcement in the field is supervised by labour officers except in areas where no labour officers are stationed, in which case these duties may be performed by an administrative officer. All substantial undertakings employing workers under conditions laid down in the principal Ordinance are subject to regular inspection by labour officers.

Representations have been received on numerous occasions from employers complaining of the frequent desertion by servants serving under written contract and this subject has, during the course of the past year, been under investigation by a Committee of the Tanganyika Sisal Growers' Association. It was also the subject of a memorandum prepared by the Northern Province Labour Utilisation Board in which the Government was asked whether more effective measures could not be taken to reduce desertion to a minimum by tracing workers who leave places of employment and return to their homes, so that they might be persuaded to return to complete their contracts.

#### *Uganda.*

Since the submission of the last annual report on this Convention it has been decided that section 61 (1) (d) of the Uganda Employment Ordinance is a penal sanction within the meaning of the Convention. This section has very rarely been used and very few employers or employees are aware of its existence. Nevertheless, the question of repealing the section in the very near future is now under active consideration.

Section 3 of the Uganda Employment Ordinance provides that "no juvenile shall be subject to any of the penal provisions of this Ordinance". A juvenile is defined as a person under the apparent age of 16 years.

The reports concerning the other territories reproduce or refer to the information previously supplied.



## 69. Certification of Ships' Cooks Convention, 1946

*This Convention came into force on 22 April 1953*

*Belgium.* Ratification: 5 December 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 9 December 1948. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 23 February 1951. Applicable without modification: Netherlands Antilles. Not applicable: New Guinea, Surinam.

*Portugal.* Ratification: 13 June 1952. No declaration on application.

*United Kingdom.* Ratification: 29 July 1949. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. No declaration on application: all other British non-metropolitan territories.

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

*France.*

*Algeria (First Report).*

Order of 29 July 1953.

The application of the provisions is entrusted to the administrators of the Shipping Registration Service, who ensure the compliance with seamen's articles of agreement under the supervision of the General Inspectorate for Shipping Registration Services.

*Cameroons (First Report).*

There is no text regulating the engagement of indigenous seamen as ships' cooks on board local vessels in the Cameroons. No person is engaged as such without the authorisation of the Shipping Registration Service, unless he provides proof of his employment as a ship's cook, ashore or at sea, for a minimum period of two years.

In practice, there are some ten ships' cooks in Douala on file with the Shipping Registration Service who work on local vessels. At each discharge the captain grants a certificate testifying to the quality of the service rendered.

*French Equatorial Africa (First Report).*

For legislation see under Convention No. 55.

*French Settlements in Oceania (First Report).*

The Convention is not applied in the territory.

*French West Africa (First Report).*

Order of 14 May 1952, to establish conditions of employment as members of crews on board merchant vessels for non-registered indigenous seamen in French West Africa.

According to the above-mentioned Order a professional identity card will not be issued

unless the person holds a certificate of qualification for service in the deck department or in the engine room or as cook.

This certificate is granted in the case of ships' cooks by a committee consisting of qualified officials and representatives of the profession.

*Madagascar (First Report).*

No local regulations have been issued with regard to this Convention, but it should be noted that in practice only indigenous workers having already served for several years as assistant cooks or cooks are enrolled on board ship as cooks.

No decisions have been given by the courts of law on this question.

*Martinique (First Report).*

Order of 29 July 1953.

The Maritime Registration administrators who supervise the implementation of seamen's articles of agreement, under the control of the General Inspectorate of the Maritime Registration Services, are responsible for the application of the legislative provisions.

*New Caledonia (First Report).*

There are no laws or regulations concerning the certification of ships' cooks. If there were any such regulations they would be applied by the head of the Maritime Registration Service.

No decision relating to the application of the Convention has been given by any court of law.

No observations concerning the certification of ships' cooks have been received from employers' or workers' organisations.

*Réunion (First Report).*

See under *Guadeloupe*.

*St. Pierre and Miquelon (First Report).*

Ministerial Order of 29 July 1953 respecting certificates of competency as ships' cooks.

This text will be enforced as soon as the Maritime Administration at St. Pierre has received the necessary instructions.

*Togoland.*

See under Convention No. 8.

*Italy.*

*Trust Territory of Somaliland (First Report).*

In view of the small size of the Somali mer-

chant marine, which consists of a few ships of low tonnage and some sailing vessels, it is not considered necessary to give effect to this Convention.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

#### 74. Certification of Able Seamen Convention, 1946

*This Convention came into force on 14 July 1951*

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*Belgium.* Ratification: 5 December 1951. Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 9 December 1948. No declaration on application.

*Netherlands.* Ratification: 14 July 1950. Applicable without modification: Netherlands Antilles. Not applicable: New Guinea, Surinam.

*Portugal.* Ratification: 13 June 1952. No declaration on application.

*United Kingdom.* Ratification: 13 May 1952. No declaration on application.

*United States.* Ratification: 9 April 1953. No declaration on application.

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*France.*

*Cameroons.*

Two registered seamen in the Cameroons were granted the certificate of able seaman.

*French Equatorial Africa.*

For legislation see under Convention No. 55.

*Togoland.*

See under Convention No. 8.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

#### 77. Medical Examination of Young Persons (Industry) Convention, 1946

*This Convention came into force on 29 December 1950*

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*France.* Ratification: 28 June 1951. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*United Kingdom.*<sup>1</sup> Decision on application reserved for all British non-metropolitan territories.

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

*France.*

*French Equatorial Africa.*

See under Convention No. 15.

*French Guiana.*

The provisions of the Convention are of no purpose in the département.

*French Settlements in Oceania.*

Act No. 52-1322 of 15 December 1952 (sections 118 and 119) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The most important undertakings in the territory—which are the only undertakings in which young persons under 18 years of age are exceptionally employed—require employment to be subject to the attestation of physical fitness by a qualified medical practitioner. There are no employments in the territory which involve high health risks, with the exception of those carried out by pearl fishers who work according to the conditions for craftsmen.

The expenses of the medical examination to attest physical fitness which must be carried out before any labour contract is made, in conformity with section 32 of the Overseas Labour Code, are borne by the employer.

*Guadeloupe.*

The Act of 11 October 1946 respecting the organisation of the medical labour services has not been extended to the Overseas Départements. However, a number of undertakings require that their staff should undergo medical examinations at least once a year.

*Madagascar.*

Order of 5 February 1954 to regulate the conditions of work of children.

In virtue of section 23 of the Order of 5 February 1954 children must, at the request of the employer, submit to a medical examination by the doctor appointed by the undertaking, or, if this is not possible, by a registered doctor.

*Martinique.*

No text relating to the application of the Convention is at present applicable. The local working conditions are not of a nature to oppose the setting up of an organisation of medical care in labour, to be limited in the first place to young persons under 21 years of age.

*St. Pierre and Miquelon.*

Local Order of 14 August 1954, issued in virtue of the provisions of sections 118 and 119 of Act No. 52-1322 of 15 December 1952.

This text provides that young persons under 18 years of age must undergo a medical examination and hold a certificate showing their physical capacity for the work in which they are employed.

*Togoland.*

Order of 19 March 1954 to establish a Technical Advisory Health and Safety Committee.

By 30 June 1954 it had not yet been possible to arrange for a meeting of the above Committee.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

This Ordinance, which came into force on 15 August 1953, states that no child may be employed in any type of work except on production of a medical certificate attesting his fitness for work of that kind. Subsequently, young persons must undergo further medical examinations at least once a year until they reach the age of 18, certifying that they are still fit for the work in which they are employed. Medical officers employed by the authorities are required to carry out the medical examinations and issue the necessary certificates free of charge.

The authorities responsible for the application of the provisions mentioned above are the Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications), and more particularly the Central Inspectorate of Labour and its regional branch offices.

Section 19 of the above Ordinance in particular empowers the regional inspectorate of labour to order the medical examination of young persons. Where it is established that a young person is not strong enough for the work in which he is engaged, the labour inspector may order his discharge or assignment to other work suitable to his physical capacities.

During the period under review the inspections made by the competent authorities did not reveal any failure to apply the Convention.

No workers' organisations or employers have made any observations whatever on this subject.

No decisions by courts of law were brought to the notice of the Government.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

*This Convention came into force on 29 December 1950*

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*France.* Ratification: 28 June 1951. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

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*France.*

*French Equatorial Africa.*

See under Convention No. 15.

*French Guiana.*

See under Convention No. 77.

*French Settlements in Oceania.*

See under Convention No. 77.

*Guadeloupe.*

See under Convention No. 77.

*Madagascar.*

No distinction is made between industrial and non-industrial work as regards the medical

examination for fitness for employment of children and young persons.

See also under Convention No. 77.

*Martinique.*

See under Convention No. 77.

*St. Pierre and Miquelon.*

See under Convention No. 77.

*Italy.*

*Trust Territory of Somaliland (First Report).*

The subject matter of the Convention is dealt with in Ordinance No. 12 of 28 June 1953, which applies equally to industrial and non-industrial occupations.

See also under Convention No. 77.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

*This Convention came into force on 29 December 1950*

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*Italy.* Ratification: 22 October 1950. No declaration on application.

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### *Italy.*

#### *Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

The subject is dealt with in the Ordinance mentioned above, which came into force on 15 August 1953, and which covers all young persons under 18 years of age employed in industrial and non-industrial activities.

In view of the climatic conditions obtaining in Somaliland, the nightly rest period for young persons under 18 years of age has been fixed by this Ordinance at 11 consecutive hours between 6 o'clock in the evening and 5 o'clock in the morning. If work is interrupted during the day, the nightly rest period may be reduced to less than 11 hours, provided that a compensatory rest period is given to the workers.

Under the terms of the above Ordinance, the prohibition of night work for young persons of 14 years of age or over does not apply in cases of *force majeure* which interfere with the normal functioning of the undertaking. In such cases the employer must immediately report the matter to the regional labour inspectorate, indicating the conditions which have given rise to the state of *force majeure*, the number of young persons employed, the hours of work fixed, and the period during which night work is expected to be necessary. The employer must also notify the inspectorate of the date of the cessation of night work. The labour inspector is empowered to order a reduction or cessation of night work. However,

appeal may be made against such orders to the central labour inspectorate.

The regional labour inspectorate is empowered to authorise the employment of young persons between 14 and 18 years of age at night in the event of particularly grave circumstances arising, or when the public interest so requires. However, no cases of this kind have ever occurred. It is not considered necessary to empower the competent authorities to grant individual permits to young persons under 18 years of age enabling them to appear at night as performers in public entertainment. In any case the authorities have never received a request of this kind.

The central and regional labour inspectorates are responsible for inspection. The employer is required to indicate the ages of young workers on their cards or pay-sheets. The age of a young worker shall be ascertained from his birth certificate, or failing that from a document issued in the prescribed manner by the Cadi. In doubtful cases the young workers concerned may be required to undergo expert medical examination. Penalties are provided for contraventions of the provisions of the above-mentioned Ordinance.

The authorities responsible for the application of the provisions under review are the Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications) and its regional branch offices. During the period under consideration no infringements of the Convention were revealed by the inspections made by the competent authorities.

No workers' organisations or employers have made any observations regarding the application of the above-mentioned provisions.

No decisions by courts of law were brought to the notice of the Government.

## 81. Labour Inspection Convention, 1947

*This Convention came into force on 7 April 1950*

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*France.* Ratification: 16 December 1950. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 15 September 1951. Applicable without modification: Netherlands Antilles, Surinam. Not applicable: New Guinea.

*United Kingdom.* Ratification: 28 June 1949. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. No declaration on application: other British non-metropolitan territories.

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

### *France.*

#### *Algeria.*

The total number of labour inspectors and supervisors is 75, including seven women. The number of undertakings under the supervision of the Labour Inspectorate is 36,307, employing 276,148 persons. In 1953, 12,725 establishments, employing 190,815 persons were inspected; the number of infringements reported was 7,255 and proceedings were instituted in 1,948 cases.

The report further contains detailed statistics concerning industrial accidents and occupational diseases for 1953.

#### *French Settlements in Oceania.*

The report gives the provisions of the Overseas Labour Code which deal with the inspection of labour and social legislation.

It states that in this territory the staff of the labour inspection service comprises an Inspector of Labour and Social Legislation for Overseas France, an administrative assistant and a secretary-typist. Offices which are equipped in a manner suitable to meet the needs of the service and are accessible to all the persons concerned are provided for the Labour Inspector, who also enjoys the permanent use of a service car for his tours in Tahiti, and may make use of schooners for his journeys to the archipelagos.

#### *French Somaliland.*

Order of 12 February 1954.

With regard to Article 14 of the Convention, the report states that an Order was issued on 12 February 1954 to determine the exact manner in which industrial accidents must be notified; this was done on the basis of the metropolitan regulations.

#### *Guadeloupe.*

The Labour and Manpower Inspectorate in Guadeloupe consists of a departmental director in Basse Terre, an inspector at Pointe-à-Pitre, two assistant supervisors at Basse Terre and two assistant supervisors at Pointe-à-Pitre.

#### *Martinique.*

The metropolitan texts relating to the organisation of the labour inspection service are applicable in this département. The undertakings which do not fall under the supervision of the labour inspectorate are, as in metropolitan France, those engaged in the following activities: production and transport of electric energy, dockers, public transport undertakings and quarries. The duties of the labour inspectorate extend to agriculture. In Martinique there are no technicians to collaborate with the labour inspection service.

The means available to the labour inspection staff are insufficient as regards transport: some undertakings such as distilleries, pineapple canneries, jam-making factories, are out in the country near the places of production and not accessible to cars.

Notifications of industrial accidents are communicated to the services by the General Social Security Fund. The penal sanctions provided for are too light to prove adequate. The labour inspectorate has the same competence with regard to commercial undertakings as with regard to industrial undertakings.

#### *Italy.*

##### *Trust Territory of Somaliland (First Report).*

Ordinance No. 21 of 23 November 1951 to establish labour inspectorates.

In accordance with the above-mentioned Ordinance, the duties of the Labour Inspectorate are as follows: (a) to direct and co-ordinate the work of institutions and organisations carrying on activity in the social and labour fields; (b) to enforce all regulations concerning conditions of work and social insurance in industrial and commercial undertakings, agriculture, and all places where any person is gainfully employed, with the exceptions laid down by law; (c) to collect information on labour conditions and employment trends, and give information and technical advice on the most effective methods of conforming to the legislation in force; (d) to supervise the fulfilment of contracts of employment, the maintenance of industrial peace, and the observation of the regulations issued by the authorities concerning employment relationships and the protection of workers.

The Directorate of Economic Development (Office of Industry, Internal Trade, Labour and Communications) is responsible for the Labour Inspectorate, and the Director of the Office has the duties of the Chief Inspector of Labour. He may, however, delegate his functions to the Chief of the Labour and Social Assistance Section.

The duties of the Regional Inspector of Labour in each of the different regions devolve upon the Regional Commissioner, who may, however, delegate his duties to another public official from time to time, where the need for such a step is established. In the performance of their duties, the labour inspectors may call for the assistance of experts and qualified technicians such as doctors, engineers, chemists, mechanics and electricians. The labour inspectors may make frequent inspections of conditions of work in their respective areas. They are provided with the credentials enumerated in Article 12 of the Convention.

Labour inspectors are bound to comply with the provisions of Article 15 of the Convention. Furthermore, they must report immediately to the central labour inspectorate all cases in which the application of labour legislation clashes with the principles laid down in international labour Conventions and Recommendations.

Labour inspectors and persons to whom they delegate their functions under the provisions mentioned above have the status of officials of the judiciary police while in the performance of duties assigned to them. They must send to the central labour inspectorate annual reports on their work and all information concerning labour methods. Workers and their representatives are guaranteed the right to communicate freely with the labour inspectors. The insurance institutes must report all cases of industrial accidents or occupational diseases to the labour inspector in charge of the territory concerned.

The labour inspectors are obliged to send reports to the central labour inspectorate in regard to all breaches of labour legislation in force. The Chief Inspector sends on these reports to the judiciary authorities for appropriate action. Before sending in a report the labour inspector may order the employer to regularise the situation by a given date, if the circumstances of the case justify such a step. Any breach of the present Ordinance is punishable by a fine not exceeding 500 somalos, unless a more serious offence is involved. Reports concerning such offences must be sent to the Chief Inspector, who refers them to the judiciary authorities for appropriate action.

No workers' organisations or employers have made any observations on the practical application of these provisions.

No decisions by courts of law were brought to the notice of the Government.

#### *Netherlands.*

##### *Netherlands Antilles.*

Labour Regulations of 1952 (Bulletin of Publication 1952, No. 95, modified in 1954 by Bulletin No. 25). Industrial Accidents Regulations of 1936 (Bulletin of Publication 1946, No. 103).

*Article 2 of the Convention.* No establishments will be excluded from the provisions of the general regulations which will shortly be issued. Several institutions will be included which are not establishments under the terms of the national legislation.

*Article 3.* It is the intention of the Government to entrust the carrying out of the provisions of Article 3 of the Convention to the labour inspectorate, as soon as it has been set up.

*Article 4.* The labour inspectorate will form part, at the central level, of the Social Affairs Department under the Minister for Social Affairs.

*Article 5.* As soon as the labour inspectorate has been set up it will be possible to consider this matter more effectively.

*Article 6.* The officials will have the ordinary status of civil servants together with all the responsibilities and privileges connected with this.

*Article 9.* It is the intention of the Government to have inspection carried out exclusively by technicians. It will not, however, be possible to attach specialists in the various fields as the extent

of industry is too small to allow such specialisation.

*Article 10.* There is no staff as yet to ensure the application of this Article.

*Article 11.* Effect will undoubtedly be given to the provisions of this Article under the measures envisaged.

*Articles 12 and 13.* It is the intention of the Government to confer the powers in question on the staff of the future labour inspectorate.

*Article 14.* Such provisions are already laid down under the Industrial Accidents Regulations of 1936.

*Article 16.* Measures will be taken when establishing the labour inspectorate to conform with these provisions.

*Article 18.* The sanctions referred to in this Article of the Convention will be dealt with.

*Article 19.* The drafting of the periodical reports required under the Convention will be provided for.

*Article 25.* No restrictions of the type indicated in this Article of the Convention have been made.

As indicated in previous reports the supervision and the application of the provisions of the Convention is ensured to a certain extent by the staff of the Department for Social and Economic Affairs.

#### *Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 84. Right of Association (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 1 July 1953*

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*Belgium.* Ratification: 27 January 1955. No declaration on application.

*France.* Ratification: 26 July 1954. Applicable without modification: Cameroons, Comoro Islands, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application to other French territories.

*Italy.*<sup>1</sup> Applicable without modification: Italian Somaliland.

*New Zealand.* Ratification: 1 July 1952. Applicable without modification: Cook Islands. Not applicable: Tokelau Islands. Decision reserved: Western Samoa.

*United Kingdom.* Ratification: 27 March 1950. Decision on application reserved: Brunei, Gilbert and Ellice Islands, Solomon Islands. No declaration on application: Channel Islands, Isle of Man, British Somaliland. Applicable without modification: all other British non-metropolitan territories.

#### *Italy.*

##### *Trust Territory of Somaliland (First Report).*

Ordinance No. 22 of 23 November 1951.  
Ordinance No. 2 of 20 February 1954.  
Decree No. 145 of 1 December 1951.  
Decree No. 186 of 29 November 1952.

The Government states that Convention No. 84 is applied in the Trust Territory of Somaliland by the above-mentioned legislation. Reference is made to sections 1 and 2 of Ordinance No. 2 mentioned above.

The labour offices are required to examine labour disputes and endeavour to bring about their settlement by conciliation. Under Ordinance No. 22 of 23 November 1951 the parties to a dispute are required to submit it to the competent labour office before referring it to the judiciary authorities.

The authorities responsible for the application of the provisions are the Directorate of Economic

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<sup>1</sup> Unratified Convention: see footnote 1 to Convention No. 17.

Development and, more particularly, the Central Inspectorate of Labour and its regional branch offices.

No decisions have been given by a court of law or other court involving questions of principle relating to the application of the Convention.

No workers' organisations or employers (there are no employers' associations in Somaliland) have made any observations on the application of the provisions of the Convention.

#### *New Zealand.*

##### *Cook Islands (First Report).<sup>1</sup>*

Cook Islands Trades Disputes Intimidation Regulations, 1948.

*Article 2 of the Convention.* The right of association, including the right to form unions and to conclude collective agreements, is guaranteed by the general law of the land. The Cook Islands Industrial Unions Regulations, 1947, provide a procedure for the registration of unions both in the Cook Islands and in Niue; and unions so registered have the right to make use of the special machinery for the protection of workers.

It is provided that the registration of unions may be cancelled: (a) at the request of the union; (b) if in the opinion of the Registrar the certificate of registration has been obtained by fraud or mistake; (c) if in his opinion the union or officers or members thereof have wilfully violated any of the provisions of these regulations or wilfully acted otherwise than in conformity with the rules of the union; (d) if in his opinion the union has ceased to exist.

The Registrar may not cancel the registration of a union on a ground specified under (c) or (d) until he has given notice of his intention to do so and has considered any evidence on the matter that the union or any officer or member may tender to him on or before the date so specified.

Every notice of cancellation takes effect, unless an appeal has been instituted, at the expiration of 28 days after the notice of cancellation is given.

Any person aggrieved by the refusal of the Registrar to register a union or by the cancellation of the registration of a union, may, within 28 days, appeal by motion to the High Court.

The Cook Islands Trades Dispute Intimidation Regulations, 1948, provide that every person commits an offence who incites, instigates, aids, or abets any unlawful lock-out or unlawful strike, and that such person is liable to a fine or to three months' imprisonment.

*Article 4.* In the case of Niue, the Administration is the only substantial employer. There exist in that island, as yet, no organisations of employers or workers, and no occasion for consultation in terms of the Convention has accordingly arisen.

*Article 6.* There is no unemployment problem in Niue and departmental annual reports to Parliament, as far back as 1940, disclose no recorded labour disputes in this territory.

*Article 7.* In regard to Niue, while the necessary legislative provisions to meet the requirements of the Convention have been made, including

machinery for settling labour disputes, the circumstances referred to below have obviated the need for its practical application at this stage of the island's development.

Application of the Convention in Niue is the responsibility of the Resident Commissioner. In the absence of any active need or demand for industrial supervision in this isolated territory, it has not, however, been necessary in the meantime to proceed with the appointment of an industrial relations officer, the purposes of the Convention being able to be met, so far as is necessary, by the exercise, in consultation with the Island Council, of the Resident Commissioner's executive and legislative powers.

Niue's economic development is based almost solely on agriculture. As the only industries existing are those founded on local handicrafts, it can be said that there is no industrial development, as generally understood, and that the prospect of any progress in this direction is likely to be inhibited by the island's remoteness and lack of mineral resources. Almost every islander supports himself and his family on his land, and there is little permanent employment of any other type apart from positions in the Administration, and wharf labour, which is normally engaged for only one day each month. The absence of a general wage-earning structure precludes the necessity at this stage for any form of unionism, although the islanders are completely free to so associate when desired, but the passing of the Cook Islands Industrial Union Regulations, 1947, provides the basis on which such institutions can be established when the time is felt appropriate. In anticipation of such eventual need, the Government is at present studying the matter of appointing a suitable official to undertake the duties of an industrial relations officer in this island.

#### *Western Samoa.*

See under Convention No. 1.

#### *United Kingdom.*

##### *Aden (First Report).*

Trade Unions and Trade Disputes Ordinance (Cap. 134 of the Laws of Aden), as amended by Ordinance No. 7 of 1947.

Trade Disputes (Arbitration and Inquiry) Ordinance (Cap. 132 of the Laws of Aden), as amended by Ordinance No. 12 of 1954.

*Article 2 of the Convention.* The report states that the legislation in Aden does not conflict in any way with this Article and that nothing in the administrative organisation machinery and practice would conflict with it.

*Article 3.* The right to conclude collective agreements is assured to representative trade unions.

*Article 4.* Consultation and association with the representatives of organisations of employers and workers is restricted because there are so few of them, but where they exist this is done.

*Article 5.* Procedure for the investigation of disputes between employers and workers is as simple and expeditious as possible.

<sup>1</sup> Voluntary reports were submitted in 1952 and 1953.

*Article 6.* Section 3 of the Trade Disputes (Arbitration and Inquiry) Ordinance provides for settlement of disputes and conciliation machinery.

*Article 7.* Machinery for the settlement of disputes exists and representatives of organisations of employers and workers, where such exist, are associated in the operation of the machinery.

The Labour Commissioner is the officer charged with the enforcement of the legislation and the administration of the Convention.

No decision has been given by courts of law or any other courts regarding the application of this Convention.

There is a growing awareness on the part of employers and workers of the benefits of enlightened association.

In Aden there are two recognised organisations of employees, but none of employers.

#### *Bahamas (First Report).*

Trade Unions Act No. 9 of 1943.  
Labour Board Act No. 1 of 1946.

*Article 2 of the Convention.* (1) See section 2, definition of "Statutory Objects" and section 5 of Trade Unions Act; (2) see sections 13, 21, 22 and 24 of Trade Unions Act.

*Article 3.* Under the Trade Unions Act, a trade union is any combination of employers or workers which includes among its principal objects the regulation of relations between employers and workers.

*Article 4.* There are no organisations sufficiently representative of employers or workers who could be consulted.

*Article 5.* Employers and workers are encouraged to avoid disputes and, if they arise, to reach fair settlements by conciliation. Any dispute existing or apprehended may be referred by either party to a Labour Board set up under the Labour Board Act No. 1 of 1946. On two occasions during the period under review the Board's services have been successfully utilised.

*Article 6.* See sections 6 and 7 of the Labour Board Act, 1946.

*Article 7.* See under Article 5 above. There are no organisations representative of employers or workmen who could be associated in the work of the Labour Board.

The Governor in Council is responsible for the application of the above-mentioned legislation and administrative regulations.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

#### *Barbados (First Report).*

Trade Union Act, 1939, as amended in 1943 and 1949.  
Trade Union Regulations, 1940.  
Labour Department Act, 1943, as amended in 1951.  
Labour Department Regulations, 1944.  
Trade Disputes (Arbitration and Enquiry) Act, 1939 (1939-6).

*Article 2 of the Convention.* There are four employers' and five workers' organisations registered under the law as trade unions and, in

addition, the Barbados Civil Service Association has been recognised by the Government as the bargaining agent for public offices, including teachers in the elementary schools but excluding members of the police force and the staff of the prison.

The practical result of the exercise of this right has been substantial increases in the rates of wages of all workers and the general betterment of the conditions of work of all workers in the island. Collective agreements covering the entire sugar industry, both in its industrial and agricultural aspects, are negotiated annually between the workers' and the employers' organisations. Collective agreements also cover all workers in the ports and a number of different trades, industries and undertakings, including bakehouses, garages, public utilities, etc. The exercise of the right of association has also been responsible for many important legislative reforms, mostly in the social welfare field. Management-worker consultation has been a feature resulting from association.

The report refers to various legislative provisions, concerning the establishment, constitution, suspension and dissolution of trade unions and the objects which may be pursued.

*Article 3.* No legislation exists for the enforcement of this Article but the Barbados Workers' Union is recognised by employers as the bargaining agent for the various categories of its members.

*Article 4.* While there is no statutory machinery for consultation, arrangements are made to consult organisations of employers and workers in the establishment and making of arrangements for the protection of workers and the application of labour legislation.

*Article 5.* The Labour Department Act, 1943, requires the Labour Commissioner "to receive and investigate all representations whether of employers or of workers, made to him concerning any business, trade, occupation, or employment with a view to the settlement of disputes and grievances and of conciliation especially regarding hours and conditions of work and of regulation of wages, and to report thereon to the Governor-in-Executive Committee". The Trade Disputes (Arbitration and Enquiry) Act, 1939 provides for the setting up of boards to inquire into the cause and circumstances of disputes and to report to the Governor. All disputes brought to the notice of the Labour Commissioner are investigated by officers of his Department. All collective agreements now in force contain dispute procedure clauses which in fact imply that the parties to the agreement will themselves in the first instance investigate the cause and circumstances of the dispute.

*Article 6, paragraph 1.* All collective agreements in Barbados contain dispute clauses in which conciliation is a cardinal feature.

Paragraph 2. To date, eight standing committees have been established for the various port services, with employers and workers represented in equal numbers and upon equal terms. One of the committees has, as one of its functions, the settlement of disputes left unresolved by any of the other seven. On failure to resolve the dispute at the higher level, the dispute is referred to the Labour Commissioner as an independent conciliator.



Paragraph 3. The officers appointed under the Labour Department Act carry out the duties laid down in the Convention.

Paragraph 4. There are no public officers specifically assigned to such duties.

*Article 7.* The legislation concerning provision for creating machinery for the settlement of disputes is contained in the Trade Disputes (Arbitration and Enquiry) Act, 1939.

The implementation of the legislation is entrusted to the Registrar of Trade Unions and the Labour Commissioner.

No decisions involving questions of principle have been given by any courts of law or other courts.

In practice, the right of association has been exercised by nearly every category of worker, but one general workers' union has practically dominated the field, other unions being short-lived in their activities and not having a great deal of weight in their relations with employers. The union referred to above has exerted a great deal of influence, both in the sphere of its union activity and politically.

No observations have been received from employers' or workers' organisations.

#### *Basutoland (First Report).*

Trade Unions and Trade Disputes Proclamation, 1943 (Chapter 103), as amended in 1949.

*Article 2 of the Convention.* Section 7 of the Trade Unions and Trade Disputes Proclamation permits any seven or more members of a trade union to register such trade union. All trade unions must be registered within three months of its formation or dissolved within the same period of time, on notification by the Registrar of Trade Unions that he has refused to register the trade union. The Registrar may refuse to register a trade union if he is satisfied that the applicants have not been duly authorised to apply for registration, or the purposes of the trade union are unlawful, or the applicant does not conform with the provisions of the Proclamation. Appeal lies to the High Court against the refusal of the Registrar to register a trade union.

The Registrar may cancel the registration of a trade union at the request of the trade union, or if he is satisfied that a certificate of registration has been obtained by fraud or mistake, or that the trade union has wilfully violated any of the provisions of the Proclamation, or has ceased to exist. Appeal against the decision of the Registrar lies to the High Court whose decision is final.

The principal purposes of a trade union are set out in section 2 of the Trade Unions and Trade Disputes Proclamation as the regulation of relations between workmen and masters, or between workmen and workmen, or between masters and masters.

*Article 3.* Sections 2, 3, 4 and Part II of the Trade Unions and Trade Disputes Proclamation set out fully the rights of trade unions.

*Article 4.* The territory has no major industries, the main occupation being peasant agriculture. Such paid labour as exists consists of government service, employment in shops, garages, printing works, hotels, etc.; apart from the govern-

ment service most concerns are small family businesses. Such organisations as exist are well acquainted with the provisions of the Trade Unions and Trade Disputes Proclamation, and it has not so far been necessary to consult those organisations regarding the adoption and working of measures to ensure the protection of workers.

*Articles 5 and 7.* No labour disputes have in fact arisen in the territory (excluding the question of wages which falls under Convention No. 26). No special machinery has therefore been set up. In the event of a dispute arising it would be immediately investigated. The labour force in the territory is small and the possibility of disputes, especially as the bulk of labour is employed by the Government, is also small. The association of representatives of the employers and workers concerned in the settlement of labour disputes is accepted in principle and will be borne in mind in the unlikely event of industrial disputes arising.

*Article 6.* In the absence of labour disputes, the small size of the labour force in the territory and its composition, the appointment of a special labour officer is not justified. The functions of such an officer can be carried out by district commissioners until industrial development justifies an officer to whom such duties can be specially delegated.

The application of the Trade Unions and Trade Disputes Proclamation is entrusted to government administrative, judicial and police officers. There is no special organisation for inspection.

No decisions have been given by courts of law or other courts regarding the application of the Convention.

As explained above, the circumstances of the territory are such that there is virtually no industrialisation and for that reason the Convention has little practical application to Basutoland.

#### *Bechuanaland (First Report).*

Trade Unions and Trade Disputes Proclamation (Cap. 124), No. 16 of 1942.

High Commissioner's Notices Nos. 53 and 212 of 1949. Bechuanaland Protectorate Trade Unions and Trade Disputes (Amendment) Proclamation No. 2 of 1949.

Effect is given to the Convention by the Trade Unions and Trade Disputes Proclamation (Cap. 124 of the Laws as amended by Proclamation No. 2 of 1949).

For the purpose of the Proclamation "trade union" means any combination, whether temporary or permanent, the principal purposes of which are under its constitution the regulation of relations between workmen and masters, or between workmen and workmen, or between masters and masters.

The Proclamation provides for the registration and operation of trade unions. It is not at present necessary to do anything to encourage or expedite consultations between representatives of employers and workers because there are no employers' organisations and only one workers' organisation. This is the Francistown African Employees Union, which was registered in 1949 with a membership of 200. It does not represent any particular group of workers since member-

ship is open to all Africans except employees of Government and the Railways Administration. The union exists in little more than name only since it has been inactive for years.

*Bermuda (First Report).*

Trade Union and Trade Disputes Act, 1946.  
Labour Disputes (Arbitration and Enquiry) Act, 1945.  
Labour Act, 1953.

*Article 2 of the Convention.* Section 1 of the Trade Union and Trade Disputes Act, 1946, recognises trade unions as any combination for the regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers, whether such combination would or would not, but for the Act, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade. Under sections 2 and 3 of the same Act trade unions shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful.

*Article 3.* Section 1 of the same Act assures the right of the representative trade unions to conclude collective agreements with employers.

*Article 5.* See section 1 B (2) (which is included in section 8 (2) of the Labour Act, 1953) of the Labour Disputes (Arbitration and Enquiry) Act, 1945.

*Article 6.* See sections 1 A, 1 B and 2 (1) and (2) (which are included in section 8 (2) of the Labour Act, 1953) of the Labour Disputes (Arbitration and Enquiry) Act, 1945.

*Article 7.* The machinery is described in the Labour Disputes (Arbitration and Enquiry) Act, 1945, and the Labour Act, 1953.

The Labour Commissioner and the Registrar of Trade Unions are entrusted with the application of the above-mentioned legislation and administrative regulations.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

Only five unions, all of white-collar workers, with a total membership of less than 1,500, have as yet been formed. Because of the generally high standard of living and the prevailing prosperity, trade unionism is not active in Bermuda. There have only been three labour disputes, none of them serious, since the passing of the Labour Disputes (Arbitration and Enquiry) Act, 1945. All three were settled amicably.

No observations have been received from either employers or workers.

*British Guiana (First Report).*

Trade Unions Ordinance (Chapter 57), as amended in 1943, 1946 and 1947.  
Summary Jurisdiction (Offences) Amendment Ordinance No. 6 of 1942.  
Labour Ordinance No. 2 of 1942.  
Labour (Arbitration Procedure) Regulation No. 19 of 1950.

*Article 2 of the Convention.* The Trade Unions Ordinance (Chapter 57), as amended, provides for and guarantees the right of employers and employed alike to associate for all lawful purposes. Under section 9 of this Ordinance a registrar of

trade unions is appointed. Section 11 of the Ordinance provides for any seven or more members of a trade union to register the union they are constituting. Under section 3 any combination which, under its constitution, has objects or powers whether statutory or otherwise may act as a trade union provided it otherwise complies with the provisions of the Ordinance. No member of a trade union is liable to criminal prosecution by reason that a trade union of which he is a member is in restraint of trade.

Under section 7 the trade union is immune from action of tort whether such trade union is of workmen or employers. Section 4 of the Ordinance provides in particular that "An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime".

The Summary Jurisdiction (Offences) Amendment Ordinance No. 6 of 1942 provides for peaceful picketing by one or more persons but no more than three in any one place.

Since the entry into force of the Trade Unions Ordinance over 80 unions have been registered. Of this number 49 (nine employers' associations, 34 workers' and six other organisations) were in existence at 30 June 1954. The total membership was estimated at 8,000.

Under section 19, on application for registration a trade union is required to forward printed copies of its rules with a list of titles and names of the trustees and officers. The registrar is empowered to refuse registration on grounds enumerated in the Ordinance.

In addition to trustees, the Trade Unions Ordinance provides for the appointment of a treasurer or other officer whose duty it is to render periodically to the trustee of the union or to the members thereof a true statement of all moneys received and paid by him. Under the provisions of section 22 of the Ordinance, a certificate of registration may be cancelled by the registrar on application to him by the union or on contravention of any of the provisions of the Ordinance.

The rules of the trade unions are required under section 20 to contain a certain number of provisions.

*Article 3.* There is no legislation in force ensuring the right to representative trade unions to conclude collective agreements with employers. This, however, is a matter of common practice in the territory. The Labour Department has always included in its main functions, as provided for in the Labour Ordinance, No. 2 of 1942, the promotion of good industrial relations between employer and employees, and its policy has been to encourage employers and employees to adjust their differences by negotiations or through conciliation or arbitration. Several collective agreements have been negotiated providing for collective bargaining in respect of wages and working conditions and for machinery for the avoidance and settlement of disputes. On the whole this principle of collective bargaining has been working satisfactorily and it seems that no compulsory measures should be introduced.

*Article 4.* Under the provisions of section 7 of the Labour Ordinance, No. 2 of 1942, the Governor

in Council may, if he considers it necessary, appoint an advisory committee representative of both employers and employees in the trade or industry concerned for the purpose of making recommendations for the regulation of wages paid and conditions of employment in that trade or industry. An Order prescribing the minimum rates of wages payable is made on the basis of the recommendations submitted. Several such Orders made under the provisions of the Ordinance are now in operation, and legislation having as its object the provision of better working conditions has also been enacted. Even before such an Order becomes effective opportunity is provided under section 9 of the said Ordinance for objections to be filed in writing by any interested party, whether employer or employee, and for such objections to be considered by the Governor in Council.

*Article 5.* Under the Labour Ordinance of 1942 the Commissioner of Labour is empowered, where a dispute exists or is apprehended (a) to inquire into the causes and circumstances of the dispute; (b) to take such steps as may seem expedient to him for the purpose of promoting a settlement of the dispute; and (c) with the consent of both parties to the dispute, to refer the matter for settlement to the arbitration of one or more persons appointed by the Governor in Council.

These powers of conciliation have been regularly employed to bring together and reconcile the views of employers and trade unions when the ordinary machinery of collective bargaining has failed to effect a satisfactory settlement.

Alternatively, the Governor may exercise his powers under section 6 (1) of the said Ordinance and appoint an advisory committee to inquire into the matters in dispute and to report and make recommendations as the Committee may deem expedient.

*Article 6.* Section 3 of the Labour Ordinance provides for the appointment of a Commissioner of Labour, a Deputy Commissioner of Labour, Inspectors and Assistant Inspectors of Labour and such officers and clerks as may be required.

*Article 7.* As a result of the policy of the Labour Department to encourage employers and employees to adjust their differences over wages and working conditions by direct negotiation and by mutual effort, agreements have been negotiated in several industries and undertakings between management and workers through their respective organisations, providing for collective bargaining in respect of wages and working conditions, and for machinery for the avoidance and settlement of disputes.

In accordance with the provisions of some of the agreements joint committees at local level have been established in certain industries and provision has been made in certain cases for the holding of joint conferences to deal with matters of a general nature. The utilisation of shop stewards for the investigation and settlement of individual grievances is usually included in these agreements, and this system has tended to improve relations between managements and workers and to minimise the incidence of disputes of a serious nature.

Negotiations at joint conferences usually result in the establishment of agreements covering wages

and improved conditions of employment. In the sugar industry joint committees have been established on the majority of sugar estates. The function of these committees is to deal with complaints of a local nature while matters affecting the industry as a whole are referred to the joint conference.

The enforcement of the Trade Unions Ordinance is vested in the Registrar. The Labour Ordinance is enforced by the Commissioner of Labour and his staff.

No decisions have been given by any courts of law or other courts involving questions of principle relating to the application of the Convention.

No observations have been received from organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of legislation implementing the Convention.

Copies of agreements relating to the sugar and bauxite industries (two of the largest industries in the colony) are appended to the report, together with copies of the above-mentioned legislation.

#### *British Honduras (First Report).*

Trade Disputes (Arbitration and Enquiry) Ordinance, 1939.

Trade Unions Ordinance, 1941, as amended in 1942, 1947 and 1951.

Public Utility Undertakings and Public Health Services Arbitration Ordinance No. 24 of 1953.

*Article 2 of the Convention.* The right of association of employers and employed is safeguarded by section 34 of the Trade Unions Ordinance which prohibits actions of tort against trade unions and confers all the various rights and immunities on these organisations which are enjoyed by trade unions in the United Kingdom.

Organisations of workers have reported membership of approximately 9,000, distributed among six registered trade unions. This represents about 34 per cent. of the total labour force, estimated at 26,468. No association of employers has yet been formed.

Any seven or more persons may make application on the form prescribed for the registration of a trade union which shall not be registered if it bears an identical or similar name to any other registered union. The rules must take account of seven points listed in the second schedule of the Trade Unions Ordinance.

The Registrar of Trade Unions may cancel the registration of a trade union if: (a) registration was obtained by fraud or mistake; (b) any of the purposes of the trade union are found to be unlawful; (c) the trade union has wilfully, and after notice from the Registrar, violated any of the provisions of the Trade Unions Ordinance; (d) the trade union has ceased to exist; or (e) the constitution of a trade union has been altered in such a manner that the principal objects of the union are no longer the regulation of the relations between workmen and master, or between workmen and workmen, or between master and master.

*Article 3.* There is no legislative provision governing the right to conclude collective agreements. These are affected by negotiations on a voluntary basis between trade unions and employers.

*Article 4.* Legislative measures for the protection of workers are introduced after first consulting the Labour Advisory Board which is a standing body composed of representatives of workers nominated by trade unions and representatives of employers nominated by the Chamber of Commerce. This serves the Government in an advisory capacity on legislation and other matters affecting the labour situation.

*Article 5.* Labour disputes which cannot be settled by the parties themselves are brought to the attention of the officers of the Labour Department. These officers act as mediators and endeavour to assist the parties to reach an amicable settlement. If this fails the dispute is reported to the Governor who, with the consent of both parties, may appoint an arbitration tribunal in accordance with the terms of the Trade Disputes (Arbitration and Enquiry) Ordinance, 1939.

*Article 6.* The development of industrial negotiations has not yet sufficiently advanced to enable any form of joint negotiation or conciliation machinery to be established. Associations of employers have not been formed. There are no specialised conciliation officers attached to the staff of the Labour Department. Its officers perform this function in conjunction with other inspectional duties.

*Article 7.* There are no standing boards or other bodies for the settlement of disputes by arbitration as the number of disputes are so few. The two above-mentioned Ordinances provide, however, for the establishment of *ad hoc* boards of arbitration and this is considered to be adequate for the present needs of the colony. In both these Ordinances there is provision for the appointment of representatives of employers and workers on the arbitration tribunal.

Only three disputes have been settled by the arbitration tribunal within the past five years.

The Labour Department is entrusted with the supervision of all matters relating to labour relations. The question of inspection does not arise under this Convention.

There have been no decisions by courts of law or other courts affecting any matters within the scope of this Convention.

The trade union movement came into being 12 years ago and there has been a slow but steady progress in the development of the principles of industrial bargaining and negotiation. The largest trade union now reports a total of ten collective agreements in force covering 1,723 workers; and one small union has an agreement in respect of 50 workers.

Copies of the legislative texts mentioned above are appended to the report.

#### *British Somaliland (First Report).*

There is in this Protectorate no customary law or practice guaranteeing the rights of employers and employed to associate for lawful purposes. The only legislation on this subject is the Trades Unions and Trades Disputes Ordinance No. 8 of 1944, a copy of which is appended to the report.

*Article 2 of the Convention.* (1) The right of association is guaranteed by section 3 of the Ordinance. There have been no practical results.

(2) The only conditions governing the establishment of an association are set out in section 8 of the Ordinance. Conditions governing the dissolution of associations are to be provided in the rules of the association (see the Schedule to the Ordinance). There are no conditions governing the constitution and suspension of association.

*Article 3.* There is no provision.

*Article 4.* There are no associations.

*Article 5.* There have been no disputes.

*Article 6.* There are no such public officers.

*Article 7.* No machinery for settlement of disputes has been set up as there has been no need for it.

No authority has yet been necessary.

No judicial decisions have been given.

For the reasons stated above it is not possible to give a general appreciation.

There are no organisations of employers or workers.

#### *Brunei (First Report).*

Societies Enactment No. 11 of 1948, as amended by Enactments Nos. 7 of 1949 and 15 of 1951.

A combination of workers or of employers which is not a trade union by definition may notify the Registrar of Societies of its existence or apply for registration as a society, whichever it pleases.

In the Societies Enactment No. 11 of 1948, the definition of a "society" includes any club, company, partnership or association, except the following: (a) any company, association or partnership registered under the law for the time being relating to companies or formed and maintained for the sole purpose of carrying on any lawful business; (b) any company or association (including a co-operative society) constituted under any written law or under Royal Charter or Letters Patent by Her Majesty or under any Act of the Imperial Parliament or of the legislature of any British possession; (c) any body of freemasons regularly constituted under any of the recognised governing bodies of freemasons in the United Kingdom of Great Britain and Northern Ireland; (d) any trade union registered and under any written law for the time being regulating trade unions; (e) any government school or school, or committee of management of a school, registered under any written law for the time being regulating schools.

*Article 2 of the Convention.* There is no legislation to give effect to the establishment of trade unions as such. At present it would seem that a combination of workers or employers, formed for the purposes normally attributed to trade unions, could be declared unlawful by reason of one or more of its purposes being in restraint of trade or contrary to the public interest (section 9(1) of the Societies Enactment). In fact this would not occur. Nevertheless, early steps will be taken to prepare draft legislation to regulate the establishment and registration of trade unions.

*Article 3.* Draft legislation will be prepared as soon as possible.

*Article 4.* The Controller of Labour, and the Assistant Residents as Deputy Controllers of Labour, are available for consultation and advice to any organisation of employers or workers. They are responsible for the implementation and supervision of labour legislation.

*Article 5.* There is, as yet, no legal machinery laid down for the investigation of disputes between employers and workers. Draft legislation to conform with the Convention will be prepared as soon as possible. There were no industrial disputes of note within the territory during the period covered by the report.

*Article 6.* The Controller of Labour, with the help of Assistant Residents as Deputy Controllers, is generally able to deal with the minor cases of disagreement that infrequently occur.

*Article 7.* There is no specific machinery created for settlement of industrial disputes at the earliest stage when a trade dispute first exists or is apprehended. No machinery exists for the appointment of a conciliator in order to inquire into the cause and circumstances of such trade dispute, and, by negotiation with representatives of employers and workers, endeavouring to bring about a settlement.

Draft legislation will be prepared to remedy all these deficiencies and bring into being established machinery for conciliation between the parties in the early stages of the dispute and, in the final resort, arbitration.

The Controller of Labour is responsible for the application of legislation. He is aided by Assistant Residents.

There were no decisions of courts of law during the period under review.

Copies of the legislative text mentioned above are appended to the report.

There are no representative organisations to which the report could be usefully circulated.

#### *Cyprus (First Report).*

Trade Disputes (Conciliation, Arbitration and Inquiry) Law (Cap. 171).

Trade Unions Law (Cap. 172 and Regulations made thereunder), as amended in 1952 and 1954.

*Article 2 of the Convention.* The definition of "trade union" in section 2 of the Trade Unions Law (Cap. 172), includes the right to combine of employers and employed alike. Section 10 provides for the registration of any trade union the objects, rules and constitution of which are not unlawful. By virtue of sections 39 and 40 a trade union is not considered unlawful for criminal or civil purposes by reason merely that it is in restraint of trade.

(1) At the end of 1953 there were 125 registered employees' trade unions with a membership of 18,816, and three employers' associations with a membership of 80. In addition there were four employees' trade unions with a membership of 2,697, which were exempted from registration under section 7 of the Law.

(2) Application for registration of a trade union must be made to the Registrar and must be signed by at least seven members. The application must be accompanied by two copies of the rules of the trade union, a list of members showing the trade, age and address of each and a statement giving particulars of the applicant, the name of the trade union and the address of its head office and particulars of its officers. The Registrar may refuse to register as a trade union a combination which does not conform to the declared primary purposes of a trade union as set out in the Law. An appeal may be made to the Supreme Court against the Registrar's refusal to register a trade union. The Registrar has the power of cancelling a certificate of registration (a) at the request of the trade union, (b) on proof that a certificate of registration has been obtained by fraud or mistake, and (c) if the trade union is used for an unlawful purpose or its funds are expended unlawfully. The objects for which the funds of a trade union may be expended are prescribed in section 29 of the Law and are subject to the rules of that union.

There are certain restrictions on the application of funds for political purposes (see section 30 of the Law). Registered trade unions must submit annual returns of their accounts which are otherwise open to inspection by the Registrar or any person authorised by him at any time. As regards the objects of the trade unions apart from the principal ones laid down in section 3 of the Law they may pursue any other lawful object for which provision is made in their rules. In practice such rules make provision for benefits to members, furtherance of trade disputes, educational and cultural purposes, etc.

*Article 3.* All possible assistance and encouragement are given by the Department of Labour for the establishment of organisations on both sides of industry and for the regulation of industrial relations by collective agreements. Such agreements are concluded on a purely voluntary basis; there is no legal or other sanction against employers who refuse to recognise this right of trade unions.

*Article 4.* A Labour Advisory Board, consisting of equal numbers of representatives of employers' and workers' organisations, was established in 1948 under the chairmanship of the Commissioner of Labour. The principal function of the Board is to make proposals and suggestions on labour legislation. Representatives of trade unions and employers' interests are also associated in the Port Labour Boards and in a committee established for the hotel industry.

*Article 5.* Investigation of disputes between employers and workers is carried out by labour officers as soon as such disputes, apprehended or existing, come to their notice. The procedure followed by these officers is simple, informal and free from any restrictions. Priority is given by the labour officers to the investigation of trade disputes over other duties.

Trade disputes may also be reported to the Governor by either party to the dispute. Where such a dispute has been reported, the Governor may take such steps as seem to him expedient for promoting a settlement. These steps include (a) inquiry into the causes and circumstances of the dispute, and (b) reference of any matters relevant

to the dispute to a board of inquiry appointed by the Governor.

The majority of trade disputes investigated by labour officers are settled by conciliation. Employers' and workers' organisations are showing an increasing tendency to report trade disputes to the Labour Department at an early stage, thus making timely intervention possible.

In 1953, 37 disputes were investigated by officers of the Labour Department and most of them were settled without interruption of work. The estimated number of man-days lost was 6,257, compared with 21,736 in 1952, 226,890 in 1948 and fewer than 20,000 in each of the intervening years.

The procedure provided by the Trade Disputes (Conciliation, Arbitration and Inquiry) Law was followed successfully in a number of major trade disputes between the years 1941 and 1945. In recent years, however, no use was made of the procedure provided by this Law.

*Article 6, paragraph 1.* The encouragement of employers and workers to avoid disputes and to settle their differences by means of conciliation is one of the most important functions of the Labour Department.

*Paragraph 2.* The establishment of joint bodies representative of employers and workers in particular industries is a policy consistently pursued with varying degree of success.

*Paragraphs 3 and 4.* Provision is often made in collective agreements for methods of settling any disputes that may arise and it is always insisted that, where conciliation machinery exists, such machinery is used before other methods of settlement are attempted.

The labour officers are responsible for the investigation and settlement by means of negotiations of disputes of a local character arising in their own districts. Disputes of a wider significance are usually referred to the Labour Department's headquarters and dealt with by senior officers specially (but not exclusively) assigned to such duties. All officers dealing with trade disputes have had special training in the United Kingdom. The report gives a detailed description of their duties.

*Article 7, paragraph 1.* Apart from the procedure for settlement of disputes laid down in the Trade Disputes (Conciliation, Arbitration and Inquiry) Law, and the statutory machinery provided under the Port Workers (Regulation of Employment) Law, 1952, for determining the wages and conditions of employment of port workers, machinery for the settlement of disputes has been created in a number of industries on a voluntary basis. This machinery varies in scope from *ad hoc* meetings of employers' and workers' representatives on the workshop level to permanent joint bodies on which organisations of both sides are represented.

The following is an extract from the annual report of the Department of Labour for the year 1953:

"79. International labour Convention No. 84 concerning the right of association and the settlement of labour disputes in non-metropolitan territories was applied in Cyprus without modification as from 1 July. The measure aroused much controversy and received the particular attention

of the Government's Labour Advisory Board. The view of the Government was that no legislative changes were immediately necessary to implement the application of the Convention, although the Trade Disputes (Conciliation, Arbitration and Inquiry) Law, Cap. 171, might be strengthened. Employers' representatives, with a few exceptions, were disposed to agree that no legislative changes were called for. The trade unions were united in holding that the spirit, if not the letter, of the Convention was violated in Cyprus. Among points selected for emphasis was the inability of young persons to become members of trade unions as the Law stood."

This report also gives detailed information on the meetings of the Government Labour Committee, on the enactment of the Port Workers (Regulation of Employment) Law, 1952 and its application, as well as problems which arose in connection with labour relations in the ports and which have since been overcome.

A copy of a collective agreement in the building industry and a copy of the decision of the Arbitration Tribunal established in 1953 under the Port Workers (Regulation of Employment) Law are appended to the report.

The main difficulties encountered in the efforts to create machinery capable of dealing with disputes in particular industries are the lack of proper employers' organisations and the reluctance of some of the bigger employers to adopt the principles of joint consultation.

Representations have been received from various workers' organisations urging the immediate and thorough implementation of the provisions of the Convention. In the opinion of the memorialists the Trade Unions Law in its present form does not afford sufficient protection to those organised workers who allegedly suffer from discrimination and victimisation at the hands of some employers.

#### *Dominica (First Report).*

Trade Dispute (Arbitration and Enquiry) Ordinance No. 3 of 1940.

Trade Union Regulation No. 50 of 1945.

Trade Unions and Trade Disputes Ordinance No. 12 of 1952.

*Article 2 of the Convention.* The definition of "trade union" in section 2, Part I of Ordinance No. 12 of 1952 is applicable. The existence of registered trade unions, one of which was formed during the period under review, results from this provision.

*Articles 3 and 4.* Although as yet unprovided for by legislation, the requirements of this Article are in practice observed by all parties concerned. The prevailing conditions of work and rates of pay for unskilled agricultural and other workers are the result of collective bargaining between representatives of employers' and workers' organisations during the period under review. The previously prevailing grades were the result of similar negotiations.

*Articles 5 and 6.* The procedure laid down in Ordinance No. 3 of 1940 is very seldom necessary. Such disputes are usually referred to the trade union concerned or to the Labour Department, at whose intervention settlement is generally made without delay. This is a part of the functions of the labour officer.



*Article 7.* Whenever it is necessary for the settlement of a dispute, or for joint negotiations, five members are usually delegated to represent either party with the labour officer acting as chairman.

The Registrar of the Supreme Court, who is also the Registrar of Trade Unions, and the police authorities are entrusted with the application of the above-mentioned legislation.

The necessity to refer any matter relative to the application of this Convention to any court of law has not arisen.

A copy of the Trade Unions and Trade Disputes Ordinance, 1952, is appended to the report, together with a copy of the last collective agreement. All parties concerned have honoured this agreement and no difficulties have been encountered or are envisaged.

#### *Falkland Islands (First Report).*

Trade Union and Trade Disputes Ordinance (Cap. 73).

This Convention is applied adequately.

The Colonial Administration is entrusted with the application of the above-mentioned legislation.

No court of law has given a decision involving questions of principle relating to the application of the Convention.

#### *Fiji (First Report).*

Industrial Association Ordinance of 1945 (Cap. 79).

Industrial Disputes (Conciliation and Arbitration) Ordinance of 1945 (Cap. 80).

Essential Services (Arbitration) Ordinance No. 15 of 1954.

*Article 2 of the Convention.* Subsection 5 of paragraph 1 of the Industrial Association Ordinance (Cap. 79) provides that it shall be lawful for employers, employees and other persons engaged in an industry to form associations. Section 2 of the Ordinance provides that "industry" includes trade, undertaking, occupation, industry and agriculture, and branches or sections thereof. Section 21 provides that no one shall be penalised in employment by reason of being a member of an industrial association. The 27 registered associations include 13 employees', four employers', nine farmers' or cane-farmers', and one teachers' association.

The Industrial Association Ordinance governs the establishment, constitution and dissolution of industrial associations. Section 5 provides for establishment, sections 8 and 9 for constitution, and sections 14 and 15 for dissolution.

There is no provision for suspension. Legal objects are not set out, but section 2 provides that in the Ordinance "association" means any number of employers or employees or other persons in any particular industry associated together primarily for the purpose of regulating relations *inter se* or with other persons or associations, and for protecting or furthering their interests and those of their associations.

*Article 3.* Effect is given to this Article by practice. Where industrial associations can be regarded as representative of the workers in an industry, the Commissioner of Labour helps

to bring both sides of the industry together for the purpose of collective bargaining. It can be stated that, where an industrial association has been truly representative of the workers, the employers concerned have met it for the purpose of negotiating conditions of employment.

*Article 4.* Effect is given to this Article by practice. There is consultation with the Labour Advisory Board, which includes representatives of workers' and employers' organisations.

*Article 5.* Effect is given to this Article by practice and legislation. The Labour Department endeavours to maintain the closest contact with both employers and workers. The existence of industrial disputes may be reported to the Department by either party to a dispute. An officer of the Department makes an immediate investigation into the factors of the dispute, and endeavours to resolve it. Wherever possible, he seeks to conciliate the parties. Where the circumstances call for arbitration and the parties are unable to agree on a form of voluntary arbitration, the question may be referred to the Governor for the purpose of setting up machinery under the Industrial Disputes (Conciliation and Arbitration) Ordinance (Cap. 80), or the Essential Services Ordinance, 1954.

In 1953, two strikes were resolved by conciliation by the Commissioner of Labour, and another 160 minor disputes were handled by the officers of the Labour Department.

*Article 6.* Effect is given to this Article by practice. There is a Commissioner of Labour, a labour officer, and four labour inspectors. The primary duties of these officers include investigation of matters which might give rise to industrial disputes, and the investigation and fair settlement of disputes when they arise.

*Article 7.* Effect is given to this Article by practice and legislation. In a number of industries there is agreed provision for the peaceful settlement of disputes. If disputes cannot be resolved by negotiation of voluntary arbitration they may be dealt with by the Industrial Disputes Ordinance, 1945, section 4 (1) of which provides that a conciliation board shall consist of a chairman and one or more other members representing the parties to the dispute, or by the Essential Services (Arbitration) Ordinance, 1954, section 6 of which provides that the panels of persons representing employers and workers respectively shall be constituted by the Governor after consultation with a representative organisation, and the members chosen to represent employers and workers at any sittings of the tribunal shall be selected by the Governor from these panels.

The Essential Services Ordinance enumerates services which are regarded as essential.

Under the Industrial Association Ordinance the application of the above-mentioned legislation and administrative regulation is entrusted to the registrar. Supervision and enforcement is effected by means of the scrutiny of registered constitutions and by returns and information called for by sections 11 and 12 and the inquiry provision of section 13.

Under the Industrial Disputes (Conciliation and Arbitration) Ordinance, the Governor is responsible for the appointment of the Commissions and Conciliations Board, and the Governor in Council for courts of arbitration. The Commissioner of Labour is responsible for the notification to the Governor as to whether the industrial dispute exists or is apprehended. The Commissioner of Labour endeavours to keep in touch with workers and employers through members of his own staff and officers of the district administration, and to be in possession of knowledge of all industrial frictions which may develop in the disputes.

Under the Essential Services (Arbitration) Ordinance the Governor is responsible for the constitution of the Arbitration Tribunal and for the selection of workers' and employers' representatives from the panels set up under the Ordinance. The Commissioner of Labour is responsible for the appointment of representatives where insufficient organisation exists for the purpose of negotiation of an agreed settlement of the dispute. Either party to the dispute may report it to the Governor.

No courts of law or other courts have given decisions involving questions of principle.

Trade unionism is in its infancy, and industrial associations are in the process of formation and of learning. Conflicts of loyalties are alien to the ways of thinking of the great majority of the indigenous people. Any radical and premature changes in the traditional ways and relationships of these people would probably have harmful social effects. Employers consist of people of different races and backgrounds. The size of employing establishments varies considerably, as well as their experience of collective bargaining. Where it could be shown that an industrial association was truly representative of the workers, both sides have come together for negotiation. Labour Department officers are always ready to advise industrial associations without interfering in their affairs against their will. Neither is there interference by the registrar so long as they are conducted on lawful lines.

No observation has been received from employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention.

#### *Gambia (First Report).*

Trade Union Ordinance No. 29 of 1932.

Trade Union (Amendment) Ordinance No. 5 of 1940.

Trade Union (Amendment) Ordinance No. 7 of 1940.

Trade Union (Amendment) Ordinance No. 26 of 1940.

Trade Union (Amendment) Ordinance No. 21 of 1941.

Trade Union (Amendment) Ordinance No. 1 of 1944.

*Article 2 of the Convention.* The Government gives every assistance and encouragement towards the formation and growth of the trade union movement. The Ordinance ensures that workers and employers may exercise freely the right to organise. Trade unions are represented on the Labour Advisory Board, on the Whitley Councils, and wherever possible are consulted on matters affecting labour. Any seven or more members of a trade union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of the Ordinance with respect to registration, register such trade union under the Ordinance, provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

*Article 3.* There is a Labour Advisory Board on which sit four representatives of employers and four representatives of workers, with the Attorney-General as chairman and an official of the Labour Office as secretary. In addition there are four Whitley Councils dealing with matters concerning government employees. Through this machinery representative trade unions are assured the right to conclude collective agreements.

*Article 4.* On matters regarding the adoption and working of measures to ensure the protection of workers, trade unions are consulted either individually or through their representatives on the Labour Advisory Board and on the Whitley Councils.

*Article 5.* In the investigation of disputes between employers and workers, the trade unions or their legal representatives are the only bodies recognised (by both Government and the employers) as competent to make representations on behalf of the workers, provided that in minor cases not involving the question of wages affecting labour or an industrial craft or class as a whole any group of persons wishing to have assistance from some person other than an official of the trade union may put their formal claim or complaint through such a person or persons to the labour officer. Differences between employees and employers are settled as far as possible by negotiation between them. When such negotiation is unsuccessful the matter is referred to the trade union. If a settlement is still impossible the matter is referred to the labour officer. If he is unable to settle the matter he reports in full to the Government.

*Article 6.* The investigation and settlement of industrial disputes are among the duties of the labour officer.

*Article 7.* The Labour Advisory Board is associated in the settlement of disputes.

The labour officer is entrusted with the application of the legislative provisions giving effect to the Convention.

No courts of law or other courts have given decisions in solving questions of principle relating to the application of the Convention.

No observations were received from the organisations of employers and workers on the application of the legislation.

#### *Gibraltar (First Report).*

Trade Unions and Trade Disputes Ordinance No. 20 of 1948 (Cap. 128).

Trade Disputes (Conciliation and Arbitration) Ordinance No. 20 of 1953 (Cap. 161).

*Article 2 of the Convention.* Every combination of employer or employed persons the principal purposes of which are the regulation of relations between workmen and masters, or between workmen and workmen, or between masters and masters, is required to be registered as a trade union under section 8 of the Trade Unions and Trade Disputes Ordinance.

Sections 3 and 4 of this Ordinance provide that such trade unions shall not be deemed to be criminal or unlawful for civil purposes by reason merely that they are in restraint of trade.



Under section 14 of the Ordinance the rules of every trade union must contain provision for the manner of its dissolution. The Registrar of Trade Unions may, under section 11, cancel the registration of any trade union either at its own request or on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that such trade union has wilfully, and after notice from the Registrar, violated any of the provisions of the Ordinance, or has ceased to exist.

There are 15 registered trade unions, 13 of which are associations of employed persons and two of employers. The estimated total paid-up membership is 3,643, representing approximately 56 per cent. of the British labour force.

The extent to which alien workers may take part in controlling a trade union is limited by section 17 of the Ordinance, which states that an alien shall not be one of the members of a trade union applying for its registration; neither, unless he is resident in Gibraltar, may he be an officer of a union, nor vote on any motion connected with the calling or financing of a strike. A union in which not less than one-tenth of the membership are non-resident aliens may elect one such alien member to the general committee of management.

*Article 3.* There is nothing in the laws of the colony to prevent any trade union from concluding collective agreements with employers or employers' associations. Furthermore, it is the policy of the Government to encourage the principle of collective agreement.

*Article 4.* The Labour Advisory Board, which is equally representative of the interests of employers and employed persons, considers and advises the Government on matters referred to it by the Government relating to the application and operation of existing or proposed labour legislation.

Both employers and employees also have representatives on the Regulation of Conditions of Employment Board (constituted under section 3 of the Regulation of Wages and Conditions of Employment Ordinance, 1953), whose functions are to make recommendations to the Governor in Council as to any general minimum standard conditions of employment and to advise the Governor on any matter relating to conditions of employment or on any matter referred to it by the Governor.

*Articles 5, 6 and 7.* Section 4 (1) of the Trade Disputes (Conciliation and Arbitration) Ordinance, gives effect to these Articles. It provides that where a trade dispute exists or is apprehended the Governor may appoint a person or persons to inquire into the causes and circumstances of the dispute, or take such steps as he may deem to be expedient for the purpose of enabling the parties to the dispute to meet together; or, on the application of employers or workmen interested, appoint a person or persons to act as conciliator or as a board of conciliation, or with the consent of both parties refer the matter to an arbitration tribunal mutually agreed upon or failing agreement appointed by him consisting of a sole arbitrator, or an arbitrator assisted by one or more assessors, or one or more arbitrators.

The Director of Labour and Welfare, who is also the Registrar of Trade Unions, exercises immediate supervision of the application and enforcement of the above-mentioned legislation.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

There is only one collective agreement between employers and organised workers known to be in force. This covers the conditions of employment of workers employed in stevedoring and ancillary trades. It fixes a wage of £1 per eight-hour shift for casually employed stevedores, lays down rates for piece work, overtime and obnoxious conditions allowances, and provides grievance and disciplinary machinery.

There have been no trade disputes since the introduction of the Trade Disputes (Conciliation and Arbitration) Ordinance in December 1953.

Prior to its enactment the Bill for this Ordinance was referred to the Labour Advisory Board for consideration and advice. The Board, and in particular the employees' representatives, welcomed the Bill and were pleased to note that the provision for arbitration was on a voluntary basis and would only be initiated if both parties to the dispute agreed to such a course.

#### *Gilbert and Ellice Islands (First Report).*

Trade Unions and Trade Disputes Ordinance, No. 2 of 1946.

Labour Ordinance No. 6 of 1951 (section 52).

The Convention is applied by the provisions of the Trade Unions and Trade Disputes Ordinance No. 2 of 1946. Disputes between parties arising out of a contract may also be settled in accordance with the provisions of section 52 of the Labour Ordinance No. 6 of 1951.

*Article 2 of the Convention.* There is no bar to the rights of association of either employer or worker. Trade unions must, under section 5 of the Ordinance, be registered.

*Article 3.* No trade unions have yet been formed in the colony. A Civil Servants Association has been formed and almost all government officers are members.

*Article 5.* The compact organisations operating in the colony ensure this.

*Article 6.* District officers pay particular attention to this. The size of the colony prohibits the assigning of officers specially to such duties.

*Article 7.* No organisations of employers or workers exist. The practice of including elders of an island in a party recruited for work away from the island is proving its worth. The elders are able to negotiate with the employer more readily and responsibly than would the younger men.

The legislation is applied by the Government through the Registrar of Trade Unions (appointed by the High Commissioner under section 6 of the Ordinance), and the District Administration. No trade unions or organisations of workers or employers have yet been formed. As noted under Article 3 above, a Civil Servants Association has been formed in the colony.

*Gold Coast (First Report).*

Trade Unions Ordinance No. 13 of 1941, as amended in 1941, 1942, 1948, 1950 and 1953.  
 Trades Disputes (Arbitration and Enquiry) Ordinance No. 20 of 1941.

*Article 2 of the Convention.* Sections 2, 4 and 5 of the Trade Unions Ordinance enable employers and workers to form a combination. Advantage of this has been taken so far only by the workers. The Ordinance provides for compulsory registration of trade unions, for the method of registration and for the cancellation of the certificate of registration. The Ordinance and the first schedule also provide for rules to govern the constitution and the dissolution of trade unions. The objectives which they may legally pursue are not restricted.

*Article 3.* Negotiating machinery for collective bargaining and the settlement of disputes between employers and employees is encouraged by government policy and by administrative action by the Commissioner of Labour and his officers. There is no specific legal provision for the establishment of such machinery.

*Article 4.* The Labour Advisory Committee, composed of equal numbers of representatives of employers and workers and independent members, is consulted by the Minister responsible for labour questions regarding the adoption and application of measures to ensure the protection of workers.

*Article 5.* The procedure for the investigation of disputes is described in an official announcement attached to the report. If all possible methods of avoiding a deadlock have been tried unsuccessfully, the representatives of workers or the employers may apply to the Minister responsible for labour for arbitration proceedings to be instituted or for an inquiry to be held under the Trades Disputes (Arbitration and Enquiry) Ordinance No. 20 of 1941. In such a case the consent of both parties is necessary. If the representatives of workers or employers decide they should strike or lock-out they should give due notice, preferably 21 days, of their intention to take such action. Negotiations are not resumed and arbitration proceedings are not begun until there has been a resumption of work after strikes or lock-outs have been started.

*Article 6.* The Labour Department is giving every encouragement and assistance to employers and workers in establishing conciliation machinery.

For government employees a special provision exists in the official announcement (paragraph 6) which requires that any representation be submitted through the head of their department. Heads of departments are required to forward without delay representations which cannot be settled locally.

The application of the above-mentioned legislation and administrative regulations is entrusted to the Registrar of Trade Unions and the Commissioner of Labour.

No court decision has been taken up to now.

The substance of the Convention was applied in the Gold Coast for some years before the Convention was adopted.

Copies of the above-mentioned legislation are appended to the report together with copies of an official announcement and of a collective agreement specifying rates of pay.

*Grenada (First Report).*

Trade Disputes (Arbitration and Inquiry) Ordinance No. 5 of 1943.  
 Trade Union and Trade Disputes Ordinance No. 20 of 1951.  
 Trade Disputes (Arbitration and Inquiry) Ordinance No. 5 of 1951.  
 Public Utility Undertakings and Public Health Services Arbitration Ordinance No. 3 of 1951.

*Articles 1 and 2 of the Convention.* The Trade Unions and Trade Disputes Ordinance, 1951 guarantees the right of employers and workers to form trade unions.

Every trade union must be registered within three months of its formation. Seven or more members of the trade union may register such trade union. The Registrar will register the union if he is satisfied that, *inter alia*, the purposes of the trade union are not unlawful. The constitution of every trade union must provide for a certain number of conditions. The manner of dissolving the trade union must also be provided for.

*Article 3.* It is the policy of the Administration to foster the development of collective bargaining along the lines obtaining in the United Kingdom, and the Labour Department is specially charged with this task. Should collective bargaining fail, the parties are encouraged to submit to arbitration under the provisions of the Trade Disputes (Arbitration and Inquiry) Ordinance, 1943.

*Article 4.* Organisations of employers and workers have representation on the Labour Advisory Board, which advises the Governor on all matters relating to conditions of labour.

*Article 5.* Disputes between employers and workers are determined by consultation between the parties' organisations. In cases of failure to agree, the officers of the Labour Department act as conciliation officers.

*Article 6.* The two labour officers of the Labour Department have both received training in methods of conciliation in the United Kingdom.

*Article 7.* Permanent committees operate in those services affected by the Public Utility Undertakings and Public Health Services Arbitration Ordinance, 1951. As the essential services are all operated by the Government, the latter appoints its representatives on the Committee, while the workers' representatives are elected by the workers concerned.

The Labour Department is entrusted with the application of the above-mentioned legislation and administrative regulations.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

No observations have been received from the organisations of employers and workers.

*Hong Kong (First Report).*

Trade Unions and Trade Disputes Ordinance (Cap. 64).

*Article 2 of the Convention.* (1) The right of association of employers and employed is guaranteed by the provisions of the Trade Unions and Trade Disputes Ordinance.

At the end of March 1954, there were 299 trade unions registered, of which 226 are workers' organisations, 69 are employers' associations and

four are mixed organisations of workers and employers.

(2) Reference is made to different sections of the Ordinance.

*Article 3.* Trade unions and employers' associations are free to conclude collective agreements, and many of them have done so. The Commissioner of Labour, being the adviser to the Government of Hong Kong on all matters connected with labour in the colony, undertakes, through the officers of his department, conciliation and mediation in labour disputes.

*Article 4.* The Labour Advisory Board, on which representatives of workers and employers sit, provides the machinery for consulting employers and workers regarding the adoption and working of measures to ensure the protection of workers. The Board, which meets under the chairmanship of the Commissioner of Labour, contains two European employers' representatives, two Chinese employers' representatives and four Chinese workers' representatives.

*Article 5.* It is the policy of the Government of Hong Kong to leave the main responsibility for settlement of terms and conditions of employment to employers and workers and to their respective associations. However, the Labour Department of the colony is at all times prepared to offer its advice to employers and workers and their associations and to investigate disputes arising out of the terms and conditions of employment. These investigation and mediation activities of the Labour Department are well known and freely used by all parties concerned.

*Article 6.* One labour officer and one assistant labour officer are specially assigned to the investigation and settlement of industrial disputes, but all labour officers are expected to be capable of undertaking conciliation and mediation in appropriate cases.

*Article 7.* There is no machinery for the settlement of industrial disputes other than voluntary joint negotiation between employers and trade unions, with or without the mediation of the Labour Department. In the event of these voluntary negotiations breaking down there is, under the Trade Unions and Trade Disputes Ordinance, an opportunity for voluntary arbitration. Under section 35 of this Ordinance the Governor may, where a trade dispute exists or is apprehended, refer the matter, with the consent of both parties, to an arbitration tribunal.

The authority to which the application of the registration provisions of the Ordinance is entrusted is the Registrar of Trade Unions. The settlement of labour disputes is the responsibility of the Commissioner of Labour.

There have been no decisions given by courts of law or other courts regarding the application of the Convention.

In Hong Kong there has never been any difficulty in securing the rights of employers and employed to associate for all lawful purposes. There are traces of the guild system in trade unions which still contain members who, from time to time, may become employers rather than employed. The number of such associations,

however, is decreasing and, since the enactment of the Ordinance, the majority of registered unions have been either of workers or employers. It is the policy of the Government in Hong Kong to encourage the growth and development of democratic trade unions whose primary object will be the improvement of the industrial, social and economic conditions of their members. This policy has been greatly hampered by the permeation of local trade unionism by the rival ideologies of Chinese politics.

As regards the conciliation and mediation aspects of the Convention, Hong Kong is fortunate in that, long before the creation of the Labour Department as a separate department, employers and employees had freely availed themselves of the recognised mediatory influence of the officers of the Secretariat for Chinese Affairs and a tradition of settlement by negotiation was firmly established in the colony. The work of the Labour Department has been facilitated by this tradition but, on the other hand, attempts to set up recognised and permanent machinery for joint negotiations and industrial collaboration have so far been frustrated by the political cleavage mentioned above.

No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of legislation implementing the Convention have been received from either the organisations of workers or of employers.

#### *Jamaica (First Report).*

Trade Union Law (Chapter 296 of the Revised Laws of Jamaica), as amended in 1938, 1940 and 1952.

Trade Disputes (Arbitration and Enquiry) Law No. 16 of 1939.

Public Utility Undertakings and Public Services Arbitration Law No. 6 of 1952.

*Article 1 of the Convention.* The Convention has been applied to this territory.

*Article 2.* Section 2 of the Trade Union Law provides that "the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise". "Trade union" is defined by section 7 of the Trade Union Amendment Law, 1938. Section 2 of this Law makes it compulsory for a trade union to be registered within 30 days after the date of its establishment. Section 13 of the Trade Union Law makes provisions concerning the rules of registered trade unions.

Section 3 provides that the purposes of any trade union shall not by reason merely that they are in restraint of trade be unlawful so as to render void or voidable any agreement or trust.

*Article 3.* Ever since its establishment in 1939, the Labour Department has encouraged employers to bargain with registered trade unions which represent the workers in their particular places of employment.

As workers in the same industry were often organised in different trade unions, rivalry grew up between the unions and became so keen by 1951 that the Labour Department had to find some method of determining which of two or more trade unions should have the right to conclude

agreements with employers in a particular industry or place of employment. The Governor in Executive Council decided in January 1952 that where a dispute arose between two or more trade unions over the question of representation a poll should be taken by the Labour Adviser to determine trade union representation.

The legislation provides that where, as a result of agreement between organisations of employers and organisations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, arrangements exist in that trade or industry for settlement of disputes by conciliation or arbitration, the Governor should not refer a dispute in the trade for settlement by arbitration under this Law except with the consent of both parties to the dispute and unless there has been a failure to obtain a settlement by means of those arrangements.

*Article 4.* In practice the Ministry of Labour consults organisations of employers and workers whenever it is proposed to introduce new labour legislation or to amend existing labour legislation. Consultations are usually carried out at meetings between representatives of the Ministry of Labour and representatives of organisations of employers and of workers.

*Article 5.* Conciliation officers of the Labour Department intervene in labour disputes either at the request of one of the parties to the dispute or, in certain unusual instances, without the request of either party where it has come to the attention of the Labour Department that a strike, which may have serious consequences, has either occurred or is apprehended. The disputes may also be referred by the Governor to a board of inquiry which will report to him.

*Article 6, paragraph 1.* The Ministry of Labour takes steps to encourage employers and workers to avoid disputes and to settle disputes by means of conciliation. There are conciliation officers on the staff of the Labour Department who maintain close contact with trade unions and employers. These officers encourage employers and workers whenever practicable to enter into collective agreements.

Paragraph 2. The Ministry of Labour also encourages the establishment of joint industrial councils wherever practicable. Representatives of organisations of employers and workers are appointed to these councils in equal numbers and have the same status.

*Article 7.* Where a dispute cannot be settled by conciliation, the Governor may refer it to an arbitration tribunal or the parties to the dispute may by agreement refer the dispute for settlement to either a sole arbitrator or to an arbitrator and two or more assessors appointed in equal numbers by the trade union and the employers concerned.

During the last two or three years most disputes which have not been settled by conciliation have been referred by the parties to this form of arbitration.

The Registrar of Trade Unions ensures that organisations which are trade unions comply with the provisions of the Law relating to their registration, rendering of returns required by the Law, and legality of their constitution.

The Governor in Executive Council, on the advice of the Ministry of Labour, is responsible for setting up the machinery prescribed by the Trade Disputes (Arbitration and Enquiry) Law and the Public Utility Undertakings and Public Services Arbitration Law for the settlement of disputes; the Ministry of Labour and the Labour Department are responsible for encouraging the settlement of disputes by conciliation.

No decisions have been given by any court or court of law involving questions of principle relating to the application of the Convention.

While all recognised organisations of workers in this territory are registered trade unions, some employers' organisations are not. Such employers' organisations are usually incorporated under some other law as their principal objects may not be concerned with the regulation of relationships between employers and workers. For purposes of industrial relations, however, they are treated in the same way by the Government as registered trade unions.

#### *Kenya (First Report).*

Employment Ordinance, 1938 (Cap. 109, Laws of Kenya).  
Trade Disputes (Arbitration and Inquiry) Ordinance, 1948 (Cap. 118).  
Essential Services (Arbitration) Ordinance, 1950, as amended in 1952.  
Governor's Orders in Notices Nos. 543, 561 and 589 of 1950, adding to the list of essential services.  
Arbitration Tribunal (Procedure) Rules, 1950, in respect of essential services.  
Regulation of Wages and Conditions of Employment Ordinance, No. 1 of 1951, as amended in 1951 and 1954.  
Tailoring, Garment Making and Associated Trades Wages Council (Establishment) Order, in Notice No. 641 of 1952.  
Transport and Road Haulage Wages Council (Establishment) Order, in Notice No. 720 of 1953, as amended in 1954.  
Trade Unions Ordinance, No. 23 of 1952.  
Trade Unions Regulations, 1952, as amended in 1953.  
Trade Unions (Appeals to the Supreme Court) Rules of Court, 1952.  
Notice No. 205 of 1952 setting out the constitution of the Central Whitley Council for the Civil Service.  
Notice No. 525 of 1952 setting out the terms of reference of the Labour Advisory Board.  
Constitution of the Mombasa Dockworkers' Joint Industrial Council, as approved by law.  
Notice (No. 517 of 1954) of Minister for Labour's intention to establish a Wages Council for the Hotel and Catering Trades.

*Article 1 of the Convention.* The Convention now applies in Kenya.

*Article 2.* Under section 2 of the Trade Unions Ordinance, "trade union" means any association or combination, whether temporary or permanent, of more than six persons (other than a staff association, employees' association, or employees' organisation not deemed to be a trade union under the provisions of section 3 of this Ordinance), the principal objects of which are under its constitution the regulation of the relations between employees and employers, or between employees and employees, or between employers and employers, whether such combination would or would not, if this Ordinance or any Ordinance thereby repealed had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

Section 9 requires such a trade union to register under the Ordinance; and unless the Registrar of Trade Unions finds under section 16 that the union's principal purpose is not that of a trade union as defined above, or that any one of its objects is unlawful, or that it is used for unlawful purposes, or that it is not suitably constituted or managed, or that it will duplicate the representation of any other union which is sufficiently representative and which can establish a valid objection to its registration, then the new union is duly registered.

Sections 23, 24, 25, 26, 52, 54 and 61 provide for guarantees for members of trade unions. The text of these provisions is reproduced in the report.

As regards staff associations, employees' associations or employees' organisations, section 3 of the Ordinance provides that these bodies may function without requiring to be registered as trade unions so long as, *inter alia*, they do not collect from their members more than an annual contribution to an office expense fund or a welfare fund.

Section 4 provides, however, that an employees' organisation must have the approval in writing of the Registrar of Trade Unions; and that an employees' organisation, staff association or employees' association must furnish the Registrar with copies of its constitution, rules and balance sheet, if so requested.

Organisations of employers do not generally fall within the definition of "trade union", and thereby become obliged to register. They usually have a wider range of functions; and the regulation of relations between employers and employees, or between employers and employers, is rarely their principal object. There are no obstacles, however, in the way of chambers of commerce, trade or manufacturers' societies, or planters' associations, etc., negotiating with trade unions or otherwise representing employers' interests. It is only when these bodies are liable to become deeply involved in industrial relations that it is to their advantage to secure the special immunities and privileges afforded by the Trade Unions Ordinance.

In support of these legislative measures, the Kenya Government pursues a policy of fostering the development, on sound lines, of all forms of worker and employer organisation. A specialised industrial relations staff of the Labour Department, including an officer recruited from the trade union movement in the United Kingdom, advises workers and employers on organisation matters, and gives regular practical assistance to workers' unions and associations. Trade union lectures and study courses have also been provided by the Government.

Although there is still a great deal of apathy amongst persons of all races in Kenya towards organisation of workers and employers, respectively, and although African workers generally suffer from disabilities of illiteracy, trade unionism has considerably developed.

There are now 14 registered unions of workers covering the more important industrial groups. Agricultural labour, comprising half of the 500,000 workers employed in the territory is not yet organised. Government employees are represented by various staff associations and two railway

unions. There are also five employers' bodies registered as trade unions representing a total of 445 employers. Further employers' organisations have arisen as a result of developments in the field of industrial relations.

The establishment and constitution of trade unions are regulated by sections 10, 28, 29, 30 and 36 of the Trade Unions Ordinance. Section 17 deals with suspension or dissolution of unions. Trade unions may appeal to the Supreme Court against decisions of the Registrar.

The objects for which registered trade unions may lawfully expend their funds are prescribed by section 43.

*Article 3.* The Regulation of Wages and Conditions of Employment Ordinance provides for the establishment of collective bargaining machinery in the form of wages councils, joint industrial councils, staff councils and works councils. The Minister for Labour, in appointing an equal number of representatives of employers and workers, shall consult any organisation representing adequately such interests. An association of employers or workers may apply to the Labour Commissioner for the establishment of a joint industrial council (a council of this type was set up in 1952 for the dockworkers in Mombasa Port).

The Labour Department also takes practical steps to secure the right of trade unions to conclude collective agreements with employers by assisting unions to secure recognition, by calling joint meetings and by assisting each party to draw up fair and reasonable terms of agreement.

*Article 4.* The Kenya Federation of Registered Trade Unions has achieved a considerable degree of recognition, both from the Government and from employers. It provides two workers' representatives on the Labour Advisory Board. There are also two representatives of the Federation of the Registered Trade Unions on the Wages Advisory Board.

There is no equivalent federation of employers' organisations in Kenya but representatives are sought from chambers of commerce and other employers' groups.

Employers' and workers' representatives are also associated with the Factories Committee which advises on the application of the Factories Ordinance and with various committees of inquiry, set up from time to time to study and report on matters affecting employment.

*Article 5.* Nearly all individual disputes between employers and workers are settled, without recourse to court proceedings, by inspectors and labour officers of the Labour Department. Once an employer or worker has lodged a complaint with the Labour Department there is a routine procedure for the investigation of the dispute. Most disputes are speedily settled in this manner through the intervention of the Labour Department.

Where the above procedure fails to secure a settlement, either party may put the complaint before a magistrate or justice of the peace or may take out a civil summons against the other party.

Where the dispute involves an offence by the employer, a labour officer may institute proceedings against the employer on behalf of the worker.

Many thousands of such complaints and disputes are handled by the Labour Department. Those involving wages totalled 8,151 in 1953 and led to the recovery of an aggregate amount of £12,768 from employers, and a further £8,021 presumed recovered consequent on agreements to pay. Court proceedings were instituted by the Labour Department against employers or employees in 1,700 cases, and a large proportion of these cases arose out of disputes or complaints brought to the Department.

In the case of collective disputes, section 4 of the Trade Disputes (Arbitration and Inquiry) Ordinance provides for a dispute, whether existing or apprehended, to be reported to the Labour Commissioner by or on behalf of either party to the dispute; the Labour Commissioner then endeavours to conciliate, and for this purpose must make use of any existing machinery for the settlement of disputes as may seem to him appropriate to that end. A settlement concluded in this manner has the same effect as an arbitration award. If the above procedure fails, the Minister for Labour may, if both parties consent, refer it to arbitration.

An alternative procedure is for the Labour Commissioner to refer any relevant matter to a board of inquiry.

In the case of collective disputes in essential services a generally similar procedure applies.

During 1953 there were 39 industrial disputes resulting in stoppages of work, and 2,674 man-days of work were lost. None of these disputes reached the stage where either party formally reported the matter for settlement under the Trade Disputes (Arbitration and Inquiry) Ordinance or the Essential Services (Arbitration) Ordinance.

*Article 6.* Employers and workers are encouraged to avoid disputes or otherwise to reach fair settlements by means of conciliation through the setting up of properly constituted wage-negotiating bodies and joint consultative bodies. Nearly all essential services in Kenya now have such machinery. The constitutions of all joint bodies provide for matters which such bodies may fail to settle to be referred to the Labour Department for conciliation.

All labour officers and inspectors of the Labour Department are assigned to the investigation and settlement of disputes. They are distributed over 15 branch offices through an industrial relations officer (European) and two assistant industrial relations officers (African) who are especially assigned to such duties.

*Article 7.* Considerable progress has been made in establishing machinery for the settlement of disputes between employers and workers since the enactment of the Regulation of Wages and Conditions of Employment Ordinance, 1951. Wages councils have been set up in several industries with equal representation of employers' and workers' organisations.

This machinery provides full opportunity for the settlement of disputes in the industries concerned.

The Trade Disputes (Arbitration and Inquiry) Ordinance and the Essential Services (Arbitration) Ordinance provide machinery which is available to all industries and services for the settlement of

disputes by *ad hoc* negotiations between employers and workers and their respective organisations, or by arbitration tribunals in which such employers and workers are associated.

The application of the Trade Unions Ordinance is entrusted to the Registrar of Trade Unions, who is also the Registrar General of the colony, whilst the Labour Department's duty is to afford practical guidance and assistance to trade unions in organisational matters and in their relations with employers or workers.

The remaining legislation listed in this report is applied by the Labour Department, which is responsible to the Minister for Labour. Officers of the Labour Department have appropriate statutory powers to apply most of the provisions, whilst the Minister for Labour exercises some of the more responsible functions, and the courts adjudicate in legal proceedings. Labour Department staff carry out all the practical work in the field.

There have been no court decisions involving questions of principle relating to the application of the Convention.

The principles enunciated in the Convention are firmly established in Kenya, and it remains only to expand the application of negotiating machinery until all sections of the territory's labour force are adequately covered. To some extent this progress is dependent on the fuller development of employer and worker organisation.

During the period under review the Kenya Federation of Registered Trade Unions made numerous oral representations to the Minister for Labour concerning the effect of present emergency regulations on the freedom of movement of trade unionists of the Kikuyu, Meru and Embu tribes. Owing to the continuing state of emergency the trade unions have had to rely almost wholly on officials of other tribes to do the field work and travelling on behalf of trade unions.

#### *Leeward Islands (First Report).*

Trade Unions Act No. 16 of 1939.  
Trade Unions (Amendment) Act No. 1 of 1942.  
Trade Unions (Amendment) Act No. 16 of 1944.  
Trade Unions (Amendment) Act No. 5 of 1945.  
Trade Unions (Amendment) Act No. 2 of 1947.  
Trade Unions (Amendment) Act No. 17 of 1949.  
Trade Disputes (Arbitration and Inquiry) Act No. 17 of 1939.  
Antigua Labour Ordinance No. 3 of 1950.  
St. Christopher and Nevis Labour Ordinance No. 1 of 1950.  
Montserrat Labour Ordinance No. 5 of 1950.  
Montserrat Labour (Amendment) Ordinance No. 5 of 1954.  
Virgin Islands Labour Ordinance No. 5 of 1950.

*Article 2 of the Convention.* The right of employers and workers to associate is assured by the Trade Union Act No. 16 of 1939 for the purposes set out in the said Act. Any organisation may be registered under the Act if its objects are not in conflict with the legislative provisions. Section 2 of this Act gives the definition of a trade union. The report further gives a picture of existing workers' and employers' organisations in the Leeward Islands (three trade unions of workers and three unions or associations of employers).

Application for registration under the Trade Unions Act is the responsibility of the committee of management of trustees so appointed. A



certain number of conditions have to be fulfilled for regular registration. The rules of the organisation have to contain a number of provisions indicated in the Trade Unions Act.

*Article 3.* There is no statutory provision implementing the provision of this Article, but in practice the right of the trade unions to represent workers in negotiating collective agreements has never been challenged. Enforcement of such measures as are agreed upon depends on the strength of the organisations. The right of the workers through the organisation to be consulted over any proposed changes in industrial practice is gaining recognition.

In practice, organisations of workers conclude collective agreements with either an organisation of employers or individual employers.

*Article 4.* Sections 5 and 6 of the Labour Ordinance require the Labour Commissioner to use his utmost endeavour to safeguard and promote the general welfare of workmen and to ensure the due performance of such laws as he may from time to time be required to enforce.

It is customary to consult representatives of organisations of employers and workers regarding the adoption of measures ensuring the protection of workers, for example by the appointment of representatives of both organisations to committees which, in practice, it is customary to set up to consider labour legislation.

*Article 5.* Under section 6 (1) (e) of the Labour Ordinance, the Labour Commissioners are required to inquire informally, if the parties so consent, into any complaint made by an employer or a worker. The Labour Commissioner will use his good offices and influence to bring about a fair and reasonable settlement without recourse being had to legal proceedings. In addition, organisations of employers and workers in Antigua have concluded collective agreements providing for the avoidance and settlement of disputes.

*Article 6.* In practice collective agreements providing for the avoidance and settlement of disputes are concluded between organisations of employers and workers and the procedure set out in such agreement is usually adhered to. Under section 6 (1) (e) of the Labour Ordinance, the Labour Commissioners are also empowered and authorised to use their good offices and influence to bring about a fair and reasonable settlement of complaints without recourse to legal proceedings. With regard to paragraph 2 of this Article there is no legislative authority giving effect to this provision, but conciliation machinery is well established and functions satisfactorily. Effect is given to the provisions of this Article by sections 3 and 8 of Ordinance No. 17 of 1939.

The Labour Commissioners are entrusted with the administration of Act No. 17 of 1939 and of the Presidential Labour Ordinance. The Registrar of the Supreme Court of the Presidency is responsible for the administration of Act No. 16 of 1939.

No decisions have been given by courts of law or any other courts involving questions of principle relating to the application of the Convention.

On the whole the provisions of the Convention are carried out satisfactorily. Detailed extracts from the 1953 report of the Antigua Labour Department are reproduced in the report.

The committee which was appointed some time ago to consider what amendments were necessary to the Trade Unions Act and the Amendment Acts submitted its report in August 1954. The committee, under the chairmanship of the Attorney-General, was composed of employers' and workers' members. It is anticipated that legislative effect will be given to its recommendations during the year 1954-55.

No representations have been received from employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention.

#### *Malaya (First Report).*

Trade Unions Enactment, 1940.

Trade Unions Ordinance, 1946, as amended in 1947, 1948 and 1949.

Wages Council Ordinance, 1947.

Industrial Courts Ordinance, 1948.

Trade Disputes Ordinance, 1949.

*Article 2 of the Convention.* There is nothing to prevent an association of employers or of employed being formed provided that the members take proper steps to apply for registration to the Registrar of Trade Unions.

A trade union is established on the first date on which any workmen or employers agree to become or to create an association or combination for the furtherance of any of the objects specified in the definition of a trade union in section 2 of the Trade Unions Enactment, 1940.

The Registrar registers a trade union applying for registration if he is satisfied that it has complied with the provisions of the enactment and of the regulations made thereunder and that the objects, rules and constitution of the union do not conflict with any of such provisions and are not unlawful, and that such union is not likely to be used for unlawful purposes or purposes inconsistent with its objects and rules.

On 30 June 1954 there were seven employers' associations with a membership of 808, and 234 workers' unions with a membership of 105,126.

Section 10 of the Ordinance provides for the conditions which govern the establishment and constitution of a trade union. In the Schedule to the Trade Unions Enactment, 1940, there is a list of matters for which provision must be made in the rules of every registered trade union.

The Registrar may withdraw or cancel the certificate of registration of any trade union, chiefly if the union is being used for any unlawful purpose.

*Article 3.* A trade union can conclude an agreement with an employer. Collective bargaining is a feature of industrial relations in the Federation. The Department of Labour acts as conciliator where necessary in all labour disputes.

*Article 4.* The Federal Labour Advisory Board is an organisation of representatives of employers and workers which is consulted regarding the adoption and working of measures to ensure protection of workers.

*Article 5.* Where there is a dispute between employers and workers, it may or may not be reported to the local Deputy or Assistant Commissioner for Labour. Unless asked by one or other parties for advice or assistance the Labour Department official does not normally immediately

attempt any conciliation procedure but contents himself with obtaining facts regarding the matters in dispute. If the dispute does not solve itself soon and if the Labour Department official is asked to assist by one or other party in reaching agreement, he does so and very often succeeds in assisting to bring the dispute to a satisfactory conclusion. Should the dispute prove very difficult, the Commissioner for Labour can refer the matter with the assent of both parties to an industrial court or to an arbitration board. There is also provision for setting up a court of inquiry, which has only been done once in the Federation. Reference to arbitration has been made occasionally, chiefly in the rubber industry. The vast majority of disputes in industry are settled by conciliation methods by officers of the Labour Department.

*Article 6.* No public officers are yet specially assigned to the investigation and settlement of industrial disputes. Such work is done by all the officers of the Labour Department.

*Article 7.* Paragraph 4 (2) of the Industrial Courts Ordinance, 1948, provides for machinery created for the settlement of industrial disputes. Where a trade dispute exists or is apprehended, the Commissioner may, if both parties consent, refer the matter for settlement either to the industrial court or to arbitration.

Application of the above-mentioned legislation and regulation is entrusted primarily to the Labour Department, and partly to the Registrar of Trade Unions in so far as the Trade Unions Enactment, 1940, is concerned. In every state and settlement there are one or more labour officers. There is no place of employment in the Federation which is not within range of a labour officer for inspection purposes, etc.

No decisions have been given by courts of law or other courts regarding the application of this Convention.

The Convention is being applied in an efficient manner. No observations have been received from organisations of employers or workers.

#### *Malta (First Report).*

Trade Unions and Trade Disputes Ordinance, 1945.  
Conciliation and Arbitration Act, 1948.  
Conditions of Employment (Regulation) Act, 1952.

The ratification by the United Kingdom of this Convention has had no legal effect in Malta.

*Article 2 of the Convention.* The right of employers and employed alike to associate is governed by the Trade Union and Trade Disputes Ordinance, 1945, which gives certain practical facilities for the proper functioning of such associations. These associations should be registered as trade unions. On 30 June 1954, 40 associations had been registered. Part I of the 1945 Ordinance provides for the conditions concerning the establishment, constitution, suspension and dissolution of trade unions, as well as the objects which they may legally pursue.

*Article 3.* No legislation specifically deals with the subject of collective agreements, but Part IV of the Conditions of Employment (Regulation) Act, 1952, contains provisions which encourage the setting up of voluntary machinery for the

regulation of the conditions of employment; collective agreements may also be reached as a result of the appointment of boards of conciliation under section 5 of the Conciliation and Arbitration Act.

*Article 4.* No action has been taken to ensure at the establishment level the consultation and association of workers' and employers' representatives in the working of arrangements for the protection of workers and the application of labour legislation. These matters are still being enforced centrally by inspectors of the Department of Labour. Workers' and employers' organisations are associated on the Labour Board set up under Part II of the Conditions of Employment (Regulation) Act.

*Article 5.* Regulations have been issued concerning the procedure of boards of conciliation and boards of inquiry. Part II of the Conciliation and Arbitration Act refers to the same matter.

*Article 6.* Part IV of the Conditions of Employment (Regulation) Act, as well as Part II of the Conciliation and Arbitration Act, refers to the fair settlement of disputes by conciliation. The procedure of informal mediation is generally adopted for the purpose of promoting conciliation. No public officers are specially assigned full-time to the work of the settlement of industrial disputes as the amount of work involved does not warrant such an appointment. The Director of Labour and one of his assistants undertake mediation work as necessary.

*Article 7.* Boards of conciliation, as well as the arbitration tribunal, are generally composed of three persons: an independent chairman, a member acceptable to the employers, and a member acceptable to the workers.

The application of the above-mentioned legislation is entrusted to the Department of Labour. Trade unions are supervised by the Registrar of Trade Unions. Conciliation and arbitration services are provided under arrangements made by the Department of Labour.

No decisions were given by any court on the application of this Convention.

An extract from the departmental annual report for 1953, giving a brief description of events connected with the application of the Convention, is appended to the report.

#### *Mauritius.*

Ordinances Nos. 7 and 48 of 1938, 52 of 1941, 40 of 1943, 13 of 1944, 87 of 1946, 68 of 1947 and 13 of 1950.  
Government Notices Nos. 7 and 118 of 1941 and 208 of 1946.

*Article 2 of the Convention.* Section 2 of Ordinance No. 7 of 1938, as amended by Ordinance No. 13 of 1950, safeguards the right of employers and employed alike to associate for all lawful purposes. Section 4 (2) of Ordinance No. 7 of 1938 provides for every association to apply to the registrar for registration within one month of its formation. The registrar may alter the constitution or rules, cancel the certificate of registration of any association found to have contravened its constitution or rules, or to expel any of its office-bearers or members who have



contravened its provisions or rules. Protection of members' interests in so far as their conditions of employment are concerned, and regulation of relations between employers and workers, are among the objects which they may regularly pursue.

*Article 3.* Article 11 of Ordinance No. 7 of 1938 empowers associations to negotiate among themselves. They may subsequently have their interests represented before a board of conciliation. Article 9 (1) of Ordinance No. 68 of 1947 empowers the Labour Commissioner to appoint a conciliation board.

*Article 4.* All matters relating to labour legislation are primarily referred to the labour advisory board composed of representatives of employers and workers.

*Article 5.* The Labour Inspectorate Branch and the conciliation officers of the Labour Department deal with complaints between employers and workers. Labour officers are charged with the duty of taking up individual cases in which no legal offence has been committed, but which may be settled through discussion with the employer. The workers themselves still prefer to send many such cases to these officers in preference to arranging a direct meeting between the union official and the employer. Efforts continue to be made to induce the unions to shoulder their responsibility in this respect.

*Article 6.* The Labour Commissioner and the Industrial Court are provided with powers to conciliate in any kind of labour dispute. Joint voluntary bodies composed of representatives of employers and workers are established wherever possible to settle disputes. The Labour Commissioner, assisted by the Industrial Court, is charged with the investigation and settlement of industrial disputes.

*Article 7.* Articles 9 and 12 of Ordinance No. 68 of 1947 provide for the settlement of disputes by arbitration.

The Labour Department, which has a staff of labour and factory inspectors and an industrial relations officer, the Registrar of Trade Unions and the Industrial Court, are entrusted with the implementation of the provisions.

No decision by court of law involving questions of principle has been given.

Copies of agreements between unions catering for the main industry of the colony are appended to the report. No observations have been received so far.

#### *Nigeria (First Report).*

Trade Unions Ordinance, Cap. 218 of the Laws of Nigeria (Revised 1948).

Trades Disputes (Arbitration and Inquiry) Ordinance, Cap. 219 of the Laws of Nigeria (Revised 1948).

*Article 2 of the Convention.* The rights of employers and employed to organise are safeguarded by section 2 of the Trade Unions Ordinance. At 31 March 1954 there were in existence 152 trade unions with a paid-up membership of 153,000. This figure includes a few organisations of employers. It is provided (a) in section 12 of the Ordinance that "any five or more members of a trade union may by subscribing

their names to the rules of the union . . . register such trade union . . .", and (b) in section 14 that "no trade union or any member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union has first been registered". The rules of a registered trade union shall contain provisions in respect of certain matters. The Registrar of Trade Unions, who is the authority to register a trade union, may in certain specified circumstances cancel the registration of a trade union.

*Article 3.* There is nothing in the legislation to prevent collective bargaining. In fact, it is encouraged by the Government and many joint bodies are operating for that purpose.

*Article 4.* Proposals for legislation or new administrative procedure in respect of labour matters invariably form the subject of extensive consultation between the Administration and the Department of Labour, on the one hand, and relevant or suitable employers' or workers' organisation, on the other.

*Article 5.* The Trades Disputes (Arbitration and Inquiry) Ordinance empowers the Commissioner of Labour (a) to inquire into the causes and circumstances of trade disputes; (b) to appoint a chairman mutually agreed upon or nominated by him or by some other person or body under whose presidency the parties will meet; and (c) to appoint a conciliator on the application of workmen or employers interested. In the period between 1 April 1953 and 31 March 1954, a total of 57 trade disputes came to the notice of the Department of Labour. Some had, however, resulted in a strike before intervention was possible but all were settled by conciliation. In the year before this period, 54 trade disputes were brought to the notice of the Department and all were settled in the same manner.

*Article 6.* Encouragement is given to the development of voluntary negotiating machinery in all industries and to the development of joint machinery for the settlement of disputes. Provision is made for the settlement of disputes by conciliation or reference to a referee mutually agreed to. Before instituting conciliation, the Department of Labour consults the parties in dispute and the method of mediation depends upon the nature of the dispute and the attitude of the parties as disclosed during exploratory discussions. Labour officers of the Department of Labour intervene in all trade disputes whether notified or apprehended and endeavour to get the parties, with their assistance or otherwise, to reach a settlement. The settlement and prevention of industrial disputes are part of their functions.

*Article 7.* Outside the statutory machinery of conciliation and arbitration, parties to a voluntary joint negotiating agreement are advised to make provision for the measures to be taken towards the settlement of disputes by conciliation, arbitration, or reference to a referee. Government machinery of arbitration is *ad hoc*, and where assessors are considered necessary the law provides that each party is represented by an equal number of assessors.

The Trade Unions Ordinance is enforced by the Registrar of Trade Unions. Specialists in trade union work are employed by the Department of Labour and, as part of their functions, they assist trade unions in meeting their obligations under the Ordinance. Any dispute between a trade union and the Registrar of Trade Unions may be referred for adjudication to the Supreme Court and further to the West African Court of Appeal. The application of Trade Disputes (Arbitration and Inquiry) Ordinance is the responsibility of the Commissioner of Labour who is the administrative head of the Department of Labour.

#### *North Borneo (First Report).*

Trade Unions and Trade Disputes Ordinance, 1947.

*Article 2 of the Convention.* The rights of association of both employers and employed are guaranteed by sections 2, 3 and 4 of the above-mentioned Ordinance, which gives the definition of "trade union".

Sections 3 and 4 declare trade unions to be not criminal and not unlawful for civil purposes. Further sections 22, 23 and 24 protect trade unions and their officials and members from actions of tort, for conspiracy and actions for liability for interfering with another person's business. Peaceful picketing is protected by section 26.

Sections 5 to 20 govern the establishment, constitution, suspension and dissolution of trade unions.

Sections 5 and 8 require the registration of all trade unions. The Registrar may only refuse or cancel registration in accordance with the grounds specified in the Ordinance.

Employers and workers may appeal to the High Court against refusal to register a trade union or the cancellation of registration by the Registrar.

Sections 13 and 14 A provide machinery for amalgamation or federation of trade unions. Sections 17 and 18 protect the accounts of unions. Section 19 and the Schedule to the Ordinance lay down the minimum requirements of the rules of trade unions.

*Article 3.* Section 28 (3) ensures that there is complete freedom for the conclusion of collective agreements.

*Article 4.* Representatives of organisations of employers and workers are not, in the present stage of development of trade unions, associated in the establishment and making of arrangements for the protection of workers and the application of labour legislation. Such unions as exist are, however, represented upon the tripartite Labour Advisory Board of the colony to which all legislation of importance is submitted for consideration before enactment. The views of the Board are regularly sought on other matters affecting labour and industrial relations in the colony.

*Articles 4, 6 and 7.* The majority of disputes between employers and workers which cannot be settled by direct discussions are usually referred to the officers of the Department of Labour and Welfare. These officers are trained departmentally in the investigation and conciliation of such disputes. The procedure is becoming increasingly common and in very few such disputes has it been

found impossible to arrive at a fair and acceptable settlement.

Sections 28 to 37 provide for machinery of arbitration of disputes with the consent of both parties to the dispute.

The administration of the above legislation is entrusted to the Commissioner of Labour and Welfare, who has been appointed Registrar of Trade Unions.

No decisions by courts of law or other courts have been given involving questions of principle.

The application of this Convention does not involve elaborate legislative provision or administrative implementation in the colony since there are only three workers' trade unions, with a total membership of 490.

No observations have been received regarding the practical fulfilment of the Convention or the application of the national law implementing it.

No local organisation exists but a report is being submitted to the tripartite Labour Advisory Board.

A copy of Ordinance No. 28 of 1947 is appended to the report, as well as a set of eight documents for registration of trade unions.

#### *Northern Rhodesia (First Report).*

Trade Unions and Trade Disputes Ordinance, Cap. 25 of the Laws of Northern Rhodesia.

Industrial Conciliation Ordinance, Cap. 26 of the Laws of Northern Rhodesia and regulations made thereunder.

Public Utility Undertakings and Public Health Service Arbitration Ordinance, Cap. 253 of the Laws of Northern Rhodesia and regulations made thereunder.

Minimum Wages, Wages Councils and Conditions of Employment Ordinance, Cap. 190 of the Laws of Northern Rhodesia and regulations made thereunder.

*Article 2 of the Convention.* The Trade Unions and Trade Disputes Ordinance provides for the establishment of trade unions; section 30 guarantees the freedom of association of employees. There are no conditions governing the establishment or constitution of trade unions, except in the case of registered trade unions, the rules of which must provide for the matters specified in section 9 of the Ordinance. There are no powers in the Ordinance for the suspension or dissolution of organisations of employers or workers. There are no restrictions on the lawful objects which a trade union may pursue, providing the principal objects are the regulation of relations between employees and employers, etc. (see section 2 (1)).

*Article 3.* Agreements are freely negotiated between both African and European employers' and workers' organisations and a number of joint industrial councils are in operation, the collective agreements of which can be given the force of law under Cap. 190, on application by the parties.

*Article 4.* Organisations of employers and workers nominate representatives to the African Labour Advisory Board which keeps measures under review for the protection of workers. The organisations are also consulted individually when legislation of direct concern to them is under consideration.

*Article 5.* Employers and workers are encouraged to settle disputes by means of negotiating machinery within the industry concerned and at

all centres there are labour officers or, in the absence of labour officers, district officers, to assist them. The majority of disputes are in fact settled in this manner. If the parties fail to agree, a dispute may be notified to the Government and a conciliator or conciliation board must then be appointed. There are also provisions for boards of inquiry and arbitration. The vast majority of disputes formally notified are settled by conciliation.

*Article 6.* It is the duty of labour officers and, in their absence, district officers, to investigate disputes and bring about a settlement in the manner described above. Only when negotiating machinery within the industry itself has failed are the parties advised to notify a dispute to the Government. In local disputes which have been notified to the Government labour officers not infrequently are appointed as conciliators, whilst for major disputes affecting the whole of an industry senior officers of the Labour Department or suitable independent persons are so appointed. The Labour Department has, by advice, given assistance in the establishment of various types of negotiating and conciliation machinery.

*Article 7.* Joint industrial councils representing, *inter alia*, the building industry and local government services, have been formed. There is a Joint Trade Council for African non-civil service employees of the Government, also Whitley Councils for African and European civil servants. Works committees have been set up in a number of government and industrial establishments. Representatives of employers and workers participate in the working of this machinery.

The Labour Department and Provincial Administration is entrusted with the application of the above-mentioned legislation and administrative regulations. Application and supervision is enforced by labour and district officers.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

Details of trade unions, conciliation machinery and of disputes are given in the annual reports of the Labour Department.

No observations have been received from organisations of employers or workers.

#### *Nyasaland (First Report).*

Trade Unions and Trades Disputes Ordinance, Cap. 120 of the Laws of Nyasaland, Revised Edition, 1946.

Ordinance No. 20 of 1952 cited as the Trade Disputes (Arbitration and Settlement) Ordinance, 1952.

Ordinance No. 32 of 1949 cited as the Wages and Conditions of Employment Ordinance, 1949.

*Article 1 of the Convention.* The Convention has been applied without modification to Nyasaland by Cap. 120 of the Revised Laws of Nyasaland and the above-mentioned legislation.

*Article 2.* This Article is applied without modification by sections 2, 7, 10 and 11 of Cap. 120.

*Article 3.* This Article is applied without modification by section 3 of Ordinance No. 20 of 1952. It is the duty of the labour officer to endeavour to conciliate the parties and to effect

a settlement by all means at his disposal; such agreements on being endorsed by the commissioner shall be deemed to be an award.

*Article 4.* This Article is applied without modification by section 4 of Ordinance No. 32. The Governor in Council may appoint standing advisory boards in respect of any area to advise him on all matters affecting labour in that area. Such boards have been constituted in each province. Each board contains representatives of employers and workers in the province concerned together with official members. Advisory boards may also be appointed by the Governor in Council *ad hoc* to advise on wages and conditions of employment. During 1954 an advisory board was set up and reported upon the hours of work in the transport industry. The recommendations of the advisory board must be considered by the Governor in Council before rates of wages or conditions of employment are prescribed in any industry under section 3.

*Article 5.* This Article is applied by Part II of Ordinance No. 20 of 1952. In the event of a dispute being reported to the Commissioner for Labour, he shall in the first instance endeavour to conciliate the parties and effect a settlement by all means at his disposal. If he is unable to effect a settlement, he may report the dispute to the Governor who may, if both parties consent, authorise the Commissioner for Labour to refer such dispute to a tribunal for settlement. Where a trade dispute exists, or a strike or lock-out is apprehended, the Commissioner for Labour may with the approval of the Governor, refer the matter to a board of inquiry which shall inquire into the matter and report thereon to the Governor. There have as yet been no reasons to refer disputes to either a tribunal or a board of inquiry.

*Article 6.* This Article is applied without modification. It is the Government's policy to persuade employers to establish works committees at responsible levels. Employers and workers consult together voluntarily. Every encouragement to this method is given by officers of the Labour Department. The Commissioner for Labour and any labour officer authorised by him endeavour to consult the parties to effect a settlement.

*Article 7.* Arbitration tribunals may be set up by the Governor for the settlement of disputes. Every award by such a tribunal is deemed binding on the parties to the dispute.

The Governor in Council may make rules for the better carrying into effect of this Ordinance and in particular for establishing the procedure to be followed before a tribunal or board or otherwise under the Ordinance. The application of the above-mentioned legislation is entrusted to the Commissioner for Labour and officers of the Labour Department.

No courts of law or other courts have given decisions involving questions of principle relating to the application of this Convention.

No contraventions were reported during the year 1953.

No observations have been received from organisations of employers or workers concerned regarding the conditions prescribed by this Convention or the application of legislation implementing it.

*St. Helena (First Report).*

No local legislation has been introduced to apply the Convention, but the relevant United Kingdom legislation may be applied *mutatis mutandis* by virtue of section 25 of the St. Helena Interpretation and General Law Ordinance (Cap. 54).

*Articles 2, 3 and 4 of the Convention.* Neither employers nor employed persons have exercised the right of association in this colony.

*Article 5.* Disputes between employers and workers are very rare in St. Helena. A dispute would be referred to the Government for arbitration, and the dispute investigated with the aid of the Employment Officer. This procedure has proved adequate for the colony.

*Article 6.* There are no public officers specially assigned to the investigation of industrial disputes. As stated under Article 5 disputes in this colony are rare, so that the appointment of public officers for this particular purpose is unnecessary.

The Government Secretary and the Employment Officer are responsible for the application of the legislation.

*St. Lucia (First Report).*

Trade Disputes (Arbitration and Enquiry) Ordinance No. 15 of 1940.

Ordinance No. 7 of 1948.

Trade Unions and Trade Disputes Ordinance No. 4 of 1948, as amended by Ordinance No. 18 of 1951.

*Article 2 of the Convention.* Sections 2 and 3 of Ordinance No. 4 of 1948 defines the meaning of "trade union" and stipulates that the purposes of any union shall not, by reason that they are in restraint of trade, be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise. Section 4 declares that the trade union is not unlawful for civil purposes. There are five unions of workers, registered by law. There are no registered unions of employers. Section 2 of the Ordinance indicates the objectives which employers' and workers' organisations may legally pursue.

Sections 7 to 9 of Ordinance No. 7 of 1948 deals with the establishment and dissolution of trade unions. The rules of the trade unions must include a certain number of provisions.

*Article 3.* The right to conclude collective agreements is assured by section 4 of Ordinance No. 4 of 1948 which states that the purposes of any trade unions shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

*Article 4.* All matters of labour policy are referred to the Labour Advisory Board for consideration. The Board includes representatives of employers and employed in equal numbers.

*Article 5.* In cases of minor disputes, the staff of the Labour Department investigates the causes of friction and assists in their settlement. When disputes, however, assume industry-wide proportions, section 3 of the Trade Disputes (Arbitration and Enquiry) Ordinance No. 15 of 1940 is invoked.

*Article 6.* There are public officers attached to the Labour Department whose duties include the investigation and settlement of disputes.

*Article 7.* In the essential services, health, transport and communications and, until recently, the reconstruction of the capital town of this colony, conciliation committees have been established, designed to examine the grievances of workers and to try to settle them. Workers and employers are allowed equal representation on each committee. A similar arrangement obtains in each of the sugar factories. In the case of the civil service, the Whitley Council is in existence.

The authority administering Ordinance No. 4 of 1948 is the Registrar of Trade Unions, who is also Registrar of the Supreme Court.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

Copies of the legislative texts mentioned above and a copy of a collective agreement are appended to the report.

*St. Vincent (First Report).*

Trade Unions Ordinance, 1933.

Trade Regulations, 1940.

Trade Disputes (Arbitration and Enquiry) Ordinance No. 14 of 1940.

Trade Unions and Trade Disputes Ordinance No. 3 of 1950, amended by Ordinance No. 33 of 1951.

Public Utilities Undertakings and Public Health Services Arbitration Ordinance No. 4 of 1952.

Trade Unions Rules No. 95 of 1952.

Employers and employees are represented in equal numbers on the Labour Advisory Board and on wage councils. Ordinance No. 14 of 1940 provides for conciliation and voluntary arbitration. The labour officers also act as conciliation officers.

Ordinance No. 4 of 1952 provides for compulsory arbitration in the essential services where the industries' own machinery is unable to reach a settlement.

*Sarawak (First Report).*

Trade Unions and Trade Disputes Ordinance No. 10 of 1947, as amended in 1948, 1950 and 1953.

Societies Ordinance No. 11 of 1947.

*Article 1.* A combination of workers or employers which is a trade union by definition must register as such. A combination of workers or employers which is not a trade union by definition may notify the Registrar of Societies of its existence or apply for registration as a society, whichever it pleases. "Trade union" means any combination, whether temporary or permanent, the principal purposes of which are, under its constitution, the regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers, whether such combination would or would not, if this Ordinance had not been enacted, have been deemed to have been an unlawful combination by reason of some of its purposes being in restraint of trade.

A society is defined to include in particular any registered trade union. The Registrar shall refuse to order the registration of any society whose objects are unlawful.

*Article 2.* The first trade union was registered in May 1948 and there are now 21. The older and bigger unions are developing satisfactorily but some of the smaller ones are too limited in numbers and scope to be very effective. The officers of the unions are in close touch with the Protector of Labour. Establishment of trade unions is provided for by sections 5 to 9 of the Trade Unions and Trade Disputes Ordinance, 1947, their constitution by sections 19 and 20 and their suspension and dissolution by section 11.

*Article 3.* In the definition of "trade union" nothing in the Ordinance of 1947 shall affect "any agreement between an employer and those employed by him as to such employment". It is further provided that in the purposes for which a trade union is formed no agreement or trust shall be considered null and void merely because it is in restraint of trade.

*Article 4.* The Protector of Labour and District Officers as Deputy Protectors of Labour are available for consultation and advice to any organisation of employers or workers. They are responsible for the implementation and supervision of labour legislation.

*Article 5.* The Governor may, where a trade dispute exists or is apprehended, refer the matter with the consent of both parties to an arbitration tribunal to be appointed by him. Where arrangements exist in any trade or industry for settlement of disputes by conciliation or arbitration the Governor shall not, unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement as mentioned above.

There were no industrial disputes of note in the colony during the period under review. There were some minor cases of wage disagreements which were brought to the notice of the Government. These were settled without difficulty. There were no organised strikes.

*Article 6.* The Protector of Labour, with the assistance of District Officers, is generally able to deal with the minor cases of disagreement that infrequently occur. No other public officers are specially assigned to the investigation and settlement of industrial disputes; such disputes are rare in the colony. There has been no labour unrest for a considerable time and there seems no reason to fear it in the near future. The demand for labour exceeds the supply and wages are high.

*Article 7.* There is no specific machinery created for settlement of industrial disputes at the earliest stage when a trade dispute first exists or is apprehended. No machinery exists for the appointment of a conciliator in order to inquire into the cause and circumstances of such trade dispute and by negotiation with representatives of employers and workers endeavouring to bring about a settlement. This in practice would be done by the Protector of Labour, by whom every effort would be made to settle the dispute without resort to the arbitration tribunal. Draft legislation will be prepared to remedy this deficiency and bring into being an established machinery for conciliation between the parties in the early stages of the dispute.

The Protector of Labour is responsible for the application of this legislation. He is assisted by all District Officers. Up to the middle of 1954 the Protector was not a full-time officer, and inspections were carried out irregularly.

No decisions were given by courts of law. Copies of the above-mentioned legislation are appended to the report.

#### *Seychelles (First Report).*

The law, administrative organisation and machinery and practice in this territory do not conflict in any way with the provisions of Articles 2 to 7 of the Convention. The Trade Unions and Trade Disputes Ordinance No. 4 of 1943 declares that trade unions are not criminal or unlawful for civil purposes and provide for the compulsory registration of trade unions and for refusal and cancellation of registration in certain instances. It contains provision for the recognition of the rights of members of trade unions to combine and to bring pressure upon employers; the recognition of the right to strike; the immunity from civil proceedings of persons who do certain acts to the prejudice of the business interest of others in furtherance of a trade dispute; the accounting of trade union funds and the protection of such funds against civil proceedings in respect of acts committed by or on behalf of a trade union; it also legalises peaceful picketing. It, however, makes intimidation, annoyance and the use of violence in a trade dispute an offence punishable by fine or imprisonment.

The Trade Disputes (Arbitration and Enquiry) Ordinance, No. 5 of 1943 provides that in the event of a trade dispute either party to the dispute may report it to the Government with a view to settlement. The Governor may then, if both parties consent, refer it to an arbitration tribunal. If, however, there exists in the trade or industry any arrangements for settlement of disputes arising therein by conciliation or arbitration, these must first be tried before recourse is had to the arbitration tribunal. If the dispute is not reported to the Governor or if the parties to it do not consent to arbitration the Governor may of his own motion refer the dispute to a board of inquiry. Neither the award of the arbitration tribunal nor the report of the board of inquiry has any legally binding effect but it is assumed that the procedure and the resulting publicity will influence the disputing parties to accept the recommendations.

The Labour Officer is responsible for the enforcement of the provisions of this Convention and penalties are provided in the Ordinance for contraventions of any of these provisions.

There are no employers' organisations and no observations have been received from the three workers' organisations on the application of legislation implementing the Convention.

#### *Sierra Leone (First Report).*

Trade Union Ordinance, 1946 (Cap. 242).  
Trade Disputes (Arbitration and Inquiry) Ordinance, 1946 (Cap. 237).  
Trade Disputes (Declaration of Law) Ordinance, Cap 238.

*Article 2, paragraph 1, of the Convention.* This is adequately covered by the definition of "trade union" in section 2 of the Trade Union Ordinance.

Eleven trade unions have been registered and these cover the majority of the daily paid workers. Employers in this territory are as yet not formed into unions, but a large majority are represented on wages boards and joint industrial councils.

Paragraph 2. Any five or more members of a trade union subscribing their names to the rules of the union and otherwise complying with the provisions of the Trade Union Ordinance may apply for registration in accordance with section 8 thereof. The conditions which govern the dissolution of a trade union are contained in sections 9 and 15 of the Ordinance. Paragraph 2 is also partly covered by sections 3, 4 and 5.

*Article 3.* Agreements reached by joint industrial councils are submitted to the Commissioner of Labour for confirmation and publication in the *Royal Gazette*. Such agreements become statutory a month after their publication and are enforceable under the Wages Boards Ordinance, Cap. 248.

Recourse may be made to arbitration under the Trade Disputes (Arbitration and Inquiry) Ordinance, Cap. 237, section 3, where the parties are unable to reach agreement. The necessity for taking this action seldom arises in this territory.

*Article 4.* A joint consultative committee consisting of representatives of organisations of employers and workers meets at regular intervals to advise on matters of general labour policy, including the introduction of new legislation.

*Article 5.* Disputes are normally settled between the employers and the workers or the employers and the trade unions, assisted by a labour officer. Discussion begins and is often settled at the works committee level. Trade unions deal with disputes outside the scope of works committees and those which works committees have been unable to settle. Disputes which cannot otherwise be settled are referred to the joint industrial council. It is very seldom that a matter cannot be settled by the council. If no settlement can be reached there is provision for arbitration.

*Article 6.* This is applied in the form of works committees where minor disputes and grievances are immediately disposed of and mutual understanding and agreement attained. Trade union secretariats are encouraged to negotiate direct with employers on matters which a works committee is unable to settle. Officers of the Labour Department undertake conciliatory duties and endeavour to reach a settlement where a trade dispute has arisen or is imminent.

*Article 7, paragraph 1.* The constitutions of works committees provide for regular meetings and for emergency meetings where the matter is urgent.

Paragraph 2. The trade union secretary may attend the works committee as an observer. Since the works committee is only a recognised means of consultation between employers and workers on matters of common interest, and for the disposal of minor differences, equal numbers on both sides are not provided for in the constitution. The joint industrial councils whose agreements become statutory have equal numbers of

employers' and workers' representatives, and are associated on equal terms.

The Labour Department is directly responsible for the application of the Trade Union Ordinance and the Wages Boards Ordinance, and is also associated in the application of the Trade Dispute Ordinance. The Registrar of Trade Unions is an officer of the Labour Department, and an inspectorate is maintained for regular and systematic inspection under the Wages Boards Ordinance. The Labour Department also provides the chairmen and secretaries for the joint industrial councils and secretaries for the wages boards. Court action to enforce the provisions of these Ordinances has not been frequent.

There have been no court decisions involving questions of principle relating to the application of this Convention.

Joint consultation has been the main factor responsible for industrial peace in this territory. Consultation starts at the workshop level, and pursues its course through every machinery in the industrial structure. At the apex of this structure is the joint consultative committee which serves as an advisory body. Both employers and workers make the fullest use of the respective negotiating machinery at their disposal; there has been no case in which an attempt is made to foil established machinery.

#### *Singapore (First Report).*

Trade Unions Ordinance No. 3 of 1940 and subsequent amendments of 1941 and 1948.  
Industrial Courts Ordinance No. 4 of 1940.  
Trade Disputes Ordinance No. 59 of 1941.  
Emergency (Strikes and Lock-outs) Regulations of 1948.  
Wages Councils Ordinance No. 11 of 1953.  
Emergency (Strikes and Lock-outs) Regulations of 1954.

*Article 2 of the Convention.* There is nothing to prevent an association of employers or workers being formed, provided that the members take proper steps to apply for registration to the Registrar of Trade Unions under section 8 of the Trade Unions Ordinance, 1940.

The Registrar, if he is satisfied that a trade union applying for registration has complied with the provisions of this Ordinance and that the objects, rules and constitution of the union do not conflict with any of such provisions and are not unlawful, shall register the trade union.

The practical results of this right of association for employers and employees alike are shown by the fact that a total number of 182 unions were registered in the colony at 30 June 1954, of which 42 were employers' unions (with a membership of 5,112), 136 were workers' unions with a membership of 72,205, and four were federations of workers' unions.

*Article 3.* A trade union can conclude an agreement with an employer. Collective bargaining is a notable feature of industrial relations in Singapore. An officer of the Labour Department is specially assigned to act as conciliator in labour disputes and his services are readily available to both parties at all times when sought. In the rules of a registered trade union it is compulsory for provision to be made for the taking of all decisions by secret ballot of the election of officers, amendment of rules, strikes, dissolution,



and any other matters affecting the members of the union generally.

*Article 4.* Representatives of employers, workers and of the Government comprise the Labour Advisory Board of Singapore. This body gives general advice to the Government on all labour matters.

*Article 5.* When there is a dispute between employers and workers, it may or may not be reported to the Labour Department. Unless approached by one or the other party to a dispute for advice or assistance, the officer of the Labour Department does not normally immediately attempt any conciliation procedure but merely contents himself with obtaining facts regarding the matters at issue. If no settlement of the dispute can be reached soon and if the officer is asked by one or the other party to assist in bringing about an agreement, he does so and usually succeeds in bringing the dispute to an amicable conclusion. On the other hand, should the dispute prove very difficult, the Commissioner for Labour can refer the matter, with the consent of both parties, to an industrial court or to an arbitration board set up under the Industrial Court Ordinance, 1940. There is also provision for setting up a court of inquiry under the same Ordinance; this has been done twice—in 1947 and 1950. Reference to arbitration has been made from time to time, the last occasion being the dispute of the Government with two unions representing clerical workers. The vast majority of disputes, however, are settled by conciliation.

*Article 6.* An officer of the Labour Department is assigned to conciliate in any labour disputes in which he is approached for advice or assistance.

*Article 7.* Machinery has been created for the settlement of industrial disputes under the Industrial Courts Ordinance, 1940, section 4 (1).

The application of the above-mentioned legislation and of the administrative regulations is entrusted primarily to the Commissioner for Labour and to the Registrar of Trade Unions in so far as the Trade Unions Ordinance, 1940, is concerned. The Registrar of Trade Unions is himself a member of the Labour Department. There are also labour officers who visit places of employment for inspection purposes, etc.

No decisions have been made by courts of law or other courts regarding the application of this Convention.

The Convention is being applied effectively. No observations have been received from organisations of employers or workers.

#### *Solomon Islands (First Report).*

Trade Unions and Trade Disputes Regulation No. 1 of 1946.

The Governor of the Protectorate has examined the legislation applying this Convention in the light of local conditions and considers that no modifications are necessary at present.

*Article 2 of the Convention.* Any seven or more members of a trade union may, by subscribing their names to the rules of the union and other-

wise complying with the provisions of the Regulation with respect to registration, register such trade union under the Regulation, provided that if any one of the purposes of such trade union be unlawful such registration shall be void. The report gives detailed information concerning existing provisions for registration and dissolution of trade unions.

*Article 3.* The right to conclude collective agreements with employers or employers' organisations is assured by the Regulation.

*Article 4.* No organisations of employers and workers have as yet been formed in the Protectorate. However, labour and district commissioners are entrusted with working arrangements for the protection of workers and the application of labour legislation generally.

*Articles 5 and 6.* Investigation of disputes between employers and workers is carried out by the labour officer and district commissioners who act as conciliation officers. Occasionally, these officers also settle disputes by means of arbitration. Labour disputes in the Protectorate are few in number, and very little difficulty is experienced in settling disputes by conciliation and arbitration methods.

*Article 7.* Since industrial disputes are rare and are settled without difficulty, no elaborate conciliation machinery has been set up to deal with the disputes that do arise, which are only minor in character. There are no trade unions at present in the Protectorate.

Labour officers and district commissioners, also authorised officers appointed in writing by the High Commissioner or by a district commissioner, are responsible for supervision, which is exercised by the right of such officers to enter any premises for the inspection of conditions of employment. Enforcement where necessary is by prosecution before the courts in summary jurisdiction.

No decisions were given by courts of law.

There are no representative organisations of employers and workers in the Protectorate.

A copy of the Regulation mentioned above is appended to the report.

#### *Swaziland (First Report).*

Trade Unions and Trade Disputes Proclamation No. 3 of 1949 (Chapter 125 of the Laws of Swaziland).  
High Commissioner's Notice No. 8 of 1950.

*Article 2 of the Convention.* The right of association of employers and workers is guaranteed in the above-mentioned legislation. There is no statutory or other provision restricting the right of association.

No population group or labour group has up to the present taken advantage of the provisions of these laws.

*Article 3.* The right to conclude collective agreements is assured to representative trade unions in the above-mentioned Proclamation, sections 17, 18 and 19 affording immunity against legal action in certain circumstances.

*Articles 4 to 6.* There are no representative organisations of either employers or workers; consequently no procedure, other than that set out in the Proclamation, has been laid down for the investigation of disputes and no public officers have been specially assigned to these duties.

*Article 7.* Particulars of the machinery for the settlement of industrial disputes is contained in the said Proclamation.

The application of the above-mentioned legislation is entrusted to administrative officers and the police force.

No court of law has given a decision regarding questions of principle relating to the application of this Convention.

There is no representative organisation either of employers or workers in Swaziland.

Copies of the legislation mentioned above are appended to the report.

#### *Tanganyika (First Report).*

Trade Union Ordinance, 1932.

Regulation of Wages and Terms of Employment Ordinance No. 15 of 1951.

Trade Disputes (Arbitration and Settlement) Ordinance No. 43 of 1950.

Trade Disputes (Arbitration and Enquiry) Ordinance.

*Article 2 of the Convention.* The Trade Unions Ordinance gives effect to the requirements of this Article. The definition of "trade union" contained in section 2 of the Trade Unions Ordinance includes combinations of both employers and workers within its scope, the main purpose of such combinations to be the protection and advancement of the members' economic interests in connection with their daily work. The protection afforded by the provisions of the Ordinance is applicable to every registered trade union irrespective of its constitution.

Any combination of employers or workers which, in view of its stated objects, can be deemed to be a trade union, is required to apply for registration as a trade union within 30 days of its establishment (section 6 of the Trade Unions Ordinance). Although the Ordinance makes no specific mention as to the minimum number of persons who may form such a combination, section 7 (a) of the Trade Unions Ordinance requires that any application for registration shall be signed by at least seven persons duly authorised by the combination.

Every application for registration must be accompanied by two copies of the proposed rules of the union, and full particulars of the officers of the union.

Under the provisions of section 7 (b) of the Trade Unions Ordinance the proposed rules of every union are required to provide information as to the manner of making, altering and amending rules, the duties of the treasurer and the keeping of proper accounts, the objects for which the union is to be established, etc.

The legal objects which such a combination could pursue can be stated to include: the regulation of relations between members and employers or members and workers by amicable agreements; the regulation of wage rates, hours of work and other conditions of employment and the protection

of members' interests; in the case of combinations of workers, the provision of such benefits as relief in sickness, accident, unemployment, and the promotion of the material, social and educational welfare of the members.

Legal status is conferred by the registration of such combination as a trade union by the Registrar, who, prior to registration, is required to satisfy himself that the applicants have been duly authorised to apply for registration, and that the purposes of the trade union are not unlawful.

If the Registrar considers that there are grounds for refusing registration, the applicants are required to be informed in writing of the grounds for such refusal and section 9 (3) of the Ordinance makes provision for appeal to the High Court against such refusal.

Section 18 of the Trade Unions Ordinance empowers the Registrar to cancel the certificate of registration of any trade union if he is satisfied that such certificate was obtained by fraud or mistake, or that such trade union has wilfully and after notice from the Registrar, violated any of the provisions of the Ordinance, or has ceased to exist. Cancellation may also be effected at the request of the trade union itself, and a proviso to this section is that two months' notice of the proposed cancellation must be given to the trade union before such cancellation is effected. Subsection (3) of section 18 of the Ordinance provides for the right of appeal to the High Court against a decision of the Registrar made under this section.

*Article 3.* There is no impediment to the right of representative trade unions to conclude collective agreements with employers or employers' organisations but few, if any, such collective agreements have been concluded owing to the fact that trade unions in this territory have not as yet developed to a stage where they could be deemed to be representative of more than a small minority of the workers engaged in any particular trade or industry.

*Article 4.* The territorial Labour Board is regularly consulted on matters relating to the protection of workers and in relation to any new labour legislation, the enactment of which may be contemplated.

*Articles 5, 6 and 7.* In order to apply the principles enunciated by these Articles and to supplement the statutory machinery which exists as described above and provides for the right of association, consultative machinery and the settlement of disputes, it was decided to encourage the development of the formation in individual concerns of a simple form of joint consultative machinery on the lines of staff or works committees, the creation of which, it was felt, would provide practical means by which employers and workers could meet for discussion of matters of common interest. A comprehensive statement of government policy on this subject was therefore prepared and issued by the Member for Social Services as Circular Letter No. 1 of 1953 on 16 February 1953. This was given a wide distribution to all government departments which employ industrial grade workers, and it was made clear that the policy enunciated therein was intended to be applied equally to government departments and to private and industrial undertakings.



A précis of this was accordingly prepared and distributed to some 300 industrial and commercial undertakings throughout the territory, including all those which employ any substantial number of workers and at which it was felt that consultative machinery ought appropriately to be established to give effect to this policy. The précis has been published as an appendix to the annual report of the Department of Labour for 1953.

Since the issue of this circular and précis 12 new staff committees have been established in government departments and three in private industrial undertakings. The total number of such formally constituted committees at the end of the year was 44 of which 28 are in government departments or departments of the East African High Commission. These committees cover approximately 20,000 workers; they have met regularly and have discussed a wide range of subjects relating to working conditions, including in some cases rates of pay and allowances.

It is encouraging to observe that nearly all undertakings which have established such machinery report favourably upon its operation and realise the aid which is thereby afforded in the maintenance of amicable industrial relations, whilst there can be no doubt of their value in educating the workers' representatives in the constitutional resolution of matters by discussion.

Besides these formally constituted committees there are a larger number of other bodies of a less formal nature, covering approximately 80,000 workers employed mainly in agricultural enterprises and in mines. These approximate more to the form of domestic or headmen's councils whose terms of reference are normally confined to dealing with domestic and tribal matters associated with living conditions or labour employed and housed on large estates and usually exclude discussion of terms and conditions of employment in so far as these relate to wage rates.

Thus an aggregate of approximately 100,000 workers out of 450,000, or about 22 per cent. of the territorial labour force, now work in undertakings in which there is some form of consultative machinery.

Administration of the legislation which gives effect to the provision of this Convention is entrusted to the Labour Commissioner who, for the purposes of the administration of the Trade Union Ordinance, is appointed as Registrar of Trade Unions.

No decision has been given by courts of law involving questions of principle relating to the application of the Convention.

With regard to creation of combinations of employers and workers, the Trade Union Ordinance provides a legal basis for the formation of such unions, but the principle of the Labour Department in relation to trade unions is to act in an advisory rather than an organising capacity, since it is considered that the growth of such unions should be spontaneous. In the case of joint consultative machinery the Labour Department actively assists in promoting the development of such machinery both in government departments and private industry in accordance with declared government policy.

Conciliation is one of the essential duties of the field inspectorate of the Labour Department and the great majority of minor disputes

which arise are satisfactorily settled by such procedure.

No representations have been received from organisations of either employers or workers.

#### *Trinidad and Tobago (First Report).*

Trade Unions Ordinance No. 9, Cap. 22.

Trade Disputes and Protection of Property Ordinance No. 11, Cap. 22.

Trade Disputes (Arbitration and Inquiry) Ordinance No. 10, Cap. 22.

Trade Unions Regulations.

*Article 2 of the Convention.* The right of association of employers and workers is guaranteed by sections 1 to 10 of the Trade Unions Ordinance. There are 12 employers' trade unions and 51 workers' trade unions registered under the Trade Unions Ordinance.

Any seven or more persons are entitled to have registered as a trade union any organisation having as its principal objects the statutory objects defined in the Ordinance. The purposes of the trade union must not be unlawful and certain matters must be provided for in the rules, such as the name of the trade union and place of meeting for its business, the whole of the objects for which the trade union is to be established, the purposes for which its funds shall be applicable, etc.

Registration of a trade union can be cancelled or withdrawn only in the following circumstances: at the request of the trade union; if the registration was obtained by fraud or mistake; if the constitution of the trade union has altered so as to become unlawful; if the trade union has ceased to exist; and if the trade union wilfully violates any of the provisions of the Ordinance.

The manner of dissolution is left to the trade union itself but has to be provided for in the union's rules.

*Article 3.* Under the Trade Disputes and Protection of Property Ordinance and the Trade Disputes (Arbitration and Inquiry) Ordinance (sections 1 to 7 and 10 to 12) trade unions are given full protection from the legal consequences, either criminal or civil, which might otherwise arise from strike action on their part to enforce their right to conclude collective agreements. The conciliation staff of the Labour Department endeavours to promote conciliation before resort is had to strike action and, failing a settlement by this means, to encourage the use of the machinery for voluntary arbitration provided under the Trade Disputes (Arbitration and Inquiry) Ordinance.

*Article 4.* Regular contact exists between the Labour Department and organisations of employers and workers and consultation is carried out informally by this means.

*Article 5.* As indicated above investigation in the first place would be carried out informally by the conciliation staff of the Labour Department in as simple and expeditious a manner as possible. Provision exists under the Trade Disputes (Arbitration and Inquiry) Ordinance for a more formal investigation by appointment of boards of inquiry.

*Article 6.* See above under Articles 3 to 5.

*Article 7.* Provision exists under the Ordinance for organisations of employers and workers to nominate representatives in equal numbers to serve on arbitration tribunals.

The application of the above-mentioned legislation is entrusted to the Registrar of Trade Unions (subject to judicial review) as regards the registration and domestic affairs of trade unions and to the Labour Department as regards conciliation in labour disputes.

No decisions have been given by courts of law or other courts regarding the application of the Convention.

Trade unions are fairly well established in the colony except in certain branches of agriculture and there are in existence a number of collective agreements freely negotiated between organisations of employers and workers. Copies of three collective agreements and two arbitration awards are appended to the report.

#### *Uganda (First Report).*

Trades Disputes (Arbitration and Settlement) Ordinance, 1951 (Cap. 90 of the Revised Laws of Uganda). Legal Notice No. 73 of 1951, under section 12 of the Ordinance.

Trade Unions Ordinance, 1952.

General Notice No. 974 of 1952, under section 5 of the Ordinance.

Legal Notice No. 280 of 1952, under section 18 of the Ordinance.

Trade Unions Regulations, 1953, under section 56 of the Ordinance.

*Article 2 of the Convention.* Section 55 of the Trade Unions Ordinance provides for freedom of association of employees. It does not specifically mention employers' associations but no legal provisions or administrative regulations impede the formation of such associations. Any combination of more than six persons who have as their principal object the regulation of relations between employers and employees, or between employees and employees, or between employers and employers, may, having met the requirements of the Ordinance, apply for registration as a trade union. Part VI of the Trade Unions Ordinance provides for the constitution of trade unions. Sections 17 and 21 of the Ordinance provide for the cancellation or suspension of registration.

*Article 3.* A trade dispute may be reported to the Labour Commissioner who shall then attempt to settle it by conciliation. If that fails there is provision in section 3 (3) of the Ordinance for reference to arbitration if both parties consent. Part III of the Ordinance provides for compulsory arbitration for the settlement of disputes in certain essential services.

*Article 4.* Matters concerning the protection of workers and the application of labour legislation fall within the scope of the Central Labour Advisory Board, on which body employers and workers are represented. In addition, direct consultation takes place between the Labour Commissioner and representative organisations on such matters as those referred to here, when appropriate.

*Article 5.* Officers of the Labour Department are responsible for investigating disputes between employers and workers. Appendix XI to the annual report of the Labour Department for 1953 gives details of the strikes which occurred during that year. The figures show how very few were the stoppages of work which occurred, thereby indicating how successful the officers of the

Labour Department were in helping to settle disputes.

*Article 6.* In addition to the labour officers and labour inspectors on the staff of the Labour Department, there is also an expert in industrial relations who was formerly a trade union official in the United Kingdom. One of the principal duties of all these officers is to investigate and settle disputes and to advise employers and workers regarding the setting up of joint consultative machinery. The labour officer (industrial relations) is also specifically charged with the duty of giving advice to workers who wish to form associations and trade unions, in respect of the procedure for forming and running such bodies. In 1953, 2,606 inspections of working and living conditions at places of employment were carried out by officers of the Labour Department, and 5,826 complaints were dealt with.

*Article 7.* See above under Article 3. There are also in existence 50 joint staff committees covering approximately 33,000 workers. It is considered that the presence of these joint staff committees has effected a decrease in the number of disputes between employers and workers.

The application of the provisions of the Trades Disputes (Arbitration and Settlement) Ordinance is entrusted to the Labour Commissioner. Inspection and supervision is one of the main duties of the officers of the Labour Department, who maintain close contact with employers and workers and pay frequent visits to working places.

No decisions have been given in the courts involving questions of principle relating to the application of this Convention.

The majority of persons employed in Uganda are employed in agriculture and similar occupations. Very many of these people are still migrant workers, who return to their tribal areas after six months to three years in wage-earning employment, where they cultivate their lands until such time as they again feel the desire for a further period of wage earning. Against this background, it can be appreciated that there is only a small number of workers who at present feel the need for organising themselves into trade unions. The corollary to this is that there has so far been virtually no collective bargaining and the machinery for formal conciliation and arbitration has never been used.

No observations concerning the practical fulfilment of the conditions prescribed by the Convention have been received.

#### *Zanzibar (First Report).*

Trade Unions Decree, 1941, as amended by the Trade Unions Amendment Decree, 1942.

*Articles 2 and 3 of the Convention.* These Articles are applied by section 2 of the above-mentioned Decree.

*Article 4.* When occasion arises representatives of organisations of employers and workers are consulted, as for instance in recent attempts to create joint consultative bodies in industry and other occupations.

*Article 5.* The labour officer (or his inspector) interviews the parties personally and is usually able to settle a dispute directly and expeditiously.

No instance has occurred in recent years of a dispute of any magnitude remaining unsettled for more than a few days.

*Article 6.* It is the duty of the labour officer and of administrative officers to investigate and settle industrial disputes which are referred to them. So far they have exercised their good offices in conciliation to the satisfaction of disputing parties.

There is no standing conciliation machinery nor are there officers (other than the above) specially assigned to such duties.

*Article 7.* A Bill entitled the Trade Disputes (Arbitration and Settlement) Decree has been framed by this Government and will shortly be introduced in the legislation.

Staff councils work satisfactorily in the three principal employing departments of the Government. Efforts continue to be made by the labour officer towards the formation of similar councils.

The labour officer who attends staff councils in government departments is entrusted with the application of the above-mentioned legislation.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

There has been no major dispute during the period under review. No observations have been received from organisations of employers or workers.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 86. Contracts of Employment (Indigenous Workers) Convention, 1947

*This Convention came into force on 13 February 1953*

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*United Kingdom.* Ratification: 27 March 1950. Applicable with modifications: Hong Kong, Nigeria, St. Helena, Tanganyika. Not applicable: Cyprus, Falkland Islands, Malta. Decision on application reserved: Basutoland, Bechuanaland, Bermuda, Brunei, Gilbert and Ellice Islands, Nyasaland, Sarawak, Solomon Islands, Swaziland. No declaration on application: British Somaliland, Channel Islands, Isle of Man. Applicable without modification: all other British non-metropolitan territories.

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### *United Kingdom.*

#### *Aden (First Report).*

Contracts of Employment (Indigenous Workers) Ordinance, 1945 (Cap. 28 of the Laws of Aden).

*Article 1 (a), (b) and (d) of the Convention* is covered by section 2 of the Ordinance. It was not considered necessary to make any reference in the Ordinance to clause (c).

*Article 2.* No exemptions have been made.

*Article 3.* This is covered by section 6 (d) of the Ordinance. There is no need to legislate concerning contracts not involving a long and expensive journey in Aden Colony.

*Article 4.* This is covered by section 20 of the Ordinance. No agreements have been found necessary.

The Labour Commissioner is charged with the administration and enforcement of this Ordinance. By arrangement with the immigration authorities no documents for service abroad are accepted unless signed by an authorised officer under this Ordinance.

No decisions have been recorded by courts of law during the period under review regarding the application of the Ordinance.

Six hundred and thirteen contracts for service abroad were attested during 1953. It is estimated that the present labour force in Aden amounts to

69,860, and that 66.5 per cent. is of migratory origin, having entered Aden Colony from the Aden Protectorate and the Yemen. It is probable that, of these, up to 20 per cent. are recruited by traditional methods but do not serve under contract. Considerable numbers of indigenous manual workers have arrived from other countries and in such cases the Convention has been applied wherever possible.

There are two recognised organisations of employees in Aden but none of employers.

A copy of the legislation mentioned above is appended to the report.

#### *Bahamas (First Report).*

The only indigenous workers under contract in this colony are those who volunteer for work as agricultural labourers in the United States. The great majority of these are literate and fully capable of exercising their freedom of choice, which indeed they have done by the mere fact of volunteering. The contracts are standard ones approved both by the Bahamas Government and the employers' association in the United States. The report on Convention No. 64 sets out the position in detail.

The Convention has been applied to the Bahamas but the class of worker to which reference is made has been excluded from the application of the Convention by the competent authority for the reasons given in the first paragraph of this report.

#### *Barbados (First Report).*

As regards the possibilities of application of the Convention, see under Convention No. 50, paragraph 1.

There are no laws or administrative regulations which apply the provisions of this Convention. However, regard is paid to the provisions of this Convention in fixing the contracts of the workers who are employed temporarily in agriculture in the United States.

*Article 1 of the Convention.* See under previous paragraph.

*Article 2.* All of the workers of this territory are literate and have freedom of choice in employment.

*Articles 3 and 4* do not arise.

No decisions involving questions of principle have been given by the courts. No observations have been received from organisations of employers or workers.

#### *Basutoland (First Report).*

*Article 1 of the Convention.* The definitions of "Native" and "worker" in section 1 of the Native Labour Proclamation are considered adequate to convey the meaning of the definition of "worker" contained in this Article. The definition of "employer" in section 1 of the Native Labour Proclamation is identical with the definition contained in this Article. The definition of "contract" contained in this Article is expressed in section 21 of the Native Labour Proclamation.

*Article 2, paragraph 1.* This is applied by subsections 21 (2) (a) and (c) of the Native Labour Proclamation. In addition the following categories of workers are excluded:

(a) personal and domestic servants and non-manual workers for work within the territory (by subsection 21 (2) (b));

(b) workers employed outside the territory by farmers who reside in the Union of South Africa and who do not employ more than 50 workers, provided that the employment is for seasonal agricultural activities and the period of employment does not exceed two months (by subsection 21 (2) (e)).

Paragraph 2. No such exclusion has been made in Basutoland as yet.

*Article 3, paragraph 1.* Section 22 of the Native Labour Proclamation provides that every contract which is made for a period of or exceeding six months or a number of working days equivalent to six months shall be in writing. Section 23 (8) prescribes that the maximum period of service in any contract shall be one year and the maximum period in any re-engagement contract made on the expiry of a contract shall be nine months.

Paragraphs 2 and 3. Where the period of service to be stipulated in a re-engagement contract, together with the period served under the expired contract, involves the separation of a Native from his family for more than 18 months, the proviso to section 23 (8) of the Native Labour Proclamation provides that the re-engagement contract shall not take effect until the Native has had the opportunity to return home at the employer's expense. The Resident Commissioner may grant exemption from this provision whenever its application is impracticable or undesirable. No application has so far been made for the granting of this exemption.

*Article 4, paragraph 1.* In practice the maximum period of service permitted by section 23 (8) of the Native Labour Proclamation never exceeds the maximum period prescribed by the regulations of the territory of employment.

Paragraph 2. No agreements have been entered into, but the Union of South Africa Department of Native Affairs and the administration of this territory work in close co-operation in this matter.

The application of the Native Labour Proclamation is entrusted to government administrative, judicial and police officers. There is no special organisation for inspection.

No decisions have been given by courts of law or other courts regarding the application of the Convention.

The Convention has been given legal effect by the Native Labour Proclamation.

#### *Bechuanaland (First Report).*

Native Labour Proclamation, 1948, Cap. 64.

*Article 2 of the Convention.* Exclusions from the operation of the Proclamation are—

(a) operations undertaken to recruit natives for employment within the territory by or on behalf of employers who do not employ more than 50 Natives;

(b) operations for the engagement of personal and domestic servants and of non-manual workers for work within the territory; and

(c) operations undertaken under section 39 of Chapter 56.

*Articles 3 and 4.* For the application of these Articles see under *Basutoland*.

The application of the legislation is entrusted to district commissioners.

There have been no decisions by courts of law.

The provisions of the law are well understood and strictly applied and work entirely satisfactorily. No observations have been received from employers or employees suggesting any alterations.

There are no organisations of employers. This report has not been communicated to the only employees' organisation which exists, the Francistown African Employees Union. It has a nominal membership of 200 but is quite inactive.

#### *Bermuda (First Report).*

No legislation or administrative regulations apply the Convention in Bermuda. There is virtually no involuntary unemployment but rather a shortage of workers, so that the latter tend to change their employment when better opportunities present themselves. Contracts of employment of any kind are the exception rather than the rule. The only workers who enter into contracts for any substantial period of time are Portuguese workers from the Azores; these are not, however, indigenous workers within the meaning of the Convention.

#### *British Guiana (First Report).*

There is no legislation in force.

Attention is being given to the drafting of appropriate clauses for possible incorporation in the draft Bill concerning the Regulation of Written

Contracts of Employment of Indigenous Workers Convention (No. 64) to give effect to this Convention.

*British Honduras (First Report).*

Employers and Workers Ordinance No. 6 of 1943.  
Employers and Workers Regulations, 1943.

*Article 2 of the Convention.* The Employers and Workers Ordinance does not exclude any contracts of the nature referred to in subparagraph 1 (a), but in the definitions of "contract" and "wages" in the second section of the Ordinance only contracts for the payment of wages in money are included in the scope of the law: those referred to in subparagraph 1 (b) of the Convention are accordingly excluded. No contracts of this nature are, however, entered into in British Honduras.

*Article 3.* By virtue of subsection (2) of section 3 of the Ordinance the maximum period of service under any contract, whether written or oral, is one year. No long and/or expensive journeys are involved in any class of employment in British Honduras, and there is no necessity for any special legislative provisions regarding this matter.

*Article 4.* Part XII of the Employers and Workers Regulations, 1943, requires that an employer wishing to engage workers for service outside the colony shall first make application to the Colonial Secretary for permission to do so. This officer may, in his discretion, either grant or refuse permission, or may grant permission subject to such terms and conditions as seem to him necessary or desirable. The maximum length of the contract could not in any case exceed the limit of one year specified in the Ordinance.

Workers engaged in British Honduras for work outside the colony are usually employed in the adjoining republics, a short distance beyond its borders. No intergovernmental agreements have been entered into to regulate this matter.

The Labour Department of British Honduras is entrusted with the duty of supervising and enforcing the provisions of the Employers and Workers Ordinance. All written contracts are entered into before attesting officers appointed under the Ordinance for the purpose, and a copy of each contract is filed at the Labour Department. This system facilitates supervision; in addition, officers of the Department in the course of their routine visits of inspection of places of employment ensure that there are no breaches of the provisions of the law.

There have never been any court proceedings affecting any of the stipulations of this Convention.

The practice of restricting contracts to a maximum period of one year is of very long standing in the colony, and the difficulties which arise through the use of contracts of extended duration have never been experienced there.

*British Somaliland (First Report).*

This Convention is applied by the Contracts of Employment (Indigenous Workers) Ordinance,

No. 6 of 1953, a copy of which is appended to the report on Convention No. 64. No subsidiary legislation has been enacted.

*Article 1 of the Convention.* Definitions are contained in sections 2 and 3 (1) of the Ordinance.

*Article 2.* No such exclusions have been made.

*Article 3.* See sections 5 (1) and 6 (d) of the Ordinance.

*Article 4.* This is applied by section 21 (1) (f) of the Ordinance.

*Article 7.* This territory has no self-governing powers.

*Article 8.* No such declaration exists.

The application of this Ordinance is entrusted to the Chief Secretary to the Government. There has been no need for supervision and enforcement, nor for inspection since no contracts have been entered into.

No decisions by courts of law have been given.

The Convention is of little or no application in this Protectorate. No statistics are available. No representations have been received from any organisations.

*Brunei (First Report).*

No legislation has yet been enacted giving effect to the provisions of this Convention, and at the present time no agreement or written contract may be made for a longer period than one month. Draft legislation, on the lines of the Sarawak Labour Ordinance, has been submitted to the State Council. This should be enacted early in 1955 and will then comply with the Convention.

The Controller of Labour, who is also Protector of Labour in Sarawak, effectively applies to Brunei the principles of the legislation of Sarawak, which is in harmony with the Convention. Periodical visits of inspection are made to ensure proper observance of the provisions of the Code. Workers have free access to these officers or to any magistrate for purposes of complaint.

*Cyprus (First Report).*

Contracts of the nature envisaged in the Convention are not in practice in Cyprus and the problems connected with such contracts therefore do not exist.

*Dominica (First Report).*

Recruiting of Workers Ordinance No. 3 of 1943.  
Recruiting of Workers Regulations No. 2 of 1944.  
Recruiting of Workers (Amendment) Regulations No. 33 of 1944.

*Articles 1 and 2 of the Convention.* No exclusions have been made either in the Ordinance or the Regulations.

*Article 3.* Regulations No. 33 of 1944 provide that the contract period shall not exceed a maximum of two years. This period may be extended for a further period of one year with the consent of the worker. Provision for a maximum period

of service where a journey is not involved is unnecessary in Dominica.

The labour officer (who is licensing officer), the superintendent of police and the magistrate are entrusted with the application of the Convention.

No decisions have been given by any court.

No observations have been received.

#### *Fiji (First Report).*

Labour Ordinance, 1947 (Part VI).

*Article 1 of the Convention.* "Worker" is defined by section 3 of the Labour Ordinance, 1947, and section 43 of the same Ordinance provides that the law governing written contracts of employment applies to a Native entering the service of an employer as a manual worker for remuneration. "Native" is defined by the Interpretation Ordinance (Cap. 1) to include every member of an aboriginal race indigenous to Fiji and every member of an aboriginal race indigenous to Polynesia or Melanesia resident in the colony. "Employer" is defined by section 3 of the Labour Ordinance, 1947, and "contract" by section 42.

*Article 2, paragraph (1).* Section 43 of the Labour Ordinance provides for written contracts for manual workers, and subsections make provision for exclusion under the Ordinance of contracts of apprenticeship made in accordance with Part X of the Labour Ordinance (subsection 43 (2) (a)) and contracts under which the only or principal remuneration granted to the Native is the occupancy or use of land belonging to his employer (subsection 43 (2) (b)). There is no exclusion by reason of number of employees or criteria other than those shown in the first section of this paragraph.

Paragraph (2). There is no provision for exclusion from section 43 of any Natives other than those shown in the first section of paragraph 1.

*Article 3.* Section 49 of the Labour Ordinance, 1947, provides that the maximum period of service that may be stipulated in any contract is one year; there are no exceptions from the provision of section 49.

*Article 4.* No such contracts are made for manual workers. If contracts of this nature arose Part VI, which, *inter alia*, provides for a maximum period of one year, would be applicable, as would section 25 (b) of the Labour Ordinance, 1947.

In exercise of the powers conferred on him by section 43 (1) of the Labour Ordinance, 1947, the Commissioner of Labour has appointed all district officers to be attesting officers. In exercise of the power conferred upon him by section 5 of the Labour Ordinance, 1947, the Governor has appointed all district officers to be deputy commissioners of labour. District officers are stationed in all parts of Fiji, and are readily accessible to both employers and workers. Section 46 of the Labour Ordinance, 1947, provides that when a contract has been attested, the attesting officer shall deliver one copy to the employer and one copy to the worker and shall forward the original to the Commissioner of Labour.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

With the absence of penal sanctions employers generally do not consider long-term contracts an advantage. There is a tendency towards the disappearance of "contract" labour and the number of contracts entered into during 1953-54 was 26. It can be generally stated that the few contracts which have been entered into were made under stress of labour shortage and on terms which were freely and knowledgeably negotiated by the workers. Under section 51 either party to a dispute arising out of a contract has recourse to the district officer, who can decide all matters at issue between the parties, and there is provision under the same section for appeal to a magistrate from the decision of the district officer. Any breaking of the contract is usually on the part of the workers, who often leave their employment.

No representations have been made by employers' or workers' organisations.

#### *Falkland Islands (First Report).*

The Convention is not applicable, there being no "indigenous workers" in the territory.

See also under Convention No. 2.

#### *Gambia (First Report).*

The Government states that a Bill to give effect to the provisions of this Convention is now being considered.

#### *Gibraltar (First Report).*

There is no legislation applying the provisions of this Convention in Gibraltar.

*Articles 1, 3, 4 and 5 of the Convention.* The laws of the colony do not conflict in any way with the provisions of these Articles.

*Article 2.* No contracts of employment have been excluded from the application of the Convention in accordance with subparagraphs (a) and (b) of paragraph 1 of this Article.

There is no legislation depriving literate workers of freedom of choice in employment, and such freedom is further safeguarded by the Government's policy of giving priority of employment to British subjects.

The application of the provisions of the Convention is entrusted to the Director of Labour and Welfare.

No court of law or other court has given decisions involving questions of principle relating to the application of the Convention.

Prior to the coming into force of this Convention the Labour Advisory Board was asked for its advice regarding its application in Gibraltar. Having regard to the fact that the standards of education, literacy and social organisation of the indigenous workers in this colony were substantially similar to those in the United Kingdom, the Board unanimously agreed that the freedom of choice of such workers was satisfactorily safeguarded, and recommended that the provisions of the Convention should not be applied to contracts of employment between employers and literate workers in Gibraltar. The Government accepted this recommendation.

*Gilbert and Ellice Islands (First Report).*

Labour Ordinance No. 6 of 1951.

The Convention is applied by section 50 of the Labour Ordinance No. 6 of 1951, which limits the maximum period of service which may be stipulated in any contract (a) in the case of a married worker accompanied by his family to 18 months; and (b) in the case of an unmarried worker or a married worker not accompanied by his family to 12 months.

*Article 2 of the Convention.* Section 44 (1) stipulates that certain contracts shall be in writing. These are of two types:

(a) one which is made for a period exceeding one month or for more than 30 working days; or

(b) one which stipulates conditions of employment which differ materially from those customary in the district of employment for similar work.

Section 44 (2), however, exempts the following contracts from, *inter alia*, the provision of section 50 of the Ordinance (which section limits the maximum period of service): "... contracts under which the only and principal remuneration granted to the worker is the occupancy or use of land belonging to his employer."

*Article 3.* The Ordinance lays down maximum periods of service which are less than those specified.

The legislation is applied by the colony Government through the district administration. Each written contract must, under section 44 (1) of the Ordinance, be signed by the parties in the presence of, and be attested by, an administrative officer or authorised officer. The terms of the Convention are applied strictly.

*Gold Coast (First Report).*

Labour Ordinance, 1948, as amended by Ordinance No. 43 of 1949.

*Article 1 of the Convention.* (a) The term "employee" defined in section 2 of the Labour Ordinance includes the "worker" defined here provided that, if he is a clerical worker, his salary does not exceed £300 a year; (b) this is covered by section 2 of the Labour Ordinance; (d) the term "contract" as defined in section 2 of the Labour Ordinance is more restricted than in this Article. Special provisions are made concerning contracts of apprenticeship.

*Article 2.* No contracts of employment have been excluded from the application of the Convention.

*Article 3.* Sections 23, 26 and 28 of the Labour Ordinance, 1948 apply these provisions.

*Article 4.* Sections 26 and 14 of the Labour Ordinance apply paragraphs (1) and (2) of this Article.

The Commissioner of Labour and officers of the regional administration are entrusted with the

implementation of the above-mentioned legislation and administrative regulations. Supervision is ensured by the attestation of contracts.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

There are no practical difficulties in application, since it is rare for workers to enter into the kind of contract envisaged in this Convention. No observations have been received from employers' or workers' organisations.

*Grenada (First Report).*

Recruiting of Workers Ordinance No. 17 of 1939, as amended by Ordinance No. 5 of 1941.

Recruiting of Workers Regulations No. 81 of 1941, as amended by Recruiting of Workers (Amendment) Regulations No. 58 of 1942 and No. 25 of 1943.

*Articles 1 and 2 of the Convention.* Advantage has not been taken of the exemptions contained in (a) and (b) of Article 2.

*Article 3.* In this island of 120 square miles the question of movement of workers and families does not arise. The majority are agricultural workers and are engaged on daily or weekly contracts. Other classes of workers are engaged on daily, weekly or monthly contracts.

*Article 4.* The local laws provide that employment contracts requiring the movement of workers to the territory of employment shall be restricted to not more than two years in the first instance. This period may be extended for a further period of one year with the consent of the worker.

The Labour Department is entrusted with the implementation of the above-mentioned legislation.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

No observations have been received from the organisations of employers and workers.

*Hong Kong (First Report).*

Employers and Servants Ordinance (Cap. 57 of the Laws of Hong Kong, 1950 Edition).

This Convention has been applied to Hong Kong with the modification that it shall only apply to manual workers. The local legislation which regulates the period of service is the Employers and Servants Ordinance. No other legislative provision has yet been made but close attention is paid to this Convention in the administrative arrangements between Hong Kong and the Commonwealth territories to which workers go who are engaged in Hong Kong (see report on Convention No. 64). In particular, the limits prescribed by Article 3 are strictly adhered to in the conditions of employment of workers going overseas.

*Article 1 of the Convention.* The term "servant" which for the purposes of the Employers and Servants Ordinance designates "worker" is defined by section 2 of that Ordinance. For employment overseas and for administrative purposes, the term "worker" is restricted to a manual worker who



is, in the terms of the Convention definition, an indigenous worker. The term "employer" is similarly defined in section 2 of the Employers and Servants Ordinance and for overseas contracts has a connotation as wide as in the Convention. Locally, the term "contract of service" is defined by section 2 of the Employers and Servants Ordinance. For use by workers proceeding overseas it has the wide connotation given by the Convention but does not go into effect until it is signed before the competent authority in the territory of employment.

*Article 2.* There are no exclusions. Contracts between manual workers and employers in Hong Kong do not exceed one month in duration and are verbal. Contracts for manual workers going overseas are in writing and must be approved, though not signed, in the colony. No exceptions have been made under any of the clauses of this Article, and the terms of the Convention are strictly applied.

*Article 3.* In Hong Kong the maximum period of service which may be implied in an oral contract is one month. Such contracts are deemed to be renewable from month to month (see section 4 of the Ordinance). Contracts for more than one month must be in writing (section 6) and by section 8 of the Ordinance no written contract of service shall be effective for a longer period than five years, if made within the colony. No instances are known of written contracts covering the employment of manual workers in Hong Kong. In the case of overseas employment, the conditions of service (i.e. the prospective contract) prescribe in all cases the limits under paragraph 3 of this Article, since in every case a long and expensive journey is involved.

*Article 4.* No formal intergovernmental agreements have been made, but whether or not the Convention has been ratified in the territory of employment, no prospective contracts for manual workers are approved in Hong Kong unless they contain clauses imposing the limits laid down by this Convention. Furthermore, no such contracts are approved in Hong Kong until it has been established that adequate facilities exist in the territory of employment for the supervision and enforcement of the contracts.

*Article 8.* It is probable that the modification applying the Convention only to manual workers will, in local circumstances, have to be maintained.

The administration of the Ordinance is entrusted to the local magistrates or in certain cases to the police authorities. During the period under review, a monthly average of 140 cases concerning termination of service were brought to the Labour Department for assistance, advice or decision. Only in default of a voluntary settlement being obtained by administrative means in these cases is recourse had to the courts. In the case of workers proceeding overseas, the administration of the relevant provisions of this Convention is the responsibility of the Commissioner of Labour and of the Immigration Officer. The terms of engagement are explained to the workers by an official of the Secretariat for Chinese Affairs. The application of the provisions of the Asiatic Emigration Ordinance (No. 30 of 1915) concerning medical

inspection of the conditions of any ships used for the transport of such workers is the responsibility of the Director of Marine.

No observations have been received from organisations of employers or workers within the colony regarding the application of the Convention. Representations have, however, frequently been made to the Labour Department by overseas employers and representatives of the governments of overseas territories that the maximum periods of engagement set out in the Convention are too short, because overseas employment of workers from Hong Kong always implies very heavy expenditure on sea or air travel. This expenditure is on occasion disproportionate to the value of the services obtained, and in some cases the insistence by Hong Kong on a rigid adherence to the terms of the Convention has led to the abandonment of the contemplated engagement. In recent years there has been, mainly as a result of the war, a constant demand for Chinese artisans, since these can no longer be obtained from the mainland of China. Engagement has mainly taken place in Hong Kong. From the very inception of such engagements, the Labour Department in Hong Kong has had regard to the relevant Conventions regarding recruitment, written contracts, and maximum periods of engagement. Although the necessary legislation to put this Convention into effect is not yet enacted, administrative arrangements between Hong Kong and the various territories of employment are such that substantially all the necessary requirements of this Convention are observed. The chief difficulty in enforcement has been in regard to the length of engagement.

#### *Jamaica (First Report).*

The provisions of this Convention have not been applied by legislation or administrative regulations.

Ratification of the Convention has no legal effect on this territory.

In cases where groups of indigenous workers are recruited for employment in the United States (and these are the only instances where large groups of workers are recruited for employment abroad) written agreements are executed at the time of recruitment. The period of service is stipulated in these agreements and does not in practice exceed the periods prescribed in Article 3. Whenever groups of workers are recruited for employment outside this territory, the contracts of employment are made under the supervision of the Ministry of Labour.

No decisions involving questions of principle have been made by the courts.

No observations have been received from organisations of employers or workers.

#### *Kenya (First Report).*

Employment Ordinance, 1938 (Cap. 109).  
Resident Labourers Ordinance, 1940 (Cap. 113).  
Governor in Council's Notice No. 854 of 1952.

*Article 1 of the Convention.* The application of the above-mentioned laws conforms generally to the definitions in this Article. For present purposes, however, most of the Employment Ordin-



ance, including the provisions relevant to this Convention, still applies only to the lower-paid workers, as explained below.

*Article 2, paragraph 1.* There is no exclusion in respect of contracts with indigenous employers. The remuneration of workers under contracts governed by the Resident Labourers Ordinance is principally the occupancy and use of their employers' land and, as explained later, this Ordinance allows for longer contracts than those stipulated by the Convention.

Paragraph 2. Under section 3 of the Employment Ordinance, the Governor in Council of Ministers applies the Ordinance in whole or in part to various categories of employees by prescribing maximum wage limits. Certain employees within those wage limits are specifically excluded, and employees whose wages exceed those limits are not affected by the Ordinance. The Governor in Council's Notice of 1952 added weekly and daily wage limits of 24s. and 4s. respectively to the previous monthly limit of 100s. per month. The majority of indigenous workers fall within these limits and are therefore covered by the general provisions of the Ordinance; but the further extension of the Ordinance's application by raising these limits is being considered.

The workers specifically excluded at present, in case some of them fall within the above limits, are central government employees in pensionable or staff provident fund posts, African and Arab chiefs and sub-chiefs, and individuals who have been granted letters of exemption under the African Exemption Ordinance (Cap. 96) such as ordained clergymen, ministers and priests, and qualified doctors, dentists, engineers and other professional men.

There is in fact scope for the exemption of contracts between employers and literate workers whose freedom of choice in employment is satisfactorily safeguarded, but this particular criterion has not hitherto been applied in deciding how far the general provisions of the Ordinance shall apply to the colony's labour force. Further extensions of the Ordinance's scope will be effected in consultation with the Labour Advisory Board, which advises the Government on legislative and administrative policy, and on which employers and workers are represented on a colony-wide basis.

*Article 3.* For employment not involving a long and expensive journey, section 14 of the Employment Ordinance precludes written contracts (other than apprenticeship contracts) from exceeding one year where the worker is not accompanied by his family, or from exceeding two years where the worker is accompanied by his family. This applies to workers originating in the colony, regardless of the length of journey within the colony.

For employment involving a long and expensive journey, which for local purposes is taken to mean engagement of workers from any place outside the colony, the same section precludes written contracts from exceeding two years when the worker is not accompanied by his family, or from exceeding three years when he is so accompanied.

Oral contracts are precluded from continuing in force for more than one month at a time by section 4 of the Ordinance, and the bulk of the

labour force is in fact working under monthly contracts terminable by either party on the expiry of the month. Resident labourers' contracts have to be made in writing and be attested under the Resident Labourers Ordinance; and section 5 of this Ordinance provides that such contracts shall be for not less than one year and not more than five years. In practice the term of these contracts rarely exceeds three years.

*Article 4.* Contracts for Kenya workers to work outside the colony have to be in writing and approved by the Labour Commissioner or an officer authorised by him. This provision of section 8 of the Employment Ordinance enables the Government to ensure that the period of such contracts exceeds neither the maximum permitted in the territory of origin nor that permitted in the territory of employment.

Contracts for work in Kenya by workers engaged outside the colony are subject to section 14 of the Ordinance; moreover, both the Labour Department and the Immigration Department have control over the entry of such workers. It is therefore possible to ensure that the contract periods do not exceed the maximum permitted in the territory of origin.

Occasion has not yet arisen for Kenya to enter into an agreement with any other territory on matters connected with the application of this Convention.

The Labour Department of the Kenya Government ensures compliance with the legislation and administrative measures relevant to this Convention. All males over the age of 16 years are documented by the Labour Department in accordance with national registration laws; and employment records are maintained in respect of all employed persons (including those under 16 years of age) whose wages do not exceed 300s. a month. A specific record is kept of workers who are employed under written contracts. Powers of inspection enable labour officers and inspectors to investigate the terms of workers' contracts, and the Department's inspecting staff is distributed to branch offices in 15 employment centres whence the employers in each area are regularly inspected.

Legislation and administrative control have not been introduced specifically for the purposes of this Convention. Apart from resident labourers, whose contracts are outside the provisions of the Convention, there is only a small number of contracts with indigenous workers which exceed six calendar months or six "tickets" of 30 days' work each.

Almost all the contracts exceeding two-year periods in Kenya are in respect of non-indigenous local workers (European and Asian) and immigrant workers of non-African origin. Such workers are in any case in wage groups which render the provisions of the Employment Ordinance inapplicable to them.

No decisions of courts of law have involved questions of principle relating to the application of the Convention.

No observations relevant to this Convention have been received from organisations of employers or workers.

#### *Leeward Islands (First Report).*

There is no legislation to give effect to the provisions of this Convention, but efforts are made

during the negotiation of contracts to ensure that there is compliance with its provisions. Copies of standard contracts in respect of the employment of workers in the United States and the Virgin Islands of the United States are attached.

Employment under contract takes places only in connection with the recruitment of workers for agricultural employment in the United States and the Virgin Islands of the United States. In the case of recruitment for the United States the normal practice is for the original contracts to be of from three to six months' duration. Workers may, however—and do in fact—renew their contracts or enter into new contracts in the United States for periods as long as three years, which is the maximum period that the United States immigration authorities will permit such persons to remain there. In the case of recruitment for St. Croix in the Virgin Islands, contracts are entered into for a period of six months. In neither case are workers accompanied by their families.

In the case of workers in the United States, enforcement of the terms of the contract is entrusted to the British West Indies Central Labour Organisation which is supervised by the British Caribbean Regional Labour Board composed of representatives of the participating colonies in the Caribbean area. The contracts of workers in the Virgin Islands are supervised by the Labour Departments of the colony through an agent (a liaison officer) appointed by the Government of the Leeward Islands. He is stationed with the workers during their period of employment in St. Croix.

Liaison officers in the United States are appointed in sufficient numbers to ensure effective supervision in each major area of employment. These officers have to be satisfied with working conditions and accommodation before workers are admitted to employment in any new area requiring West Indian workers. These liaison officers are officials of the British West Indies Central Labour Organisation.

No decisions of courts of law have been given involving questions of principle relating to the application of the Convention.

Conditions of employment under terms of the contracts covering workers in the United States are reviewed each year at a meeting between employers of British West Indian labour in the United States and the Regional Labour Board.

#### *Malaya (First Report).*

All Labour Codes in the Federation.

Under the Labour Code it is stated that "no engagement to labour for a period exceeding one month or for more than 30 days' work and no contract to labour shall be entered into; any such engagement or contract entered into in contravention of this section shall be void and of no effect".

"Contract" is defined as a written engagement to labour.

The Bill of an Ordinance to establish a new Employment Code has not yet passed through all stages of consideration by the Legislature.

No difficulties have arisen in the application of the Convention.

#### *Malta (First Report).*

The Government indicates that the Convention is not applicable to Malta, where the conditions for which the Convention was designed do not exist.

#### *Mauritius (First Report).*

Recruitment of Workers Ordinance No. 3 of 1939.  
Free Emigration Ordinance No. 12 of 1933.

The Recruitment of Workers Ordinance and regulations under the Free Emigration Ordinance provide that the terms of contracts must be approved by the Government.

#### *Nigeria (First Report).*

Labour Code Ordinance (Revised 1948), Cap. 99 of the Laws of Nigeria (L.S. 1948—Nig. 1).

Spanish Treaty revised and republished under Government Notice No. 1871, in *Nigeria Gazette*, Vol. 37, No. 67, 14 December 1950.

French Treaty published under Government Notice No. 1207 in *Nigeria Gazette*, Vol. 36, No. 46, 8 September 1949.

*Article 1 of the Convention.* This is covered by sections 2, 3 and 38 of the Labour Code Ordinance.

*Article 2.* This Article is covered by section 39 (a) and (b) of the Labour Code Ordinance. The Commissioner of Labour has not yet exercised his power to exclude any contracts from the application of the requirements of the Convention.

*Article 3.* This is covered by sections 48, 55, 57 (1) (f), 57 (2) (f) and 94 of the Labour Code Ordinance.

Under section 48 of the Ordinance the maximum period that may be stipulated in any contract is one year. In the case of re-engagement contracts the maximum period is nine months. Where a re-engagement contract involves the separation of any worker from his family for more than 18 months, however, the worker is entitled to return home at the employer's expense before taking up employment under the re-engagement contract (section 55 of the Ordinance).

For employment outside Nigeria no contract may be for a period of more than one year if the worker is not accompanied by his family or for two years if the worker is so accompanied (section 94 of the Ordinance). The re-engagement contract in respect of a worker engaged on a two-year contract is 18 months as provided for under section 55 (1) of the Ordinance in accordance with the provisions of section 94 of Chapter V of the said Ordinance.

*Article 4.* This Article is covered by sections 57 (1) (f) and (k), 57 (2) (f), and 57 (4) of the Labour Code Ordinance.

Under article 19 of the Treaty concluded between the Government of Nigeria and the Government of the Spanish Territories of the Gulf of Guinea, the duration of the first contract is for a period of two years. A worker may, if he so desires, be re-engaged on completion of the first contract for a further period of service, but in no case shall a worker be required to remain outside

Nigeria for a continuous period of more than 42 months.

Similar provisions are included in article 19 of the Agreement concluded between the Government of Nigeria and the Government of French Equatorial Africa.

The application of the Labour Code Ordinance is entrusted to the Department of Labour. To ensure that the provisions of the Treaty with the Government of the Spanish Territories of the Gulf of Guinea and those of the Agreement with French Equatorial Africa are fully observed, an officer of the Government of Nigeria serving in the dual capacity of British Vice-Consul and Labour Officer has been appointed to each of the territories concerned.

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

#### *North Borneo (First Report).*

Labour Ordinance 1936, as modified in 1949.

No contracts of employment have been excluded from the application of the Convention in accordance with Article 2 of the Convention, but there is provision in section 24 (2) of the Ordinance for the Commissioner of Labour to make such exclusions in accordance with this Article. In no case, however, has it been found desirable to make use of the machinery provided.

Section 18 of the Ordinance requires all "contracts" (which are defined under section 2), to be in writing and signed by both parties when the engagement is made for a period exceeding one month or a number of working days exceeding 26; or stipulates conditions of employment which differ materially from those customary in the district of employment for similar work.

The maximum duration that may be stipulated or implied in any contract involving a journey within North Borneo, Sarawak and Brunei, from the place of recruitment to the place of employment, may in no case exceed 12 months if the worker is not accompanied by his family.

In any contract involving a journey other than a journey referred to above the maximum duration of employment may not exceed two years if the worker is not accompanied by his family or three years if the worker is so accompanied.

The duration of written contracts is further restricted by section 23 of the Ordinance, which states that except with the written permission of the Commissioner no contract of a duration exceeding 180 successive calendar days may be entered into by any employer with any Native worker.

Oral contracts of employment, which are described throughout the Ordinance as "agreements" as defined under section 2, may not under section 18 (a) be for a duration of more than one month or 26 working days. Oral agreements complying with these requirements and subject to notice of termination on one month's notice by either party (or 14 days' notice in the case of domestic servants) are the almost universal form of engagement within the colony.

No agreements have been entered into with any other territory concerning employment of workers on contracts.

The administration of the above-mentioned legislation is entrusted to the Department of Labour and Welfare, which consists of a Commissioner of Labour and Welfare, one administrative officer, one labour officer, labour inspectors and subordinate staff. In addition all district officers and certain other administrative officers are appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the Department and by the assistant commissioners, and workers have ready access to them at all times for purposes of complaint.

No decisions have been given by courts of law or other courts regarding the application of the Convention.

The application of the provisions of this Convention is not a matter requiring elaborate legislative provision.

No observations have been received regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

#### *Northern Rhodesia (First Report).*

Employment of Natives Ordinance (Cap. 171 of the Laws of Northern Rhodesia).  
African Civil Servants Regulations (Cap. 57 of the Laws of Northern Rhodesia).

*Article 2 of the Convention.* No contracts of employment have been excluded; therefore this Article does not apply.

*Article 3.* The maximum period of service is laid down in the Employment of Natives Ordinance. Contracts which cannot be terminated by the employee by giving one month or 30 working days' notice have to be in writing and to be attested. The attesting officer would refuse to approve a contract of more than 12 months' duration except in cases when the contract involves a long and expensive journey. No contract for more than two years is binding or valid.

*Article 4.* When indigenous workers proceed outside the territory on contracts of employment, the contracts are required to be in writing and attested. No contract for more than two years is binding or valid.

The Departments of Labour and Provincial Administration are entrusted with the application of the above-mentioned legislation and administrative regulations. The application is supervised and enforced by labour and district officers, who carry out routine inspection.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

#### *Nyasaland.*

African Employment Ordinance No. 3 of 1954.

*Article 2 of the Convention* is applied without modification. No contracts of employment have been excluded from the application of the Convention. No exclusions have been made by

virtue of the provisions of paragraph 2 of this Article.

*Article 3.* This Article is applied without modification. In the case of contracts which involve long and expensive journeys the maximum period of service may in no case exceed two years if the workers are not accompanied by their families. In cases where a long and expensive journey is not involved the maximum period may in no case exceed 12 months if the workers are not accompanied by their families or two years if they are so accompanied. In both cases, however, the Commissioner for Labour may grant exemption when in his opinion it is practicable or desirable to do so.

*Article 4.* This is applied without modification by the Interterritorial Agreement on Migrant African Labour.

Under section 101 of the Ordinance the Governor in Council may make regulations for carrying the Ordinance into effect. Application of the above-mentioned legislation is entrusted to the officers of the provincial and district administration, the Labour Department and the police.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention. No contraventions were reported during the year 1953.

No observations have been received from the organisations of employers or workers concerned.

#### *St. Helena (First Report).*

Contracts of Service Ordinance, 1951, as amended in 1953.

Ascension Island Workmen's Protection Ordinance No. 5 of 1926 (Cap. 133).

There are no indigenous workers in the strict sense of the term in St. Helena. The term is accordingly taken to mean the St. Helenian workers.

*Article 2 of the Convention.* Exemptions from the application of the Ordinance are accorded in respect of contracts of apprenticeship and contracts of domestic service that are to be performed wholly within the colony. The Governor may, by regulations, exempt any resident employer on stated conditions from the application of the Contracts of Service Ordinance. No such regulations have been made. On the application of any workman, the Governor may exempt his engagement from the provisions of the Ascension Island Workmen's Protection Ordinance. No such exemptions have been made.

*Article 3.* The period of service stipulated for any contract may not exceed two years. In practice, this provision applies only to workers who are not accompanied by their families and who are proceeding to the United Kingdom or (until recently) the Union of South Africa. It is provided that no St. Helenian worker shall be engaged for a longer period than three years, or two years if married and not accompanied by a wife.

*Article 4.* If the contract is to be performed outside the colony and the law of the place of performance prescribes any shorter period of service, this shorter period of service applies. The conditions of service of St. Helenians enter-

ing the United Kingdom for domestic service are a matter for arrangement from time to time with the Colonial Office in London.

The Governing Secretary is an attesting officer, and supervises the application of the above-mentioned legislation.

No decisions have been given by courts of law.

A copy of the Ascension Island Workmen's Protection Ordinance is appended to the report.

#### *St. Lucia (First Report).*

The workers in this territory liable to be considered as "indigenous workers" in the sense of Article 1 of the Convention do not conclude employment contracts of the kind indicated in Article 3.

The law and practice in the colony is in no way contrary to the provisions of the Convention, and the introduction of legislation does not appear necessary.

No decision involving questions of principle relating to the application of this Convention has been given by the local courts of law.

#### *St. Vincent (First Report).*

Recruiting of Workers Ordinance No. 3 of 1940.

Recruiting of Workers Regulations, 1940, Nos. 13, 14 and 29 of 1942 and Nos. 26 and 78 of 1944.

The report states that the Convention is applied in the colony and that Regulations No. 26 of 1944 provide for a maximum period of service as provided for in Article 3 of the Convention.

#### *Sarawak (First Report).*

Labour Ordinance No. 24 of 1951 (sections 24 and 31).  
Labour (Amendment) Ordinance No. 18 of 1953.

*Article 2 of the Convention.* "Worker" as defined in the Ordinance includes an apprentice or domestic servant.

*Article 3.* For employment not involving a long and expensive journey, the Ordinance provides for a maximum of two years of service when the workers are accompanied by their families, and 12 months when they are not so accompanied. For employment involving a long and expensive journey, a maximum period of three years is provided for when the workers are accompanied by their families, and two years when they are not so accompanied.

*Article 4.* The Ordinance limits the duration of the contract to the lesser of the maximum periods prescribed by the territory of origin and the territory of employment. There are no such agreements at present.

*Article 8.* The legislation is in harmony with the Convention.

The Protector of Labour is responsible for the application of this legislation. He is assisted by all district officers.

#### *Seychelles (First Report).*

Employment of Servants Ordinance No. 25 of 1945.  
Outlying Islands (Employment of Servants) Ordinance No. 26 of 1945.

The Seychelles Labour Law and Regulations comply with the provisions of Articles 1, 3, 4 and 5 of the Convention, with one exception, namely, that under section 11 (2) of Ordinance No. 25 of 1945, a contract not involving service abroad may be entered into for a period of up to three years. This conflicts with Article 3 (2) of the Convention, and an opportunity will be sought to rectify the matter by amendment of the relevant section.

Under the Outlying Islands (Employment of Servants) Ordinance, 1945, the duration of a contract is two years.

Articles 1 to 5 of the Convention are complied with throughout with the above-mentioned exception (section 11 (2)).

The Labour Officer is responsible for the enforcement of the provisions of this Convention, and penalties for contravention are provided for in the Ordinance.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

#### *Sierra Leone (First Report).*

Recruiting of Workers Ordinance, 1941 (Cap. 199).  
Employers and Employed Ordinance, 1934 (Cap. 70).

*Article 1 of the Convention*, clause (a). Section 2 (1) of the Recruiting of Workers Ordinance defines "worker" as meaning all workers whether indigenous or not, but Part III of the Employers and Employed Ordinance refers to "Natives" engaged for foreign service as labourers, and section 2 (1) of that Ordinance defines "Native" as meaning a Native of West Africa not being of European or Asiatic race or origin.

Clause (b). Section 2 (1) of the Employers and Employed Ordinance covers the definition of "employer" given in this Convention.

Clause (c) is covered by section 12 of the Recruiting of Workers Ordinance.

Clause (d). This provision is covered by sections 3, 5 and 7 of the Employers and Employed Ordinance.

*Article 2*, paragraph 1(a). Contracts between workers and employers who employ not more than 30 workers are exempted by section 3 (a) of the Recruiting of Workers Ordinance.

Paragraph 1 (b) is covered by section 11 of the Employers and Employed Ordinance.

Paragraph 2. There is as yet no provision for this in the laws of this territory. No contracts of employment have been excluded from the application of this Convention, in virtue of paragraph 1 (a) and (b) of Article 2.

*Article 3*, paragraph 1. This is provided for under sections 3, 7 and 25 of the Employers and Employed Ordinance.

Paragraphs 2 and 3. These are not fully covered by the laws of this territory. Under section 25 of the Employers and Employed Ordinance, contracts of service for labourers outside Sierra Leone should not exceed 13 months. No provision is made as to the duration of contract for workers accompanied by their families.

*Article 4*, paragraphs 1 and 2. These provisions are not yet covered by any of the territory's laws.

The application of the above-mentioned Ordinances is entrusted to the provincial administration, the courts and the Labour Department.

No decisions by courts of law have been given involving questions of principle relating to the application of the Convention.

Recruitment of workers such as is envisaged in the Recruiting of Workers Ordinance does not as a rule occur in this territory. Sea-going labourers recruited on contract under the Employers and Employed Ordinance usually spend from four to 12 weeks on each voyage, and the terms of their contract are protected by a Port Maritime Board consisting of representatives of shipping employers and a representative of the Maritime and Water-front Workers' Union. The Labour Department acts in an advisory capacity on this Board.

No representations have been received from organisations of employers or workers.

#### *Singapore (First Report).*

Labour Ordinance (Cap. 69 of Straits Settlements Laws).

No changes in the law or practice have taken place during the period under review. No difficulties have arisen.

Section 14 (1) of the Labour Ordinance deals with contracts of employment. See also under *Malaya*, first paragraph.

#### *Solomon Islands (First Report).*

Labour Regulation (Cap. 24 of the Laws of the Protectorate), as amended by King's Regulation No. 7 of 1948 (Labour Amendment Regulation).

The Governor of the Protectorate has examined legislation applying this Convention in the light of local conditions obtaining, and considers that no modifications are necessary at present.

*Article 1 of the Convention*. The term "worker" means a person employed by another person for remuneration on manual labour and includes a person employed on labour of a kind ordinarily performed by agriculturalists, mechanics, artisans, handicraftsmen, seamen, boatmen, domestic servants, gardeners, motor drivers and any other similar work connected therewith. The term "employer" includes any person acting on behalf of an employer. The term "contract" means a contract which is made in writing, and which (a) is made for a period exceeding one month or for more than 30 working days; or (b) stipulates conditions of employment which differ materially from those customary in the district of employment for similar work.

Such a contract must be made in writing and must be signed by the parties in the presence of, and be attested by, a district commissioner or authorised officer. Contracts of apprenticeship and contracts under which the only or principal remuneration granted to the Native is the occupancy or use of land belonging to his employer are excepted.

*Article 2*. The Regulation does not impose any restrictions on the number of workers an indigenous or a non-indigenous employer may engage, nor is any other criteria prescribed by the Regulation. Workers have absolute freedom of choice in employment in all industries, and their interests are safeguarded by the labour officer and district

commissioners who administer the Labour Regulation. No employers' or workers' organisations have yet been formed in the Protectorate.

*Article 3.* The maximum period of service that may be stipulated in any written contract is one year. In default of any agreement to the contrary, whether express or implied, every contract of employment is deemed to be from month to month, determinable by either party on one month's notice, or by the payment by the employer of one month's wages in lieu of notice.

*Article 4.* Indigenous workers do not seek work outside the Protectorate. Commercial vessels, however, employ some locally domiciled seamen for ocean voyages. Such seamen are engaged under Merchant Shipping Act (1894) articles, executed before the Registrar of Shipping, Honiara, for a maximum period of one year.

Labour officers and district commissioners, as well as authorised officers appointed in writing by the High Commissioner or a district commissioner, are responsible for supervision, which is exercised by the right of such officers to enter any premises for the inspection of conditions of employment. Enforcement, where necessary, is by prosecution before the court in summary jurisdiction.

No decisions were given by courts of law.

There have been no difficulties regarding the practical fulfilment of the conditions prescribed by the Convention.

A copy of the legislation mentioned above is appended to the report.

#### *Southern Rhodesia (First Report).*

Masters and Servants Act (Cap. 231).  
Native Labour Regulations Act (Cap. 86), and regulations thereunder.  
Native Labour Contracts Registration Act (Cap. 87).  
Migrant Workers Act, 1948.  
Industrial, Commercial and Local Authority Natives Employment Regulations, 1953.

*Article 1 of the Convention.* Effect to these definitions is given in principle in the legislation mentioned above.

*Article 2.* There are no exemptions.

*Article 3, paragraph 1.* Under section 7 of the Masters and Servants Act no oral contract may continue for more than one year. It is proposed to reduce this period to six months under legislation to be introduced shortly.

Paragraphs 2 and 3. The maximum period of a written contract of service under section 8 of the Masters and Servants Act is three years, but this is modified by the Migrant Workers Act, which requires a migrant worker to return to his country of origin every two years if not accompanied by his family.

*Article 4, paragraph 1.* See remarks under Article 3.

Paragraph 2. Relations between the Government of Southern Rhodesia and the Government of Northern Rhodesia and Nyasaland in respect of migrant workers are governed by the Migrant Workers' Agreement of 1947, which has been adopted by the Legislature in the Migrant Workers Act of 1948.

*Article 8.* There has been no modification of the existing legislation during the year under review, but as stated above it is proposed under new legislation to implement this Convention more fully.

The application of the above-mentioned legislation is entrusted to the Division of Native Affairs, the Department of Labour and the police.

No decisions affecting questions of principle relating to the application of this Convention have been given by courts of law.

With regard to indigenous Natives, none of these live at such distances from their place of employment as to make it necessary for them to be specially protected in terms of this Convention. Urban labourers under the Industrial, Commercial and Local Authority Natives Employment Regulations are entitled to 12 days' leave per annum; this is for the purpose of visiting their families. Up to 36 days of leave may be accumulated. Migrant workers from the Northern Territories are covered by the provisions of the Migrant Workers Act, 1948.

#### *Swaziland (First Report).*

Native Labour Regulation Proclamation and Regulations (Chapter 66 of the Laws of Swaziland).  
Proclamation No. 82 of 1950.

*Article 2 of the Convention.* Part II of the above-mentioned Proclamation, which deals with the maximum length of contracts, applies only to written contracts; all contracts for a period over six months must be in writing. The following classes of employment are excluded from the provisions of the Proclamation:

(a) employment of labour within the territory by or on behalf of indigenous employers who do not employ more than 50 Natives;

(b) employment of personal and domestic servants and of non-manual workers for work within the territory; and

(c) employment within the territory for which the only or principal remuneration granted to the Native is the occupancy or use of land belonging to his employer.

*Article 3.* Section 40 A fixes the maximum period of service which may be stipulated in any contract at one year (in the case of a re-engagement contract, nine months). Where the re-engagement contract, together with the period already served, involves the Native in being separated from his family for more than 18 months, the re-engagement contract may not begin until the Native has had an opportunity to return home at the employer's expense.

*Article 4.* No agreements have been entered into in pursuance of paragraph 2 of this Article of the Convention.

Under section 8 of Chapter 66 all written contracts are required to be attested. Most attesting officers are government officials, the remainder being reliable private citizens appointed by the Government; these persons ensure that the maximum period of service permitted is not exceeded. The resolution and regulations



are enforced by the police and administrative officers.

No courts of law have given decisions involving questions of principle relating to the application of this Convention.

There are no representative organisations of either employers or workers in Swaziland.

#### *Tanganyika (First Report).*

Master and Native Servants Ordinance (Chapter 78 of the Revised Edition of the Laws).

Master and Native Servants (Written Contracts) Ordinance (Chapter 79 of the Revised Edition of the Laws).

Master and Native Servants (Written Contracts) (Amendment) Ordinance No. 3 of 1952.

Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition of the Laws).

*Article 1 of the Convention.* A "servant" as defined in section 2 of the principal Ordinance means "any Native employed for hire, wages or other remuneration". "Native" is defined in Chapter 1 of the Revised Edition of the Laws—Interpretation and General Clauses—section 2, as "any member of an African race [including] a Swahili but not a Somali". The definition of "employer" is contained in section 2 of the principal Ordinance; it includes companies, associations, individuals and public authorities of whatsoever origin. The definition of "contract of service" contained in section 2 of the principal Ordinance must be read in conjunction with the definition of "contract" contained in section 2 of the Master and Native Servants (Written Contracts) Ordinance, which specifically excludes contracts of apprenticeship. The Schedule to the Apprenticeship Ordinance contains the prescribed form of contract.

*Article 2, paragraph 1.* No use has been made of the exemptions provided in this paragraph.

*Paragraph 2.* The provisions of the relevant legislation apply only to Native servants as defined in the reply to the question on this subject given above.

*Article 3.* Full particulars relating to the duration of contracts are contained in sections 9, 13 and 14 of the principal Ordinance and section 10 of the Written Contracts Ordinance as amended by Ordinance No. 3 of 1952. The maximum periods of service which may be stipulated in contracts of service are three years: in the case of a worker who is accompanied by his family, and two years in all other cases. These maximum periods of service are prescribed by the provision of the Written Contracts Ordinance, section 3 (1) of which requires all contracts of employment entered into for periods exceeding six months to be in writing. Workers who enter into written contracts invariably proceed long distances to take up their employment, and no cases are known of such contracts having been made for employment within the home district. This Article has been further implemented by administrative instructions which were issued to all officers of the Provincial Administration and Labour Department to ensure that such officers do not attest any written contracts of service for workers accompanied by their families for a longer period than two years, and for single workers for more than one year, except when the officer is satisfied that the workers concerned

will make long and expensive journeys to their place of employment. Such written contracts are made with unskilled agricultural workers, whilst industrial grade workers are normally employed on oral monthly contracts (section 9 (ii) of the principal Ordinance) or contracts for a specified number of working days, which may not exceed 30 (section 13 of the principal Ordinance). The maximum period for which such a contract shall be binding is twice the number of working days specified therein (section 14 of the principal Ordinance).

*Article 4.* The provisions of this Article are incorporated in section 19 (1) of the Written Contracts Ordinance. Section 8 of the principal Ordinance requires that any contract of service under which a servant is required to proceed beyond this territory shall conform with the provisions of section 19 (1) of the Written Contracts Ordinance, which relates to "foreign contracts of service". A relaxation of the provisions of section 8 of the principal Ordinance is permitted in respect of both domestic servants and seamen, provided that their employment does not take them beyond the boundaries of the neighbouring territories of Kenya, Uganda and Nyasaland (inclusive of service on the inland lakes of these territories) or Zanzibar.

During the calendar year 1953, 45 indigenous workers entered into foreign contracts of service. The duration of seven of these contracts was two years. Nine contracts were passed for a duration of six months, the remaining 29 for one or two months.

Section 19 (4) of the Written Contracts Ordinance provides for agreements to be entered into between this territory and the territory of employment in accordance with the requirements of paragraph 2 of the Article. As yet it has not been found necessary to implement this provision, since administrative arrangements between this territory and the territories of employment in question have proved eminently satisfactory for the purpose of safeguarding the interests of the workers concerned.

The provisions of paragraphs 2 and 3 of Article 3, which in practice are now applied by means of administrative instruction, will be given legal effect by proposed legislation.

The legislation which gives effect to the provisions of the Convention is administered by the Labour Commissioner; field supervision is exercised by officers of the Labour Department and in areas where no labour officer is stationed by officers of the provincial administration. In the course of regular inspection of undertakings where workers on contracts of employment are employed labour officers ensure that the provisions of the legislation are observed. Administrative arrangements between this and neighbouring territories ensure that an equal degree of supervision is exercised by local officers in respect of any indigenous workers employed on foreign contracts of service outside the territory.

No court of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

No serious practical difficulties have been encountered in administering the legislation which gives effect to the provisions of this Convention.

No representations have been received from organisations of either employers or workers in respect of the application of the existing legislation which gives effect to the provisions of this Convention.

*Trinidad and Tobago (First Report).*

Masters and Servants Ordinance No. 5 (Cap. 22).  
Government Notice No. 177 of 1953.

*Article 1 of the Convention.* This Article is applied by section 2 of the Ordinance.

*Article 2.* There have been no exclusions under this Article.

*Article 3.* This Article is applied by section 3 (2) of the Ordinance. The maximum period of service in any circumstances is one year.

*Article 4.* Entry into the colony for the purpose of taking up employment is in effect prohibited by Government Notice No. 177 of 1953, which is very extensive in scope.

There is very little emigration of workers from this colony. Any such emigration would be directly supervised by the Labour Department or else would come under the provisions of the Recruiting of Workers Ordinance No. 7 (Cap. 22), or the Foreign Labour Contracts Ordinance No. 8 (Cap. 22). Either way there is adequate opportunity for ensuring that the duration of contracts of employment does not offend against the provisions of this Convention.

The employment conditions of workers in this colony are analogous to those prevailing in the United Kingdom, in the sense that the workers are employed by the hour, day or week for an indeterminate period of time and do not enter into written or oral contracts for any specified period. There is no need for inspection to ensure the observance of the provisions of this Convention.

No decisions have been given by courts of law or other courts regarding the application of the Convention.

There have been no practical difficulties in the application of the Convention.

No observations have been received from organisations of workers or employers.

*Uganda (First Report).*

Uganda Employment Ordinance and Rules, 1951 (Cap. 83 of the Revised Laws of Uganda).

*Article 1 of the Convention.* The terms of the Uganda Employment Ordinance do not conflict with the definitions contained in this Article.

*Article 2.* The provisions of the Uganda Employment Ordinance do not exclude the contracts of employment mentioned in Article 2. The Ordinance applies to all workers whose wages do not exceed the maximum wage prescribed by the Governor from time to time. The present maximum is 150s. a month.

*Article 3.* Section 10 of the Uganda Employment Ordinance provides that, subject to any provisions that may be made by rule under section 23 of the Ordinance, a contract of service which is not in writing and signed by the parties

thereto shall not be in force for a longer period than one month from the making thereof. Section 23 of the Ordinance and rule 28 permit an employer and an employee to enter into a contract, either orally or in writing, for an aggregate of 30 working days to be completed within 42 days.

The maximum period for a written contract of service where the worker is accompanied by his wife or family is two years (section 16 of the Ordinance); the maximum period for a written contract of service where the worker is not accompanied by his wife or family is one year (section 16 of the Ordinance). The Ordinance does not provide for the variation of the maximum period of service according to whether or not a long and expensive journey is involved.

*Article 4.* The maximum periods for contracts of service stated in Article 3 apply equally to contracts of foreign service. Paragraph 11 of the Foreign Contract of Service Form provides that all extension of the period of engagement is subject to the consent of the Labour Commissioner.

It has not been found necessary to enter into agreements in accordance with paragraph 2 of this Article. But there is an understanding between the Labour Departments in the three East African Territories that they will aid any man from any of the three territories who may require assistance while on a contract of foreign service outside his own territory.

The application of the Uganda Employment Ordinance is entrusted to officers of the Labour Department and the provincial administration. All labour officers prepare inspection programmes for their respective districts to ensure regular visits to workplaces. On such inspections a point is made of ensuring that the terms of all contracts are being observed.

No decisions involving questions of principle relating to the application of this Convention have been given by the courts.

No practical difficulties have been encountered in the application of this Convention.

No observations have been received.

*Zanzibar (First Report).*

Labour Decree, 1946, as amended by the Labour (Amendment) Decrees, 1951 and 1952.  
Labour (Forms of Contract) Regulations, 1953.

*Article 1 of the Convention.* There is no discrimination between indigenous and other workers in the existing legislation, except that in practice a concession is allowed to non-indigenous workers from abroad to be employed on a longer contract than is permitted for indigenous workers.

*Article 2.* The legislation does not provide for these exemptions.

*Article 3.* Section 11 of the above-mentioned Decree permits written contracts for periods of two years in normal cases and up to a maximum of four years with the approval of a labour officer. If a contract is based on working days the maximum period allowed is 360 days. Under section 18 of the Decree, the maximum period in a re-engagement contract is 18 months, or,



with the approval of a labour officer, four years. The maximum periods for oral contracts are six months for contracts based on monthly rates of wages and 30 days if based on daily rates of wages.

*Article 4.* Section 20 of the above-mentioned Decree is designed for the benefit of Asians of the artisan type who emigrate to Zanzibar to take up employment and who are permitted, under the Immigration (Control) Decree, 1954, to remain up to four years on a temporary employment pass. To make it worth while coming to Zanzibar they usually wish to be able to continue their employment for the full period that the immigration regulations allow them to remain. Administrative

instructions limit the extension of the normal contract period to cases of non-indigenous workers.

*Article 8.* The Government is considering the present legislation with the object of bringing it in line with the requirements of this Convention.

The labour and administrative officers are entrusted with the application of the above-mentioned legislation and administrative regulations.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

So far there has been no difficulty in the application of this Convention, although employers have not been making use of contracts as widely as they should.

## 87. Freedom of Association and Protection of the Right to Organise Convention, 1948

*This Convention came into force on 4 July 1950*

*Belgium.* Ratification: 23 October 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 13 June 1951. Applicable without modification: Greenland. No declaration on application: Faroe Islands.

*France.* Ratification: 28 June 1951. Applicable without modification: Cameroons, French East Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland. No declaration on application: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 7 March 1950. Applicable without modification: Netherlands Antilles, New Guinea, Surinam.

*United Kingdom.* Ratification: 27 June 1949. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application for all other British non-metropolitan territories.

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

### *Denmark.*

#### *Faroe Islands.*

The Government of Denmark states that freedom of association and the right to organise are protected by the relevant provision of the Constitution of 5 June 1953 (article 78). Prior to that date it was article 85 of the Constitution which protected such rights.

Article 78 of the Constitution reads as follows:

"1. The citizens shall be entitled, without previous permission, to organise for any lawful purpose.

2. Associations which carry out their work, or try to achieve their objectives, by violence, instigation of violence, or similar punishable influence of people of different opinion shall be dissolved by judgment.

3. No association shall be liable to dissolution by any Government measure, provided that an association may be suspended; in that case, however, an action shall be brought against it without delay with a view to its dissolution.

4. Cases for the dissolution of political associations shall be capable, without special permission, of being brought before the supreme court of the Kingdom.

5. The legal effects of the dissolution shall be laid down by law."

The Agreement of 5 September 1899 between the Danish Employers' Confederation and the Confederation of Danish Trade Unions does not apply to the Faroe Islands, the Faroese employers' and workers' organisations not being affiliated to the above-mentioned organisations. In practice, however, freedom of association and the right to organise are recognised.

No qualifications are imposed by the legislation in respect of the right of Faroese workers or employers to establish or join organisations.

Subject to the above-mentioned provisions of article 78 of the Constitution the legislation lays down no requirements as regards the rules of the organisations governing their activities or programmes and contains no provisions concerning the dissolution or suspension of organisations.

No qualifications are laid down in respect of the right of workers' and employers' organisations to establish or join federations or confederations, or to affiliate with international organisations of workers and employers. There are no special rules in the legislation relating to the federations or confederations.

No special conditions exist in this legislation for the acquisition of legal personality by workers' and employers' organisations.

No special provision is applicable to the police. As far as the armed forces are concerned attention is called to the provision of article 85 of the Consti-

tution, which reads: "The provisions of articles 71, 78 and 79 are applicable to the armed forces only subject to the qualifications implied by the provisions of the military Acts".

For the first time this year the Permanent Court of Arbitration in Copenhagen has had cognisance of an unlawful strike in the Faroe Islands, thus recognising by assumption the right of employers and workers to organise.

No information from workers' or employers' organisations to the effect that the provisions of the Convention are not being observed has been received by the competent authorities.

#### *Greenland.*

The report points out that the Convention has been declared applicable to Greenland. As regards the law in practice concerning the questions dealt with in the Convention, reference is made to the report on the application to Greenland of the Right of Association (Agriculture) Convention, 1921 (No. 11).

#### *France.*

##### *French Equatorial Africa.*

Order No. 609-DPLC-4 of 15 February 1954.

The Convention was applied in French Equatorial Africa in virtue of the above-mentioned Order, which promulgates Decree No. 54-114 of 28 January 1954.

##### *French Guiana.*

The provisions of the Labour Code, Book II, Title I, are applicable in the same way as in metropolitan France. The report for metropolitan France is also valid for the département.

##### *French Settlements in Oceania.*

Decree No. 54-114 of 28 January 1954.

Application of the Convention was extended to the French Settlements in Oceania in virtue of Decree No. 54-114 of 28 January 1954.

The report refers to the provisions of Title II of the Labour Code for Overseas Territories.

Employers' and workers' organisations are not liable to be dissolved or suspended by administrative authority.

In the exercise of the rights recognised in virtue of this Convention and of the national legislation, workers, employers and their respective organisations are required to respect the law in the same manner as other persons or organised bodies.

The guarantees laid down in the Convention apply to the armed forces and the police in so far as they are not contrary to certain provisions of their statutes.

The term "organisation" mentioned in the Convention corresponds with the term "trade union" as used in section 3 of the above-mentioned Labour Code for Overseas Territories.

The application of the above-mentioned laws and administrative regulations is entrusted to the Inspector of Labour and Social Legislation of the French Settlements in Oceania and to his legal substitute, the Chief Officer of the Administrative District. The supervision of this application is carried out by means of close contacts between the Labour Inspector and the trade unions. A secretariat and personal means of transport are

available to the Inspector of Labour and Social Legislation. He is free to organise his rounds and inquiries.

No decisions have been given by the courts of law or other courts involving questions of principle relating to the application of the existing regulations.

The comparatively large number of trade unions in the French Settlements in Oceania show clearly that the provisions of the Convention are applied.

No observations have been received from the employers' and workers' organisations concerned.

#### *French Somaliland.*

Order No. 221 of 21 February 1954.

During the period 1953-54 application of the Convention was extended to French Somaliland in virtue of Decree No. 54-114 of 28 January 1954, which was promulgated by local Order No. 221 of 21 February 1954.

#### *French West Africa.*

General Order No. 1304 S.E.T. of 19 February 1954.

Application of the Convention was extended to French West Africa in virtue of Decree No. 54-114 of 28 January 1954, which was promulgated by General Order No. 1304 S.E.T. of 19 February 1954.

#### *Guadeloupe.*

The metropolitan regulations respecting occupational associations are applicable in the Overseas Départements. There are a large number of employers' and workers' associations in Guadeloupe.

No decisions have been given by the courts of law involving questions of principle relating to the application of the Convention. No observations concerning the application of the Convention have been made by the employers' and workers' organisations concerned.

#### *Martinique.*

Labour Code, Chapter 1, Book III.

The Convention is applied in virtue of the above-mentioned text. No decisions have been given by the courts of law and no observations have been made by the trade union organisations concerned.

#### *St. Pierre and Miquelon*

The Convention was made applicable to St. Pierre and Miquelon in virtue of Decree No. 54-114 of 28 January 1954, promulgated by local Order No. 118 of 11 March 1954.

The report refers to sections 3 ff. of the Labour Code for Overseas Territories.

#### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 88. Employment Service Convention, 1948

*This Convention came into force on 10 August 1950*

*Australia.* Ratification: 24 December 1949. No declaration on application.

*Belgium.* Ratification: 16 March 1953. Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 15 October 1952. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 7 March 1950. Applicable without modification: Surinam. Applicable with modification: Netherlands Antilles. Not applicable: New Guinea.

*New Zealand.* Ratification: 3 December 1949. Not applicable: Cook Islands, Tokelau Islands. Decision on application reserved: Western Samoa.

*United Kingdom.* Ratification: 10 August 1949. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man. No declaration on application: other British non-metropolitan territories.

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

*Australia.*

*Nauru.*

*Article 1 of the Convention.* The only employers in Nauru are the British Phosphate Commission, the Administration and the Nauru Local Government Council. The Administration deals with applications for employment and has an intimate knowledge of employment opportunities which may exist for the indigenous population. The labour available locally is insufficient to satisfy the needs of employers (particularly the British Phosphate Commission) and labour is imported. Employment for such labour is secured to them by contract before arrival on Nauru.

*Article 2.* The area of Nauru is only 8.2 sq. miles and "a national system of employment offices" is therefore not required. The Administrator is able to approve the employment of persons in the Administration and to make representations to other employers.

*Article 3.* The employment position and the industry of phosphate production are stable. There are no significant fluctuations in the demand for and supply of labour, but the question of employment opportunities is constantly under review by the Administrator.

*Articles 4 and 5.* The circumstances in Nauru do not require the appointment of *ad hoc* advisory committees. The Nauru Local Government Council, an elected body representative of the indigenous population, is competent to advise the Administrator on this question and avails itself of the constant opportunity to do so. The Nauruan Workers' Organisation, representative of Nauruan employees, also has consultations with

the Administration. Its executive is elected annually by its members.

*Article 6.* There is no unemployment insurance on Nauru, but owing to the general level of employment there is no unemployment of employable persons on the Island. Vocational training is provided under the auspices of the Education Department of the Administration and in co-operation with the British Phosphate Commission.

*Article 7.* Owing to the limited range of types of employer on the island, "specialised arrangements" are not necessary. The small population greatly simplifies the organisation required and enables special attention to be given to disabled persons and others of a special category seeking employment.

*Article 8.* Vocational guidance is given by the Education Department of the Administration and special classes are held for juveniles.

*Article 9.* There is no special employment staff in Nauru, as the size of the population and of the Administration renders this unnecessary as well as impracticable. The Native Affairs Officer, who is a Nauruan, has a specialised and intimate knowledge of requirements and opportunities, and acts as liaison officer with the indigenous population. He is a permanent employee of the Administration and is selected for appointment because of, among other things, his special knowledge of local conditions.

*Article 10.* The indigenous inhabitants are well informed of the availability of the services of the Native Affairs Officer and regularly make use of them. The smallness of the population and of the area in which they live render special publicity measures unnecessary.

*Article 11.* There are no private employment agencies.

The Administrator is responsible for the effective working of the arrangements described above and supervises the work of the officers concerned.

*New Guinea and Papua (First Report).*

The application of this Convention has not been extended to the territory. There are no territorial laws or administrative regulations in force specifically applying the provisions of the Convention.

The Native Labour Ordinance, 1950-1953, prohibits the employment of any Native except in accordance with that ordinance or any other ordinance which specially regulates Native employment.

*Article 1 of the Convention.* There is no public employment service in the territory, in which there is no known unemployment, especially in

relation to the Native population. All Native people are either landowners or have an interest in land or the usufruct of land and are under no economic necessity to seek employment. Non-Native workers are fully employed before entering the territory, having made all necessary arrangements with their future employers.

When the indications are that it would be desirable to extend the provisions of the Convention to the territory, either in whole or in part, or with any adaptation to meet local conditions, arrangements will be made to obtain the collaboration of the inhabitants and to secure full co-operation with public and private bodies in the organisation of the employment market. In the meantime, however, the territory is only in the initial stages of developing from the traditional Native social and economic systems.

Native labour is employed under appropriate legislation under the Native Labour Ordinance, 1950-1953. The principles of this legislation are—

(a) a Native shall not be employed except in accordance with the provisions of the Ordinance or any other ordinance specifically legislating for the employment of any class or group of Native people;

(b) no person shall engage a Native employee unless he holds an authorisation to do so except in respect of a Native who applies for employment;

(c) there is an absolute prohibition on the giving, offering and acceptance of any fees, bonuses, commission or consideration of any kind in respect of the engagement of any Native person as an employee, except for salary, wages and expenses;

(d) amongst other things there are restrictions on the employment of Native people who are not in good health or who are under the age of 16 years;

(e) the working hours of employees and obligations of the employer in regard to minimum wages, rations, clothing equipment and accommodation and medical treatment for himself, his wife and family are prescribed;

(f) compensation in respect of death or injury sustained by an employee is prescribed by ordinance;

(g) the recruiting of Natives for employment, except where they offer voluntarily for work, is rigorously controlled and in certain circumstances the Administration may act in the interests of the population of a geographic area to prohibit or restrict, under specified conditions, the employment of Native people from the area.

**Article 2.** No internal system of employment offices, as such, exists for non-Native workers, because in the circumstances of the territory such a system is not necessary, especially as the basis for the admission of immigrant workers is that their return passage is assured, and in the event of unemployment and other contingencies, their return to Australia is provided for.

In so far as the Native people are concerned, the Department of District Services and Native Affairs, with offices in every part of the territory, is the authority responsible for the over-all control and administration of the labour system, including the over-all control of recruiting or engagement of employees and casual workers. While not operat-

ing an organised employment service, the Department helps to place workers or find skilled artisans in appropriate circumstances.

**Article 3.** The system is as described in the remarks under Article 2. The organisation is constantly under review and, as is necessary, is adapted to changing conditions.

**Articles 4 and 5.** The provisions of these Articles have no application to existing conditions in the territory.

**Article 6.** The Department of District Services and Native Affairs is the responsible authority for the over-all control of the recruitment and employment of labour, and in respect of clauses (a) and (c) carries out functions similar to those required, but there is no organisation as envisaged by this Article.

It is stressed that in so far as the Native peoples are concerned, there is no unemployment and Native workers prefer to find their own employment. The Department, through its offices, does, however, as required, take action similar to that required under clauses (a) (iii) and (iv). The Department also performs the functions required by section (c).

As regards clause (b) (i), (ii) and (iii), the Department of District Services and Native Affairs exercises over-all supervision of the employment and repatriation of Native labour, and would facilitate the movement of workers within the Territory, as required.

With regard to clause (b) (iv), it is not the policy of the Government to recruit workers from outside the territory, except professional and technical personnel. The movement of Native workers to places outside the territory is granted for temporary periods of absence only. Such movements are usually for crews of vessels registered in the territory, or for domestic or educational purposes. This requirement does not apply within the territory.

With regard to clause (d) of this Article, medical benefits and hospitalisation are entirely free for the Native community. Traditionally, Native society provides for the aged and indigent, the orphaned and the widowed. Provision exists where necessary for pensions and other social security assistance to be extended on an *ex gratia* basis in special cases not adequately provided for in the traditional way.

With regard to clause (e), this is a constant preoccupation of the organs of the Administration. It has not been found necessary to introduce any forms of assistance in the terms of the Article for non-Native people.

**Article 7.** There is not a demand or a need for such measures in the present stage of development of the territory.

**Article 8.** See under Article 7.

No Native person under the age of 16 years may be engaged in any form of employment, except that under the Native Apprenticeship Ordinance, 1951-1952, the apprenticeship of a Native of 15 years of age may be authorised.

**Articles 9 and 10.** There is no employment service as envisaged by the Convention, but the officials of the Department of District Services and Native Affairs, who are responsible for the admi-

nistration of labour employment of the Native population, are members of the Public Service of the territory and are trained in their tasks.

*Article 11.* There are no employment agencies or activities in the territory not under the direct supervision of the Administration.

Over-all supervision and control of the employment of Native people is exercised by the Department of District Services and Native Affairs. This Department maintains offices in every part of the territory. All district commissioners and all field officers, together with specially appointed Native labour inspectors of the Department, supervise and enforce the labour legislation. There is no system of public employment offices.

No statistical information as requested in the report form is tabulated by the Administration.

No territorial court of law or other court has given any decision relating to the application of the Convention.

No organisations of employers or workers have submitted any observations regarding the Convention.

#### *Norfolk Island.*

In view of the smallness of the territory and the self-employed nature of the community, this Convention would have no application.

#### *France.*

##### *Algeria (First Report).*

Decree of 6 June 1946 to make applicable to Algeria the provisions of Ordinance No. 45-1030 of 24 May 1945 (L.S. 1945—Fr. 7), and the provisions of the Decree of 23 August 1945 respecting the placing of employees and the supervision of employment.

Order of 23 December 1946 to establish the methods for applying to Algeria the provisions of Ordinance No. 45-1030 of 24 May 1945, and of the Decree of 23 August 1945 issued in application of section 11 of Ordinance No. 45-1030.

Order of 22 February 1951 to issue regulations for manpower offices in Algeria.

Order of 20 April 1951 respecting the reorganisation of the labour and manpower inspection services.

Order of 27 August 1951 respecting the reorganisation of the advisory committees set up under the departmental labour and manpower directorates.

Order of 5 March 1952 respecting the reorganisation of the external labour and manpower services.

Circular of 1 July 1952 to prescribe the organisation and activities of the manpower services.

Circular of 17 February 1954 respecting the vocational reclassification of physically handicapped persons.

In each département the manpower offices responsible for the placing of workers are under the authority of the departmental manpower service, and subject to the supervision of the departmental labour and manpower director. The departmental labour and manpower directorates are under the supervision and authority of the Labour and Social Security Directorate of the Governor-General of Algeria.

In each district there is an office, the size of which varies according to the density of the active population and the activities of the economic activities of the sector concerned. Because of the dissemination of undertakings and workers in rural communes, and the difficulties of moving workers, there are not adequate reasons for setting up a number of local offices; where such is the case the Mayor, by virtue of section 85 of Book I of the Labour Code, is responsible for opening a

register which may be used free of charge by the public and the purpose of which is to record vacancies and applications. An appendix to the register contains a list which classifies each notice, and employers and workers are at liberty to add notices of their vacancies or applications; copies of such notices must be forwarded to the nearest manpower office within three days of receipt.

The advisory committees set up under the prefects are responsible for supplying the departmental labour and manpower directorate with all information relating to the employment market, and in particular the branches of occupational activities in which there is a surplus or a shortage of manpower. These committees act in an advisory capacity as regards any appropriate measures to be taken to ensure the full utilisation of all available manpower, and the reclassification of unemployed workers. The committees also make any proposals they consider useful as regards the general operation of the manpower service. The above-mentioned Order of 27 August 1951 establishes the composition of each advisory committee. The advisory committee is obliged to meet every three months and may be convened whenever its advice is required. On the recommendation of the committee and after consultation with the departmental director of labour and manpower, prefectural orders may be issued to set up special committees for the purpose of examining essential questions relating to manpower, vocational training and unemployment.

The placing of workers is handled in each office by one or several officials who are responsible for collecting information regarding applications and vacancies, and for selecting suitable applicants for the vacant posts. On the basis of the progress made in placing workers it is possible—by means of organising a system of estimating vacancies—to establish constant relations with employers who, as the result of visits by the manpower controllers, apply to the manpower services when they are in need of skilled workers. Employers are kept informed as regards available manpower registered with the office, and in turn give information regarding conditions of work and employment in their undertakings. As applications are submitted by the workers themselves, the registration of the latter is a twofold process, consisting of the drafting of the registration form and the recording on a card of the details supplied by the worker as regards his civil status, his past records, references and experience. This card is classified and the application entered in a register. The recording of vacancies is ensured by the preparation of a card which includes details by which the undertaking is able to check the information regarding the description of the job in question. Where the official in charge of placing decides that a trial period is advisable, he gives the worker a card of introduction to the employer, who is required to return it to the office and to state whether the applicant has been accepted or refused. The trial period is recorded on the corresponding application or vacancy card. Where the responsible official is unable to supply a worker for a given vacancy he is required to make use of the departmental regional or national manpower service.

It has not been considered necessary to set up special offices for the placing of workers in categories

for specific occupations, or in the manpower office to divide among several officials the duties connected with placing operations limited to specific branches of activities; neither the size of the various economic sectors nor the volume of placing operations to be effected would justify specialised work of this kind.

There is a placing service for physically handicapped persons and a committee known as a "Guidance Committee" which is responsible for making use of the results of medical and psycho-technical examinations for the reclassification of persons suffering from physical defects. There are several aspects to the problem of physically handicapped persons. As regards persons suffering from some physical defect, it is possible in the majority of cases to ensure for them physical rehabilitation and occupational reclassification, better conditions of life in general and new prospects for the future.

The manpower offices endeavour above all to direct to the guidance and selection centres young persons who are capable of carrying out qualifying periods in vocational training centres. The staffs of the manpower services comprise a group of controllers and a group of administrative officers as well as office assistants. The staff regulations for the manpower service are at present being examined by the Ministry of Labour.

Contacts made in the advisory committees with employers' and workers' representatives have made it possible to realise the advantages to be derived by undertakings and by workers in making use of the employment service. There are no private employment offices and the provisions relating to the supervision of employment and placing are applicable in all regions of Algeria. The supervision of the manpower service is assured at different levels by the third bureau of the directorate of labour and social security of the Government of Algeria, by the divisional labour and manpower inspection service, and by each departmental labour and manpower directorate. The permanent management and supervision of the placing offices is ensured by each departmental manpower service.

There were no important changes in 1953 as regards the situation of the employment market (which is being dealt with in a monthly report) as compared with the year 1952. Recent placing operations, together with direct engagement of workers by undertakings, have made it possible to meet a considerable number of registered applications so that the percentage of vacancies filled exceeds that of unfilled vacancies, even in skilled occupations. The number of vacancies and applications totalled 31,916; of this number, 10,376 vacancies were filled and 8,796 workers were placed in employment.

No actions were brought before the courts as regards the application of the provisions relating to the supervision of employment.

#### *Cameroons (First Report).*

Act No. 51-1322 of 15 December 1952 (sections 174 to 178) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Local Order of 4 November 1953 to establish a manpower office in the Cameroons.

The services of the manpower office are free of charge. It is unlawful to offer or give to any

person connected with a manpower office, or for such person to receive, a reward of any kind. In the regions where a manpower office is established, no private placing bureau or office shall be maintained or opened except by the trade unions.

The staff of the office is selected from among the administrative services. The Inspector General of Labour and Social Legislation in the territory is entrusted with the control of the office from the technical and administrative point of view. The office is likewise under the supervision of the Director of Financial Control in the territory. In the accomplishment of their duty, the manpower office and its local branches collaborate with services or public institutions in any way concerned with manpower questions, and especially with services responsible for vocational guidance.

#### *French Equatorial Africa (First Report).*

General Order of 26 December 1953 concerning the general organisation of the manpower offices in French Equatorial Africa.

Local Order of 13 May 1954 to set up a manpower office in Ubanghi-Shari.

Order of 26 May 1954 to regulate the proportion of foreign wage earners who may be employed in undertakings of the Middle Congo.

Order of 24 February 1953 to prescribe a general census of the occupational activities carried out in French Equatorial Africa, with the assistance of a paid staff.

Orders for the application of sections 174 to 178 of the Overseas Labour Code have been made as regards the workers' employment service.

#### *French Guiana (First Report).*

The metropolitan Labour Code has been extended to this territory, and the information respecting the application of the Convention in France is also valid.

No decision relating to the Convention has been taken by any court of law.

#### *French Settlements in Oceania (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 174 to 179) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

The regional manpower office provided for by the legislation has not yet been set up because of budgetary difficulties at present being experienced by the administration of the territory. The labour inspection service has requested that provision be made in the 1955 budget for the establishment and operation of the above-mentioned office.

A single employment office situated in Papeete will be sufficient for the whole territory; the managing board of this office will be responsible for assuring collaboration between employers and workers. The director of the office will in fact be an established administrative assistant who has served a probationary period in the Labour and Social Legislation Inspection Service; the regional manpower office will be under the authority and control of the permanent Inspector of Labour and Social Legislation.

The French Settlements in Oceania represent a very small territory where employers' and

workers' representatives know each other very well; this fact facilitates voluntary collaboration and does not make the setting up of the manpower office a matter of pressing necessity. At present there are no employment offices in the territory; the problem of placing workers arises only for the town of Papeete; the workers' organisations have requested that the manpower office be set up in due course.

#### *French Somaliland (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 174 to 176) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Order of 6 April 1954 to organise a territorial Manpower Office in French Somaliland.

The Manpower Office in French Somaliland which is being established is responsible for all matters relating to the utilisation and distribution of manpower. For this purpose, it examines the economic and social possibilities of the local employment market and makes the necessary proposals. It assembles and keeps up to date information on the condition of the labour market; it receives offers of and applications for employment, and for placement, makes out workers' files and issues employment cards. The Office makes decisions regarding applications for visas for labour contracts and carries out the operations of bringing in and repatriating outside labour. Attached to the Office is the Manpower Committee composed of nine members, three representing the administration, three workers' representatives and three employers' representatives. This committee regulates all matters concerning the office at its meetings. The Inspector for Labour and Social Legislation whose presence is compulsory at meetings of the Manpower Committee, ensures the control of the Office from the technical, administrative and financial points of view.

During the period under review no court decisions were given concerning the application of the Convention and no observations regarding the practical application of the provisions of the Convention were made by any workers' or employers' organisations.

#### *French West Africa (First Report).*

General Order of 19 October 1949 to establish a federal placing office in French West Africa.

General Order of 9 December 1953 concerning the general organisation of manpower offices in French West Africa.

Order of 8 January 1954 to establish a manpower office on the Ivory Coast and to determine the composition of its managing board.

Order of 23 February 1954 concerning the appointment of the members of the managing board of the manpower office on the Ivory Coast.

Order of 24 June 1954 to appoint a director of the manpower office on the Ivory Coast.

Order of 5 February 1954 to establish the seat and the territorial jurisdiction of the manpower office in Dahomey.

Order of 4 June 1954 to establish the seat and the territorial jurisdiction of the territorial manpower office in French Sudan.

Order of 4 June 1954 concerning the composition of the managing board of the territorial manpower office in the Sudan.

On 30 June 1954 the manpower offices in the other territories of French West Africa were in course of establishment. The Labour Code con-

tains provisions designed to stimulate the employment and re-employment of workers. Three types of employment offices for workers are thus established: a central manpower office attached to the General Inspectorate of Labour and Social Legislation of Overseas France; manpower offices with territorial jurisdiction; regional manpower offices.

The manpower offices are charged with all matters relating to the utilisation and distribution of manpower and with the application of the policy established by the chief officer of the territory in accordance with the decisions and under the supervision of the Inspector of Labour and Social Legislation.

The work of the office is directed by a managing board consisting of equal numbers of administrative representatives and employers' and workers' representatives appointed for a period of two years by the chief officer of the territory. A director appointed by the chief officer of the territory on the recommendation of the managing board ensures that the decisions of the latter are carried out. The office enjoys legal status and financial autonomy. Expenditure for which there are no employers' contributions is covered by a grant from the territory and by means of gifts and legacies.

The establishment of the manpower offices and the determination of the seat and territorial jurisdiction of the manpower offices, the composition of the managing board and the appointment of the director of the office are the subject of orders of the chief officer of the territory. These orders are at present in preparation.

Under the terms of section 172 of the Overseas Labour Code, 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 relevant particulars as to the civil status and identity of the worker, his occupation, the jobs which he previously held and, in appropriate cases, his original place of residence, the date of arrival in the territory, the date of engagement and the name of his previous employer.

The above information, which must be supplied upon the engagement or termination of employment, 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.

#### *Guadeloupe (First Report).*

The regulations in force in metropolitan France with regard to the employment service are also applicable in the Département of Guadeloupe. Applications for employment and vacancies are registered by the Departmental Directorate of Labour and Manpower in Basse-Terre and at the Labour and Manpower Inspectorate at Pointe-à-Pitre. In Basse-Terre the employment service is in the hands of an assistant supervisor of the Labour and Manpower Service, at Pointe-à-Pitre it is ensured by a chief clerk. There is no departmental chief of service for manpower and



the departmental manpower commission is now being set up. There are no private employment offices.

The activities of the employment service are limited. During the period under review Martinique supplied Guadeloupe with a few dozen seasonal workers for the sugar harvesting. During this period the employment service received a total of 243 requests for employment, of which 68 were made by workers resident in metropolitan France. A total of 30 vacancies were notified and 24 placings were made; the employment service approved 602 contracts for foreign workers, most of whom were agricultural workers. The discrepancy between the number of applications for employment and the number of vacancies is due to the small number of openings in branches other than agriculture and by the fact that direct recruitment is very common as a result of the small size of the territory and its dense population.

During the period under review no decisions involving questions of principle relating to the application of the Convention were given by courts of law. The workers' organisations request that the regulations concerning assistance to unemployed workers should be extended to Guadeloupe.

#### *Madagascar (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 174 to 178) to set up a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Local Decision of 12 December 1949.

The employment service, whose activities extend to the whole territory, is placed under the permanent authority and supervision of the labour and social legislation inspectorate; pending the setting up of manpower offices under the employment service as provided for in section 174 of the Act of 15 December 1952 the employment service in Madagascar is constituted as follows: at the territorial level there is the employment bureau of Tananarive, which centralises all the applications and vacancies notified, whether they come from abroad (Europe, North Africa, other Overseas Territories, Réunion and Mauritius) or from the territory itself (all the regions of Madagascar); at the provincial level it consists of the labour inspection bureau in each provincial capital (five bureaux) and at the district level it consists of the chief officer of the district (80 bureaux).

The bureau publishes a monthly bulletin which is distributed both inside the territory and abroad.

Administrative funds permit the working of the Tananarive bureau, which has been directed during recent years by a European with an indigenous secretariat.

Employers' and workers' representatives are particularly interested in the working of the employment bureau. The 12 advisory labour commissions in Madagascar are also concerned with the placement operations.

Employers' and workers' organisations are in constant touch with the employment bureau and inform it of the movements and fluctuations in the labour market.

No decisions have been given by courts of law with regard to the application of the Convention.

#### *Martinique (First Report).*

Labour Code, Book I, sections 79 to 82 (a).  
Ordinance of 24 May 1945.

There is only one employment office in the chief town of the département; in the communes the local municipalities have been requested to collaborate, but without much success so far. The employers' and workers' representatives do not co-operate in the organisation or working of the employment service.

The employment service falls under the direct authority of the departmental director of labour and manpower. Statistics concerning applications for employment, vacancies and placements are indicated in the report on the application of Convention No. 2.

No decisions have been given by the courts of law.

#### *Morocco (First Report).*

There is a manpower office in Morocco as well as free public employment exchanges. The provisions of Articles 1, 2 and 3 (paragraphs (a) and (b)) of the Convention are applied in practice. The collaboration extended by the workers and employers to the employment service depends on the development of the right to form associations, particularly in so far as this extends to Moroccans; this extension is delayed because of the evolution of the trade unions, which is concerned with political questions.

Neither the manpower office nor the employment exchanges assist other bodies in the preparation of social and economic plans drawn up with the view to improving the employment situation. The employment exchanges of Casablanca, Meknes and Oujda are under the supervision of a labour inspector. The others are part of the municipal offices directed by a municipal official; in places where there are no municipalities the placement of workers is ensured by the local control authorities.

#### *New Caledonia (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 174 to 178).

The report quotes the text of sections 174 to 178 inclusive (on the organisation of manpower offices) of the Act of 15 December 1952.

No decision to set up a manpower office has yet been taken, partly because of the favourable position on the employment market in New Caledonia, and partly because of budgetary considerations. Workers are placed by the Inspectorate of Labour and Social Legislation, in co-operation with various other agencies. The Inspectorate is also responsible for supervising the occupational classifications fixed by collective agreement. Apart from the Inspectorate of Labour and Social Legislation, New Caledonia has a municipal employment office in the town of Nouméa. In 1954 the Inspectorate of Labour registered 280 applications for employment, and the office in Nouméa 150. Almost all the applications were met, except about 20 from metropolitan France and countries overseas. No decision relating to the application of the Convention has been given by any court of law or other court.

In present circumstances there would not appear to be any real need to set up a manpower office.



The Inspector of Labour, who is in direct and regular contact with the workers and heads of undertakings, has every opportunity of effectively screening vacancies and applications.

The report has been communicated to the employers' and workers' organisations concerned.

*Réunion (First Report).*

See under *French Guiana*.

*St. Pierre and Miquelon (First Report).*

Local Order of 14 August 1954.

A manpower office has been set up in virtue of the above-mentioned Order.

*Tunisia (First Report).*

A manpower service was set up in 1949; it has been functioning since then with very limited finances and has not therefore been able to set up a network of local offices in sufficient number, as required under Article 3 of the Convention. The development of public placement activities is opposed by the traditional system of direct recruitment which it is difficult to reform or change. The considerable effort made to this effect has given some results in Tunis itself, where an employment exchange has existed for a number of years and has been developed progressively and satisfactorily. However, the situation is not so favourable in places other than the capital city and its suburbs.

Nevertheless, the organisation of the employment market is making rapid progress at present. Practical measures have been taken, particularly with a view to extending the publication of applications for employment and vacancies notified, by means of posters and through the newspapers and, in the near future, by means of broadcasting; to indicate the statistics of the manpower requirements in various categories of undertakings; to encourage apprenticeship, the advancement of workers and, more generally, improvement in occupational qualifications; to examine the problems of vocational guidance of young persons in relation to manpower problems; to send trainees wishing to improve their technical training to metropolitan France, etc. In spite of this progress the Tunisian manpower service, which consists of only one public employment office, is not yet in a position to ensure a better organisation of the employment market.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 22 of 23 November 1951.

Decrees Nos. 145 and 186 of 1 December 1951 and 29 November 1952 respectively, to establish labour offices.

Under the above-mentioned Decrees, labour offices were established in the districts of Mogadiscio, Villabruzzi, Merca, Brava, Margherita, Chisiamio, Bosasso, Candala and Alula. The functions of labour offices are as follows:

(a) to collect information required for the study of social problems in their respective areas, with particular reference to labour relations and employment;

(b) to find employment for workers, and to this end to collect information on local manpower,

preparing lists of the workers living in their respective areas according to their occupations, and keeping these lists up to date;

(c) to keep a register of apprentices, in which all persons who have reached the age of 13 may be registered, and to give the latter protection and assistance;

(d) to issue, free of charge, work cards or books to registered workers, thus guaranteeing their rights and attesting their occupational qualifications;

(e) to act as arbitrators in labour disputes between employers and workers whenever requested to do so;

(f) to endeavour to prevent labour disputes and promote an amicable settlement of those which do occur. In this connection, the parties to a dispute are required to submit it to the Labour Office for amicable settlement before appealing to the judiciary authorities;

(g) to supervise the employment of workers, and the proper fulfilment of employment contracts;

(h) in agreement with the freely constituted occupational organisations concerned, to provide protection and assistance for workers, and promote collective labour agreements between employers' and workers' organisations;

(i) to ensure that the laws and regulations concerning conditions of work, particularly hours of work, work of women and young persons, labour safety and accident prevention are fully observed, and that regulations concerning insurance and social assistance are applied;

(j) to take responsibility for the technical content of the syllabuses of vocational training schools and courses;

(k) to supervise all institutions providing recreation for workers or aiming at their spiritual and cultural betterment, with a view to improving their social status.

Ten vocational training courses have been established for the training of skilled workers.

The authorities responsible for the application of the provisions above are the Directorate of Economic Development, and more particularly the Central Inspectorate of Labour and its regional branch offices.

No workers' organisations or employers have sent in any comments on the application of these provisions.

No decisions by courts of law were brought to the notice of the Government.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.*

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

89. Night Work (Women) Convention (Revised), 1948<sup>1</sup>

*This Convention came into force on 27 February 1951*

*Belgium.* Ratification: 1 April 1952. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 21 September 1955. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 22 October 1954. No declaration on application.

*New Zealand.* Ratification: 10 November 1950. Not applicable: Cook Islands, Tokelau Islands. Decision on application reserved: Western Samoa.

*Union of South Africa.* Ratification: 2 March 1950. Not applicable: South West Africa.

*United Kingdom.*<sup>2</sup> No declaration: Channel Islands, the Isle of Man. Decision on application reserved for all other British non-metropolitan territories.

<sup>1</sup> This Convention revises the 1919 and 1934 Conventions. See Conventions Nos. 4 and 41.

<sup>2</sup> Unratified Convention: see footnote to Convention No. 3.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

No difficulties were encountered in the application of the Convention, which has been applied in the same manner during the past five years.

On 29 March 1954 the application of Convention No. 89 was extended to the Belgian Congo and to Ruanda-Urundi.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 4 of 27 February 1954, concerning the protection of the health of women.

The above ordinance, which came into force on 24 March 1954, covers every form of women's work. Consequently no list of industrial undertakings to which it applies has been drawn up, and no dividing line separating industry from commerce and agriculture has been defined.

The term "night" has been defined in this ordinance as 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. According to the provisions of the ordinance, women, without distinction of age, may not be employed during the night in any industrial undertaking or branch thereof other than an undertaking in which only members of the same family are employed. This prohibition does not apply to women engaged in managerial, health or welfare work and not performing manual labour.

The prohibition of the employment of women during the night does not apply in cases of *force*

*majeure* duly certified by the Inspectorate of Labour, or in cases where the work has to do with raw materials or materials in process of treatment which are subject to rapid deterioration, when such night work is necessary to preserve such materials from certain loss. The prohibition is also not enforced in cases of work performed on a continuous basis and considered essential to the economy of Somaliland, where the permission of the Central Inspectorate of Labour has been obtained. The inclusion of work performed on a continuous basis in the list of exceptions was considered necessary to allow for the possibility that Somaliland might cover all her domestic needs, especially in the textile field, with the limited industrial equipment at her disposal.

The authorities responsible for the application of the above-mentioned provisions are the Directorate of Economic Development and, more particularly, the Central Inspectorate of Labour and its regional branch offices.

No workers' organisations or employers have sent in any comments on the application of these provisions.

No decisions by courts of law were brought to the notice of the Government.

*New Zealand.*

*Cook Islands.*

There are in the Cook Islands only three small factories, one of which has not been working during the year under review. The Administration keeps a close watch on the development of secondary industry in Raratonga; and it is not considered that the promotion of the legislation necessary to give effect to this Convention would yet be warranted.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

*Union of South Africa.*

*South West Africa.*

The position has altered to the extent that night work for women in "factories" has been prohibited by the Factories, Machinery and Building Work Ordinance, 1952.

The reports concerning other territories reproduce or refer to the information previously supplied.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948<sup>1</sup>

*This Convention came into force on 12 June 1951*

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*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 20 October 1954. No declaration on application.

*United Kingdom.*<sup>2</sup> No declaration: Channel Islands, Isle of Man, British Somaliland. Decision on application reserved for all other British non-metropolitan territories.

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<sup>1</sup> This Convention revises the 1919 Convention. See Convention No. 6.

<sup>2</sup> Unratified Convention: see footnote 2 to Convention No. 3.

*Italy.*

*Trust Territory of Somaliland (First Report).*

Ordinance No. 12 of 28 June 1953.

The above-mentioned Ordinance, which came into force on 15 August 1953, covers the night work of young persons in all types of employment. Consequently no list of industrial undertakings to which it applies has been drawn up and no line of division separating industry from commerce and agriculture has been defined.

The Ordinance provides that young persons under 18 years of age shall be granted nightly rest periods of not less than 11 hours between 6 o'clock in the evening and 5 o'clock in the morning. If work is stopped half-way through the working day, the nightly rest period may be reduced to less than 11 hours, provided that a compensatory rest period is allowed during the day. During the period under consideration no industry made any reduction in the length of the nightly rest period.

The prohibition of night work, according to the above Ordinance, does not apply to young persons of 14 years of age or over in cases of *force majeure* interfering with the normal functioning of the undertaking. In such cases, the employer must immediately report the matter to the regional inspectorate of labour indicating the conditions which have given rise to the state of *force majeure*,

the numbers of young persons employed, the hours of work fixed and the period during which the night work is expected to be necessary. He must also inform the inspectorate of the date on which night work is stopped. The inspectorate is empowered to order a reduction or cessation of night work. However, an appeal against such orders may be made to the Central Inspectorate of Labour. The regional inspectorate of labour is empowered to authorise the employment of young persons between 14 and 18 years of age at night in the event of particularly grave circumstances arising, when the public interest so requires, when the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when such night work is necessary to preserve the materials from certain loss. However, no such cases have occurred. It has been considered desirable to fix the age limit at 14 years (instead of 16 as fixed in the Convention) on account of the precocity of the population of Somaliland. The authorities responsible for the application of the provisions above mentioned are the Directorate of Economic Development and more particularly the Central Inspectorate of Labour and its regional branch offices.

During the period under consideration the inspections carried out by the supervising authorities did not reveal any failure to apply the Convention and also showed that no industry had made any reduction in the length of the nightly rest period. No provisions other than those above mentioned are considered necessary to specify the activities in which exemptions from the prohibition of the employment of young persons under 18 years of age in night work are admissible.

No workers' organisations or employers have sent in any comments whatever on the practical application of these provisions.

No decisions by courts of law were brought to the notice of the Government.

92. Accommodation of Crews Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 29 January 1953*

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*Denmark.* Ratification: 30 September 1950. No declaration on application.

*France.* Ratification: 26 October 1951. No declaration on application.

*Portugal.* Ratification: 29 July 1952. No declaration on application.

*United Kingdom.* Ratification: 6 August 1953. No declaration on application.

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<sup>1</sup> This Convention revises the 1946 Convention. See Convention No. 75.

*Denmark.**Faroe Islands (First Report).*

Ministry of Commerce Notification No. 9 of 24 January 1953 respecting accommodation on board ships.

The Government states that the Convention is applicable to the Faroe Islands. The information given in the report for the metropolitan territory for the period July 1953-June 1954 also holds good in the case of the Faroe Islands, and the same legislative provisions as mentioned in that report are also applicable in that territory.

The Danish metropolitan authorities (ships' inspection service) are responsible for the observance of the regulations.

*Greenland (First Report).*

No regulations exist as yet governing the questions dealt with in the Convention. The Government refers to the report on the application of Convention No. 15 to Greenland, from which it will be seen that there is at present no practical need for the introduction of provisions similar to those of the Convention.

*France.**Cameroons (First Report).*

This Convention can only be applied in a very modified form in the Cameroons for the following reasons: there are no vessels over 500 tons navigating in local waters; persons employed in all harbour installations sleep ashore.

All trawlers navigating in the Cameroons have been built in France and comply with the requirements of the Act of 16 June 1933 concerning security, hygiene and fitness for habitation on board merchant vessels, fishing vessels and pleasure boats.

*French Equatorial Africa (First Report).*

See legislation under Convention No. 55.

*French Settlements in Oceania (First Report).*

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

The report states that the provisions of Articles 1, 2, 5, 7, 9, 17 and 19 of the Convention are observed; the provisions of Articles 4, 6, 10, 11, 12 and 13 are inapplicable, and those of Articles 3, 8, 14, 15, 16 and 18 are of no interest for the territory.

*French Somaliland (First Report).*

The Convention has no local application, as no vessels are registered in Djibouti.

No observations regarding the practical application of the Convention were made by any workers' or employers' organisations.

*French West Africa (First Report).*

Act of 16 June 1933 respecting the safety of maritime navigation and hygiene on board merchant vessels, fishing vessels and pleasure boats.

The Act of 16 June 1933, extended to French West Africa, authorises the Shipping Registration Service to supervise crew accommodation on board and to ensure compliance with the normal requirements of hygiene and cleanliness.

*Madagascar (First Report).*

The Act of 6 January 1954 contains provisions similar to those dealt with in the Convention. It will be fully applied when the decrees to be issued thereunder, which are now being prepared, have been promulgated.

No decisions have been given by the courts of law.

*New Caledonia (First Report).*

Decree of 22 August and 18 September 1937 respecting the safety of maritime navigation and hygiene on board merchant vessels, fishing vessels and pleasure boats registered in the overseas territories.

These texts, which have already been communicated to the International Labour Office, respect the main provisions of the Convention. Exceptions have nevertheless been made by inspection committees in the light of local navigating conditions.

The responsibility for applying these regulations lies with the head of the maritime registration service. No decision relating to the application of the Convention has been given by any court of law or other court. The provisions of the above texts are applied in part aboard ships registered in New Caledonia.

*St. Pierre and Miquelon (First Report).*

Act No. 54-11 of 6 January 1954 respecting the protection of life at sea and accommodation on board maritime, fishing and pleasure vessels.

Order of 11 March 1954 to promulgate the Act of 6 January 1954 in St. Pierre and Miquelon.

Decrees of 22 August and 18 September 1937, promulgated in the territory in virtue of the Order of 16 January 1938.

Crew accommodation on board ships registered in the port of St. Pierre is regulated under the above-mentioned legislative texts.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 94. Labour Clauses (Public Contracts) Convention, 1949

*This Convention came into force on 20 September 1952*

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*Belgium.* Ratification: 13 October 1952. Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 20 September 1951. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 20 May 1952. No declaration on application.

*United Kingdom.* Ratification: 30 June 1950. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. No declaration on application: all other British non-metropolitan territories.

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

*France.*

*French Equatorial Africa.*

General Order of 26 December 1953 to prescribe the forms and types of contracts of employment and engagements for a trial period in French Equatorial Africa.

Sections 29 to 51 of the Overseas Labour Code apply to all contracts of employment.

In application of the provisions of section 34, a General Order of 26 December 1953 provides for the forms and procedure for drafting contracts of employment and engagements for a trial period in French Equatorial Africa.

A considerable number of notes and circulars to apply these provisions have been issued with regard to contracts made by a public authority.

*French Guiana.*

Decrees of 10 April 1937.  
Decrees of 13 June 1951.

The Convention is applied in the same way as in metropolitan France.

*French Settlements in Oceania.*

No collective agreements are in existence in the territory and no arbitration awards have been made. On the other hand, minimum wages are fixed by Order and are applicable to all workers.

This is also the case as regards hours of work, the compulsory weekly rest and holidays with pay. The legislative provisions or the regulations respecting industrial health and safety are applied as public law to all undertakings of any kind.

*Guadeloupe.*

Decrees Nos. 51-781 and 51-782 of 13 June 1951 to extend to the Overseas Territories the regulations applicable in metropolitan France with regard to labour clauses in contracts concluded by a public authority.

No decisions were given by the courts of law during the period under review involving questions of principle relating to the application of the Convention.

*Martinique.*

Decrees of 10 April 1937 to determine the conditions of work in contracts concluded in the name of the State, départements or communes.

The application of the three texts mentioned above is entrusted to the departmental directorate of labour and manpower. No decisions have been given by the courts of law and no observations have been made by the trade union organisations concerned.

*Italy.*

*Trust Territory of Somaliland (First Report).*

The report states that the Italian Trusteeship Administration will bear in mind the principles laid down in the Convention when drawing up any contracts which it may in future have to conclude, in so far as these principles can be given practical application within the territory.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 95. Protection of Wages Convention, 1949

*This Convention came into force on 24 September 1952*

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*France.* Ratification: 15 October 1952. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 20 May 1952. No declaration on application.

*United Kingdom.* Ratification: 24 September 1951. No declaration on application.

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*France.**Algeria (First Report).*

Sections 31-31zc, 43-51a, 60a-74, 75-78, 104-107 of Book I of the Labour Code.

Act of 27 July 1921.

Act of 23 April 1924.

Act of 4 April 1930.

Act of 4 March 1931.

Act of 5 February 1932.

Decree of 8 August 1935.

Act of 2 April 1937.

Act of 27 May 1941.

Act of 1 August 1941.

Decree of 5 June 1946.

Decree of 8 August 1950.

Act of 4 June 1952.

Act of 2 December 1953.

Sections 75 and 76 of Book I of the Labour Code prohibit "company stores". Section 77 defines the conditions of operation of railway "company stores".

Section 51 of Book I of the Labour Code prescribes that maximum deductions from wages must not exceed one-tenth of wages.

The rank of privileged creditor to which workers are entitled is applicable in respect of wages earned during the last 15 days of employment in the case of workers, during the last 30 days in respect of salaries earned by employed persons, and during the last 90 days in respect of commissions due to commercial travellers, representatives and wages due to seamen. These portions of wages, salaries and commissions must be paid regardless of any other debts, within ten days of an adjudication in bankruptcy or judicial liquidation.

Wages are paid twice a month at intervals of 16 days in the case of workers, once per month in the case of employed persons and once every three months in the case of commissions due to commercial travellers. The labour inspectors and the judicial authorities are entrusted with the application of the provisions of the Convention.

During the period under review, 11,089 infringements were reported; proceedings were instituted in 297 cases. These infringements concerned failure to apply the guaranteed minimum wage rate, to issue pay slips and to keep pay-books up to date.

*France.**Cameroons (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 91 to 111) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Local Order of 28 May 1953.

Local Orders of 1, 5 and 12 December 1953.

The regulation applies to all persons to whom wages are paid or are payable. Wages must be paid in legal tender, notwithstanding any agreement to the contrary (section 99 of the Act). It is unlawful to pay all or part of the wages in the form of alcohol or alcoholic liquors; likewise it is unlawful to pay all or part of the wages in kind (section 99 of the Act) except in the case where the employer provides accommodation in accordance with the provisions (sections 92 and 93 of the Act) for a regular worker who, not being in his place of origin or normal place of residence, is unable to obtain by his own efforts suitable

accommodation for himself and his family; and where the worker cannot by his own efforts procure for himself and his family a regular supply of essential foodstuffs.

The regulation does not permit payment of wages to persons other than the worker himself, who is entirely free to dispose of his wages as he thinks fit. Company stores are lawful if the following three conditions are fulfilled: that the workers are not obliged to obtain their supplies there; that goods are sold for immediate cash payment only and without profit; and that the accounts of the company store are subject to inspection by a supervisory committee elected by the workers.

The opening of a company store complying with the above conditions is subject to the authorisation of the chief officer of the territory, granted after receiving the recommendation of the Inspector of Labour and Social Legislation. The opening of a company store may be prescribed for any undertaking (sections 110 and 111 of the Act). No stoppages from salaries or wages are permissible, save by attachment or by voluntary assignment signed in the presence of the judge for the place of residence (or, in default of such judge, in the presence of the Inspector of Labour and Social Legislation) for the repayment of cash advances made by the employer to the worker. Payments on account of an uncompleted piece of work are not regarded as advances (section 107 of the Act).

The provisions in an agreement or contract which authorise other levies shall, *ipso jure*, be null and void.

Any sums withheld from the worker in violation of the above provisions bear interest payable to him at the statutory rate from the date on which they should have been paid and are claimable by him until the right is extinguished by negative prescription, the function of the prescription period being suspended during the currency of the contract.

No decisions were given by courts of law.

*French Equatorial Africa (First Report).*

Orders of 24 October, 22 November and 24 December 1953 and 21 February 1954, concerning the regular payment of wages, and wage slips.

Sections 91 and 111 of the Overseas Labour Code contain provisions relating to wages.

Some of these sections deal more specifically with the protection of wages: mode of payment, privileges and guarantees of wage debts, limitation of actions for recovery of wages, deductions from wages and company stores.

In each territory of French Equatorial Africa orders were made in 1953 and 1954 concerning the regularity of the payment of wages and concerning the wage zones and the minimum inter-occupational guaranteed wages.

*French Guiana (First Report).*

The Convention is applied in the same way as in metropolitan France, and the report for metropolitan France is consequently valid for the département.

*French Settlements in Oceania (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 91 to 111) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Order of 9 January 1944, to institute an individual pay slip and a register of payments and to determine the form for the slip and the conditions for exceptions thereto.

The report gives the provisions of sections 91 to 111 of the Act of 15 December 1952 (see also under *Cameroons*).

Except as regards certain points of detail, no observations were made by the employers' and workers' organisations concerned as regards the application of the regulations.

*French Somaliland (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 91 to 111) to Establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

The report comments on the provisions of sections 91 to 111 of the Act of 15 December 1952 (see also under *Cameroons*). The provisions concerning the protection of wages are applied without restriction to the whole territory.

No decision on questions of principle relating to the Convention was given by the law courts during the period under review.

The practical application of measures relating to the Convention is assured by periodic control of the employer's register in the undertaking and on the occasion of individual or collective disputes brought before the competent authorities.

No observations regarding the practical application of the provisions of the Convention were made by any employers' organisations.

*French West Africa (First Report).*

Local Orders in application of section 95 of the Labour Code (compulsory ration): Orders of 31 August and 29 December 1953 for Senegal, of 4 November 1953 for the Sudan, of 20 July 1953 for the Ivory Coast, of 15 July 1953 for Upper Volta, of 6 August 1953 for Dahomey, of 25 December 1953 for Mauritania.

Local Orders in application of section 95 of the Labour Code (housing): Order of 21 April 1954 for the Sudan, of 20 July 1953 for the Ivory Coast, of 15 July 1953 for Upper Volta, of 6 August 1953 for Dahomey, of 17 July 1953 for Niger.

Local Orders in application of section 100 of the Labour Code (exceptions to maximum intervals for payment of wages): Order of 21 January 1954 for the Sudan, of 22 December 1953 for French Guinea, of 8 October 1953 for the Ivory Coast, of 26 September 1953 for Upper Volta, of 30 March 1954 for Dahomey.

Local Orders in application of section 101 of the Labour Code (acceptance of the pay slip): Orders of 31 August 1953 for Senegal, of 4 November 1953 for the Sudan, of 12 December 1953 for French Guinea, of 8 October 1953 for the Ivory Coast, of 7 October 1953 for Upper Volta, of 30 September 1953 for Dahomey, of 2 December 1953 for Niger and of 25 September 1953 for Mauritania.

All provisions of the Protection of Wages Convention are applied in French West Africa and are given effect by the Labour Code and its orders of application.

Supervision of the application of the provisions is entrusted to the Inspectors of Labour and Social Legislation.

*Guadeloupe (First Report).*

The legislation in force in metropolitan France with regard to the protection of wages is applicable in the Département of Guadeloupe.

During the period under review no decisions were made by courts of law or other courts on questions of principle relating to the application of the Convention.

The application of the legislative provisions or regulations relating to the matters dealt with in the Convention have not given rise during the period under review to any observations from the labour inspection service of Guadeloupe, other than those relating to the keeping of pay-books and the delivery of a wage slip: the absence of the pay-book and the failure to deliver the wage slip are still reported in small undertakings.

No observations have been received by the service from the employers' or workers' organisations concerned, with regard to the practical application of the provisions of the Convention or the application of the legislation by which the observance of these provisions is ensured.

*Madagascar (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 91 to 111) to establish a Labour Code for the Territories and Associated Territories under the Ministry for Overseas France.

Order of 26 October 1953 to provide for an individual wage slip and a pay-book.

Order of 19 May 1954 to provide for the regular payment of wages.

The report refers to the provisions of sections 91 to 111 of the Act of 15 December 1952 (see also under *Cameroons*).

The local order of 19 May 1954 provides that all wages should be paid at least once a month.

The order of priority of privileged debts is as follows: legal costs, funeral expenses, expenditure for a fatal illness, wages for the past year and the year in course due to domestic servants and for the last six months due to workers and employees, supply of food, debts due to victims of accidents, family allowances.

In addition the unattachable portion of wages (section 104 of the Act) must be paid before any other debt (wages earned during the last fortnight and salaries earned during the last 30 days).

No decisions have been given by the courts of law during the period under review involving questions of principle relating to the application of the Convention.

*Martinique (First Report).*

Labour Code, Book I: sections 43 to 45 concerning the method of payment of wages; sections 46 to 49 concerning privileged debts; sections 50 and 51 (a) concerning the attachability of wages; sections 61 (a) to 73 (b) concerning the attachment and assignment of wages; and sections 75 to 77 concerning company stores.

Employees, agents and managerial staffs are frequently paid by means of bank cheques. There are practically no company stores.

The application of the text is entrusted to the departmental directorate of labour and manpower. No decisions have been given by the courts of law and the Convention is satisfactorily applied as a rule.

*Morocco (First Report).*

Dahir of 18 June 1936 respecting the payment of wages.  
Dahir of 7 June 1941 to regulate the attachment and assignment of wages.

The provisions of the texts in force are not applicable to agriculture, with the exception of those corresponding to Articles 10 and 11 of the Convention. Most of the labour legislation does not apply to agricultural workers and its extension to this category of workers is not envisaged at present.

*New Caledonia (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 102-111) on guarantees of wage debts, deductions from wages, and company stores.  
Orders of 17 October 1953 respecting pay slips and the keeping of employers' registers.

The texts of the above orders are appended to the report. No orders have been issued in connection with company stores, as no such stores have been opened in any undertaking in New Caledonia.

The number of contraventions reported is extremely small and the penalties imposed by courts of law have always been in accordance with the Convention. Wage disputes are almost always concerned with wage rates and compensation for overtime.

No decision relating to the application of these regulations has been given by any court of law or other court.

*St. Pierre and Miquelon (First Report).*

Act No. 52-1322 of 15 December 1952 (sections 91 to 111) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Measures relating to the protection of wages are applied in the territory in virtue of the above-mentioned legislative provisions.

*Tunisia (First Report).*

Decree of the Bey of 20 July 1950 respecting privileged debts and wage guarantees and the attachment and assignment of wages.

Decrees of 7 February 1940, 21 September and 26 October 1944 respecting the mode of payment, the regularity of payment and wage slips.

The provisions of the Decrees of 7 February 1940, 21 September and 26 October 1944 only apply to workers in industry, commerce and the liberal professions. Legislation respecting agriculture is being examined. As regards domestic servants, special legislation is not being considered at present in view of the local customs. In this case, as in that of agricultural work, the position in these trades is not such as to necessitate immediate and unconditional action by the legislator in the manner required under the Convention.

*Italy.**Trust Territory of Somaliland (First Report).*

The general legislation of Somaliland deals with the subject in accordance with the principles laid down in the Convention. Wages are payable in the legal currency of Somaliland only; even in agricultural undertakings the wages of the employees are paid in cash. Some undertakings grant benefits in kind (usually foodstuffs) in addition to wages. However, such benefits are not considered as forming part of the wage, but rather as a bonus granted to improve employment relations.

No deduction is made from the wages of Somali workers, even if they are required to be insured against industrial accidents and occupational diseases. All contributions to schemes of this kind are paid by the employer.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

The reports concerning the other territories reproduce or refer to the information previously supplied.

96. Fee-Charging Employment Agencies Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 18 July 1951*

*France.* Ratification<sup>2</sup>: 10 March 1953. No declaration on application.

*Italy.* Ratification<sup>2</sup>: 9 January 1953. No declaration on application.

*Netherlands.* Ratification<sup>2</sup>: 20 May 1952. No declaration on application.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 2.

<sup>1</sup> This Convention revises the 1933 Convention. See Convention No. 34.

<sup>2</sup> Part II



97. Migration for Employment Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 22 January 1952*

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*Belgium.* Ratification: 27 July 1953. Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 29 March 1954. No declaration on application.

*Italy.* Ratification: 22 October 1952. No declaration on application.

*Netherlands.* Ratification: 20 May 1952. No declaration on application.

*New Zealand.* Ratification: 10 November 1950. Not applicable: Tokelau Islands. Decision on application reserved: Cook Islands, Western Samoa.

*United Kingdom.* Ratification: 22 January 1951. No declaration on application.

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<sup>1</sup> This Convention revises the 1939 Convention. See Convention No. 66.

*Italy.*

*Trust Territory of Somaliland (First Report).*

The subject is considered of no importance in Somaliland, as no reports have been received of Somali workers emigrating in search of employment, or of alien workers immigrating into Somaliland. Consequently, it is considered unnecessary to take any action to give effect to this Convention.

*Netherlands.*

*Netherlands Antilles.*

No legislation exists for the application of the provisions of the Convention. In respect of Article 1, no data are available. For the purposes of Article 2, employment offices exist in the islands of Curaçao and Aruka.

*Netherlands New Guinea.*

See under Convention No. 2.

*New Zealand.*

*Cook Islands.*

The Social Policy (Non-Metropolitan Territories) Convention, 1947, which was recently ratified by the New Zealand Government, has been applied to the territory and there is full compliance with the provisions of Convention No. 97, which concerns migrant workers.

See also under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 98. Right to Organise and Collective Bargaining Convention, 1949

*This Convention came into force on 18 July 1951*

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*Belgium.* Ratification: 10 December 1953. Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 26 October 1951. No declaration on application.

*United Kingdom.* Ratification: 30 June 1950. Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man. No declaration on application for all other British non-metropolitan territories.

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

*France.*

*French Equatorial Africa.*

Sections 3 to 28 of the Labour Code deal with trade unions and occupational associations, and sections 68 to 86 with collective agreements.

*French Settlements in Oceania.*

The protection of the right to organise trade unions, provided for by the Overseas Labour Code,

is ensured by the Inspector of Labour and Social Legislation and by the Public Attorney. Representatives of employers' and workers' organisations meet frequently during the meetings of the Advisory Labour Committee, where they have an opportunity of discussing the establishment and elaboration of collective agreements.

*St. Pierre and Miquelon.*

Act No. 52-1322 of 15 December 1952 (section 74) to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France.

Local Order of 22 July 1954 to determine the conditions for the registration and publication of collective agreements in the territory of the Islands of St. Pierre and Miquelon.

Section 74 of the Act of 15 December 1952 provides for freedom of association and freedom of opinion for the workers.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

*This Convention came into force on 23 August 1953*

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*France.* Ratification: 29 March 1954. No declaration on application.

*Netherlands.* Ratification: 11 June 1954. No declaration on application.

*New Zealand.* Ratification: 1 July 1952. Applicable without modification: Cook Islands. Not applicable: Tokelau Islands. Decision on application reserved: Western Samoa.

*United Kingdom.* Ratification: 9 June 1953. No declaration on application.

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The New Zealand Government considers that the Cook Islands Industrial Union Regulations, 1947, make possible full conformity with the terms of the Convention and that the above regulations provide adequate minimum wage fixing machinery applicable to all types of employment.

*Western Samoa.*

See under Convention No. 1.

*New Zealand.*

*Cook Islands.*

Cook Islands Industrial Union Regulations Act, 1947, No. 1947/78 of May 1947.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 101. Holidays with Pay (Agriculture) Convention, 1952

*This Convention came into force on 24 July 1954*

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*Belgium.* Ratification: 20 March 1952. Not applicable: Belgian Congo, Ruanda-Urundi.

*France.* Ratification: 29 March 1954. No declaration on application.

*New Zealand.* Ratification: 24 July 1953. Not applicable: Tokelau Islands. Decision reserved: Cook Islands, Western Samoa.

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*New Zealand.*

*Cook Islands.*

It is considered that it would not be feasible to apply this Convention to the territory to meet the circumstances of the few persons in private agricultural employment, in view of the practical difficulties of deciding whether the relationship of employer and worker exists.

See also under Convention No. 1.

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## 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.

*Denmark.* Copies of the reports have been communicated to the organisations in Denmark.

*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.*

*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, Sarawak, 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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# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-EIGHTH SESSION  
GENEVA, 1955**

**Third Item on the Agenda :**

## **INFORMATION AND REPORTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS**

**Summary of Reports on Unratified Conventions and  
on Recommendations (Article 19 of the Constitution)**



**INTERNATIONAL LABOUR OFFICE  
GENEVA, 1955**

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**REPORT III**

**(PART II)**

# **INTERNATIONAL LABOUR CONFERENCE**

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**INTERNATIONAL LABOUR OFFICE  
GENEVA, 1955**

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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 three Conventions and two Recommendations dealing with the employment of children and young persons in non-industrial occupations (minimum age, medical examination and night work). The governments of Members were requested to send in their reports before 1 July 1954. 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 December 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 38th Session, will include general remarks made by the Committee on these reports.



## Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)<sup>1</sup>

### *Afghanistan.*

There are no legislative or administrative provisions in force in the country relating to the subject dealt with by the Convention.

### *Argentina.*

Act No. 11317 of 30 September 1924, respecting the employment of women and young persons (*L.S.*<sup>2</sup> 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of apprenticeship and the employment of young persons, as approved by Act No. 12921 (*L.S.* 1944—Arg. 1) and as amended by Decree No. 6648 of 24 March 1945 (*L.S.* 1945—Arg. 2).

Act No. 1420, respecting elementary education.

### *Federal Capital.*

Decree No. 2699 of 28 May 1925, to determine special regulations for the federal capital, issued under Act No. 11317, respecting the employment of women and young persons (*L.S.* 1925—Arg. 2).

### *National Territories.*

Decree of 9 June 1925, to regulate the employment of women and young persons in the national territories (*L.S.* 1925—Arg. 7).

A distinction is made in the national legislation with regard to the age of admission of children into non-industrial occupations. In the first place the employment of children under 12 years of age is prohibited in all kinds of employment on account of another person (section 1 of Act No. 11317). In the second place no child between 12 and 14 years of age may be employed on domestic work or in public or private industrial or commercial undertakings, whether carried on for profit or not, with the exception of undertakings in which only members of the same family are employed (section 2 of the Act). The Ministry for the Protection of Young Persons may authorise the employment of these young persons if it considers this to be indispensable for their own maintenance or that of their parents or brothers and sisters, provided the minimum educational requirements prescribed by the law are satisfactorily observed (section 1, paragraph 2, of the Act).

It should be recalled that in Argentina elementary education falls within the competence of the provinces and the federal government, that is, each province has its individual scheme

which is more or less in conformity with the National Act No. 1420. This Act lays down that children between 6 and 14 years of age must have fulfilled certain minimum scholastic requirements and it is only when this level has been reached that the Ministry for the Protection of Young Persons will issue the required authorisation.

Finally the following conditions must be complied with before the Ministry will issue labour permits to children between 12 and 14 years of age: (a) the minimum standard of education required by the law must have been reached; (b) it must be shown that the child's wages are indispensable for the maintenance of the child or his parents or brothers and sisters; and (c) the children must be employed solely in civil or rural activities (section 2 of Act No. 11317).

No child under 14 years of age and no unmarried girl under 18 years of age may be employed in any occupation which is carried on in the streets or in public open places, whether on their own account or on account of another (section 4 of the Act).

Young persons under 18 years of age and women should not be employed in dangerous or unhealthy occupations, as defined in sections 10 and 11 of the Act. The Decree of 28 May 1925, issued under Act No. 11317, sets out in section 1 the industries which are considered to be unhealthy for the purposes of the above-mentioned provisions of the Act.

The Ministry of Labour and Social Welfare is responsible for the application of the relevant provisions.

In view of the difference between the minimum age for admission to employment as established by the national legislation (14 years) and that laid down by the Convention (15 years), the competent authorities have undertaken a study of the possible modification of the legislation which would allow the ratification of the Convention at a later date.

The federal government considers that, in virtue of its constitutional system, the provisions of the Convention are appropriate for federal action, since this is a question of basic legislation.

### *Austria.*

Federal Act of 3 July 1947, respecting labour inspection (*L.S.* 1947—Aus. 3).

Federal Act No. 146 of 1 July 1948, respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

The federal Act of 1 July 1948 governs the employment of children in service of any kind, as well as the employment of young persons

<sup>1</sup> This Convention came into force on 29 December 1950. Five ratifications have been registered up to 1 December 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 38th Session of the Conference (*Summary of Reports on Ratified Conventions*).

<sup>2</sup> Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

working under a contract of service or of apprenticeship or under any other training contract. The employment of children and young persons in agriculture and forestry as well as in private households is excluded from the scope of the Act.

As a general rule children up to the age of 14 years (or up to the end of the last school year in which they attain the age of 14 years before completing their compulsory school attendance) may not be employed in any form of work, whether remunerative or not. However, they are not covered by this rule when they are in employment exclusively for the purpose of instruction or training, if they are employed for occasional services or are the employer's children and engaged in light tasks of brief duration in the household.

An exception to the general rule is made in favour of children seeking employment in public entertainments. In these circumstances children may be permitted to work in musical, theatrical and other performances and in the making of cinematographic films. Permission, however, is not given for employment of children in variety shows, cabarets, night clubs, dance halls and similar establishments, or circus performances. Where children of school age are concerned the consent of the appropriate educational authorities must be obtained before permission can be given for participation in public entertainments. For all performances of a professional nature preliminary consultation must take place with the appropriate labour inspectors and in addition a medical certificate must be obtained showing the child's physical fitness for the work in question. In the case of employment in the making of cinematographic films precautions must be taken to protect the young workers' eyes. In only one instance is no permit necessary, i.e. when children participate in performances organised by schools or educational authorities. In every case, however, the written consent of the child's legal representative is indispensable, whether a formal permit is required or not. Children employed in public entertainments may work only between the hours of 8 a.m. and 10 p.m.; and in no case may they work before morning classes. A period of at least two hours' free time must also be given after morning classes as well as a period of at least one hour after afternoon classes. The time required for travelling to and from school shall not be included in the said free time. Children may not be employed during the holidays in any form of public entertainment. When they are employed on a remunerative basis the relevant permit must include all details concerning the duration of work, the schedule of work periods and rest periods, and, whenever necessary, the details of the work to be performed on Sundays or on public holidays.

This Act also regulates the employment of young persons, i.e. those who are not included in the definition of children given above and who are under 18 years of age. Young persons may not work longer than eight hours daily and 44 hours weekly. These limits cannot be altered except in those cases which are enumerated in the Act itself. Young persons have the right to an uninterrupted rest period of at least 12 hours daily, this period being subject to prolongation through the intervention of the

labour inspectorate. The employment of young persons is, in principle, prohibited between the hours of 8 p.m. and 6 a.m. except in certain cases.

The employment of young persons is prohibited on Sundays and official public holidays but certain exceptions are authorised, including general exceptions in the case of temporary work which is to be carried out without delay in circumstances of great urgency. Extensive provision has been made for safeguarding the health and morals of young persons, including the prohibition of employment in certain occupations, e.g. in music halls, cabarets, dance halls and similar establishments, circuses, film companies, itinerant trading and peddling.

Responsibility for supervision of the application of these provisions rests with the labour inspectorate as empowered by the federal Act respecting Labour Inspection, 1947. Special personnel have been appointed to ensure the protection of young workers. Furthermore the administrative authorities in the various districts are required to supervise the application of rules governing the employment of children. Teachers, doctors, private organisations concerned with youth protection, as well as associations responsible for young persons are required to notify the administrative authority in the competent district in the event of infringements of the relevant regulations.

The Government reports that although full effect is thus given to the requirements of the Minimum Age (Non-Industrial Employment) Convention, 1932, the necessary amendments which would bring Austrian legislation into line with the revised Convention of 1937 (No. 60) have not yet been made. The main discrepancy lies in the minimum age for admission to employment, which is 15 years according to Convention No. 60 and 14 years in Austria, a standard which coincides with the national school-leaving age.

In many sectors of the Austrian population an additional year of school attendance is being urged. When this is attained the main obstacle to ratification will have been removed.

### *Belgium.*

Act of 28 May 1888, respecting the protection of children employed in itinerant occupations.

Act of 15 May 1912, respecting the protection of children.

Act of 28 February 1919, respecting the employment of women and children (L.S. 1919—Bel. 2), as amended by the Act of 14 June 1921, to provide for an eight-hour day and a 48-hour week (L.S. 1921—Bel. 1).

Basic Act of 1921 respecting education.

Royal Order of 27 April 1927, respecting the employment of women and children (L.S. 1927—Bel. 2).

The age for admission to employment is 14 years, in accordance with section 3 of the Act concerning the employment of women and children, as amended by the Act of 14 June 1921 to establish the eight-hour working day and the 48-hour working week. However, no child may be admitted to employment unless he has completed compulsory attendance at school. The length of the compulsory period is determined by the number of years of attendance at school and not by an age limit and the child may not, therefore, whatever his age, leave school before the end of a specified period, that

is, before he has completed eight years at school. In fact no child is admitted to employment unless he is over 14 years of age and has completed the required period of compulsory education.

As regards holidays for seasonal work, the Basic Education Act provides that the heads of schools may authorise pupils in the third and fourth grades to participate in seasonal work provided their attendance at school has not given rise to any convictions. The total length of such holidays may not exceed 35 days; they are granted in writing and for individuals only. The communal administrative service, in agreement with the state inspectorate, specifies the periods during which they may be granted. Seasonal work is designed generally to cover agricultural work. The 35 days' maximum leave does not necessarily have to be taken in full. Farmers who employ children other than their own children during school hours and outside the periods established for seasonal work and holidays are liable to penalties in accordance with section 20 of the Consolidated Acts concerning the employment of women and children.

The Belgian legislation provides for higher ages for admission to employment in the following cases :

(a) In the case of employment on work exceeding the strength of the children or where their employment on such work would involve danger, section 4 of the Consolidated Acts concerning the employment of women and children provides a 16-year minimum age for boys and a 21-year minimum age for girls or women. Moreover, the Act of 15 May 1912 concerning the protection of children prohibits the employment in general of children under 16 years of age on work which clearly exceeds their physical capacities.

(b) Section 4 of the Act concerning the employment of women and children and the Royal Order of 27 April 1927 establish a 16-year minimum age for admission to employment in theatres, dance halls, music halls, bars and similar establishments. This also applies with regard to the sale, with a view to profit, of any objects in the above-mentioned establishments, in all public establishments and in the streets. Exceptions are authorised in exceptional cases for theatrical undertakings.

(c) The Act of 28 May 1888 concerning the protection of children employed in itinerant occupations prohibits the employment of children under 18 years of age on dangerous work or work such as would affect their health, and in circuses, unless they work with their parents.

The Act concerning the employment of women and children applies to the undertakings covered by the Act to establish the eight-hour working day and 48-hour working week, to all establishments classified as dangerous or unhealthy, to transport by waterways and to public entertainments. Moreover, the prohibition of the employment of children under 14 years of age also applies in the case of home work carried out for the head of an undertaking. On the other hand, it does not apply to vocational schools, provided their organisation and working are approved and supervised by the public authorities. The scope of the Belgian legislation does not extend to all non-industrial occupations and is thus more restricted than that of the Convention.

The chief obstacle to the ratification of the Convention is, of course, the age of admission to employment specified by the Convention. Article 2 of the Convention fixes a 15-year age limit, whilst in Belgium there is a 14-year age limit. Nevertheless, the possibility of extending the period of compulsory education is now being examined and it may be expected that the age for admission to employment would be raised in virtue of the co-ordination which must exist between the legislation concerning the protection of young workers and the legislation concerning elementary education.

The scope of the Belgian legislation would have to be extended to all non-industrial occupations if the Convention were to be ratified. As regards night work, the Belgian legislation provides for a consecutive period of rest of 11 hours only, including the period between 10 p.m. and 5 a.m., subject to the provisions of the Act of 14 June 1921 respecting hours of work.

### *Canada.*<sup>1</sup>

#### *Alberta.*

Billiard Rooms and Bowling Alleys Act, 1942.  
Child Welfare Act, 1944, as amended.  
Alberta Labour Act, 1947, as amended.  
School Act, 1952.

#### *British Columbia.*

Public Schools Act, 1948.  
Protection of Children Act, 1948.  
Shops Regulation and Weekly Holiday Act, 1948.  
Control of Employment of Children Act, 1948.

#### *Manitoba.*

School Attendance Act, 1940, as amended.  
Shops Regulation Act, 1940.  
Minimum Wage Order, Reg. 22/521 of 21 June 1952.  
Child Welfare Act, 1953.

#### *New Brunswick.*

School Attendance Act, 1952.  
Children's Protection Act, 1952.  
Factory Act, 1952.

#### *Newfoundland.*

School Attendance Act, 1952.  
Welfare of Children Act, 1952.

#### *Nova Scotia.*

Child Welfare Act, 1950.  
Employment of Children Act, 1951.  
Education Act, 1953.

#### *Ontario.*

Factory, Shop and Office Building Act, 1950, as amended.  
Schools Administration Act, 1954.  
Child Welfare Act, 1954.

#### *Prince Edward Island.*

School Act, 1951.

#### *Quebec.*

Education Act, 1941.  
Industrial and Commercial Establishments Act, 1941.

#### *Saskatchewan.*

Regulations of 14 August 1948, issued under the Hospital Standards Act.  
School Attendance Act, 1953.  
Child Welfare Act, 1953.  
City Act, 1953.  
Minimum Wage Orders, Nos. 2, 4 and 8 of 17 April 1953.

The Government considers that the provisions of the Convention are appropriate for action by the provincial legislatures except in the Northwest and Yukon Territories and except as incidental to certain matters within the exclusive legislative jurisdiction of Parliament.

<sup>1</sup> See also under Convention No. 79.

The employment to which they apply is the whole field of employment outside of industrial, agricultural and maritime employment. It includes commercial establishments; postal and telecommunication services; distribution and sale of newspapers; hotels and restaurants; domestic service in private households; hospitals and institutions for the care of children or of old people; and theatres and places of public entertainment.

The trend in Canada is for an increasing proportion of the boys and girls between 14 and 18 to remain in school, with a corresponding decrease in the proportion of that age group in full-time employment. A comparison of the proportion of young persons in gainful occupations with the number in each age group as shown by the 1921 census, and the proportion of persons in the same age groups in the labour force in the week of 2 June 1951, when the last census was taken, shows this trend.

PERCENTAGE OF YOUNG PERSONS IN EACH AGE GROUP IN EMPLOYMENT

Age	Sex	1921	1951
		Per cent.	
14	Male	18.8	6.8
	Female	4.5	2.0
15	Male	40.8	21.0
	Female	12.4	8.1
16-17	Male	67.8	52.2
	Female	25.9	31.7

The exception to this is the increase in the proportion of girls in the 16- and 17-year group who are in employment.

Of the young persons under 18 employed in the non-industrial field, a substantial proportion are in retail trades, offices, and service occupations.

No information is available from the census on children employed after school hours.

Legislation regulating the employment of children in non-industrial occupations is described below. Besides regulation of employment, attempts are being made in other ways to meet the problem of children entering employment at too early an age, or entering employment unsuited to them. The maintenance of family income is an important first step in avoiding the employment of children at too early an age. The general high level of employment and earnings in Canada, supplemented by the development of social security measures designed to maintain family income, has an important bearing on the problem. All provinces have provision for paying allowances to needy mothers where the father has died or is incapacitated. The amount of the allowance is in proportion to the number of children and is continued up to 16 or 18 years. Workmen's compensation legislation of wide application in each province makes benefits payable to a worker injured in employment or to his dependants if the accident is fatal. Benefits to a deceased workman's children may be continued up to age 18 if they are still attending school. The contributory unemployment insurance system, which now covers more than three-quarters of the wage earners in the country, helps to tide a family over short periods when work is not available. The system of family allow-

ances which has been in effect since 1945 has had a beneficial effect on school attendance. The allowances, which vary from \$5 to \$8 a month according to age and are payable in respect of each child up to age 16, have helped to supply the special needs of children attending school and have reduced the pressure towards taking employment. Moreover, the allowances are withdrawn if the child is not attending school and is in paid employment. Regional welfare officers under the family allowance administration are in a position to have the circumstances investigated before cancellation of an allowance and some form of assistance or counsel may result in the child continuing at school.

The development of vocational counselling in the schools, and of special services in the National Employment Service for "first-jobbers", are other ways in which an attempt is being made to see that young people are adequately prepared for work and are suitably placed.

The Government reports that each of the ten provinces has a school attendance law requiring children to attend school and prohibiting their employment during school hours except in certain circumstances with special permission. In Alberta, British Columbia, Newfoundland, Prince Edward Island and Saskatchewan children must attend school until they are 15 years old. In New Brunswick the school-leaving age is 16 years, but rural school districts may lower it to 14 years. In Nova Scotia the school-leaving age is 16 years in cities and towns and in rural districts 14 years, unless 15 or 16 years has been fixed locally. In Manitoba and Ontario school attendance is compulsory until 16 years of age, except that permission may be granted for a child over 14 years to be employed. In Quebec the school-leaving age is 14.

In all provinces except British Columbia children may be exempted for a limited period from school attendance by a school attendance officer for "necessary employment", as well as for farm or home duties.

In several provinces, school attendance legislation permits exemption from school attendance for an indefinite period in certain circumstances where full-time employment is necessary or advisable. Usually the conditions under which children of school age may be employed are regulated by other general employment laws.

The Manitoba School Attendance Act provides that a child over 14 years of age may obtain a certificate of exemption from school attendance signed by his parent or guardian, the school attendance officer and the superintendent of public schools for the district, or the principal. The employment of children in any employment except farming and domestic service is controlled under the Minimum Wage Regulations. No employer may hire a person under 15 years of age without a permit from the Minister of Labour. A permit for full-time employment of a child is issued only if the educational authorities have released the child from school attendance, if the situation in the home makes his employment necessary, and if the child's best interest will be served by allowing his employment. An applicant for a full-time employment permit must produce a release signed by the school attendance officer



or school principal, a letter from parent or guardian explaining the reasons for seeking a permit, and information from the prospective employer stating the weekly hours, starting and stopping times, type of work and rate of pay.

In Nova Scotia and Ontario employment certificates may be granted by school authorities in cases where the family needs the child's earnings. In Nova Scotia the child must be over 13 years of age, and the parents or guardian must satisfy the school board that necessity requires that the child be employed. A certificate may be issued only on condition that the child attends evening technical classes or other approved classes. The applicant for a certificate must submit a statement from the prospective employer describing the type of work. A certificate is good only for employment with the employer named and for the occupation specified. It may be suspended or cancelled at any time by the supervisor of attendance, or cancelled by the school board for violation of any of the prescribed conditions. In Ontario a school attendance officer may grant an employment certificate to a child over 14 years of age on the application of his parent if he is required for home duties or is to be employed for the maintenance of himself or of others dependent on him. The certificate may be revoked if the school attendance officer considers that the conditions under which it was issued no longer exist.

The Newfoundland and Saskatchewan school attendance laws also permit the exemption of children from school if their services are required for the maintenance of themselves or others dependent on them. In Newfoundland a certificate must be issued by a magistrate or other person named by the Minister of Education. Application for a certificate must be made by the child's parent or guardian, and investigation must be made into the circumstances. The certificate must give the reasons for the exemption and state the period for which it is valid. No child under 12 years of age may be exempted for more than two months in any school year without the written approval of the Minister. In Saskatchewan exemption from school must be granted by a magistrate or board of school trustees. Orders under the Saskatchewan Minimum Wage Act prohibit the employment of children under 16 in hotels and restaurants, hospitals, nursing homes, educational institutions and places of amusement. Children under 16 may be employed in amusement places by permit from the Chairman of the Minimum Wage Board.

In most provinces, laws of general application control the employment of children under 15 years of age in non-industrial workplaces such as shops, offices, hotels, restaurants and places of amusement out of school hours.

The Alberta Labour Act prohibits the employment of children under 15 in shops and offices. For any other type of non-industrial employment a permit must be obtained from the Board of Industrial Relations. A provision in the Child Welfare Act prohibits the employment of any girl under 18 years of age in a restaurant without the written consent of her parent or guardian.

As noted above, the Manitoba Minimum Wage Regulations provide that no employer may hire a child under 15 years of age without a permit

from the Minister of Labour. In administrative practice an applicant for a permit for employment during school vacations or for part-time employment during the school term must produce a letter from his parent or guardian approving the application, and information from the prospective employer giving the hours of work and rate of pay. In the case of an application for a permit for part-time employment during the school term, the parent's letter must explain the necessity for the permit and the applicant must also produce a letter from the school principal approving the proposal. A part-time employment permit may be issued only to a child over 13 years of age who is making satisfactory progress at school. If he is 13 years old he may work up to two hours on not more than three school days in a week and not more than 15 hours in a week, and if he is 14 years old up to three hours on not more than three school days and not more than 15 hours in a week. No child may work longer than eight hours on a Saturday. The Manitoba Shops Regulation Act provides that a boy 13 years old with a permit from the Minister may be employed in a shop for not longer than two hours on any school day. Otherwise no child under 14 years of age may be employed in a shop.

In New Brunswick the Factory Act prohibits the employment of any child under 16 years except with the written authorisation of the Minister of Labour. This prohibition applies to restaurants, hotels, mercantile establishments, places of amusement and office buildings as well as to factories. An investigation is made by a factory inspector or by a local advisory committee (usually composed of a clergyman, a child welfare officer, a member of the local police or the R.C.M.P., and a representative of the local board authorities) to determine that the work to be done will not be detrimental to the welfare of the child. Before authorisation is granted parental consent and the consent of the school authorities must be obtained. It must be found that the remuneration to be paid is fair and the type of work not injurious to the health and welfare of the child.

In Ontario, the Factory, Shop and Office Building Act prohibits the employment of children under 14 years of age in a shop, office, restaurant or place of amusement.

The Quebec Industrial and Commercial Establishments Act, which covers shops, hotels, restaurants and places of amusement as well as factories, prohibits the employment of children under 14 years of age and permits the employment of children between 14 and 16 years of age only on condition that they are able to read and write fluently and easily. Every child under 16 employed in an industrial or commercial establishment must receive a permit from the Provincial Employment Service before taking up employment.

In Saskatchewan, as noted above, minimum wage regulations prohibit the employment of children under 16 years of age in hotels and restaurants, hospitals, educational institutions and places of amusement. The Chairman of the Minimum Wage Board may exempt employers in amusement places from this rule.

British Columbia and Nova Scotia have special Acts to control the employment of children in industrial and non-industrial employment. In British Columbia an employer in the main

types of non-industrial employment (mercantile establishments, catering industry, amusement places) may not hire a child under 15 years of age unless he has received written permission from the Minister of Labour. The permit must set out the conditions under which the child may be employed and the hours he may work. In Nova Scotia no child under 14 years of age may be employed in hotels, restaurants, garages, automobile service stations or places of amusement. In other occupations children under 14 may not work more than eight hours in a day. During the school term, unless a full-time employment certificate has been obtained, a child may not be employed for more than three hours in a day. The time worked plus the time required for attendance at school may not be more than eight hours in a day.

The apprenticeship Acts of Alberta, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan fix the minimum age of an apprentice in a designated skilled trade at 16 years. Under the British Columbia Act it is 15 years.

In all provinces a higher minimum age is set for employment in certain occupations involving special hazards or responsibilities, such as work in the capacity of elevator operators, movie projectionists, waiters in beer parlours, etc.

In some provinces a higher minimum age than that fixed for other non-industrial employment is set for employment in billiard-rooms and bowling-alleys. In Alberta the minimum age for employment in billiard-rooms is 18; in bowling-alleys it is 18 except for pin-setting. Young persons between 16 and 18 may be employed as pin-setters with their parents' consent, but may not work after 9 p.m. In British Columbia municipal by-laws may set a minimum age up to 18 for employment in either type of establishment (it is 15 under legislation of general application), and in parts of the province without municipal organisation a minimum age of 18 has been set for employment in billiard-rooms. In Manitoba and Newfoundland municipalities may pass by-laws regulating and licensing employment of children as pin-boys. Licences may not be granted to girls under 18 in Manitoba, under 17 in Newfoundland, to boys under 12 or to boys under 14 without their parents' consent. A licence may not authorise employment later than 8 p.m. in December, January and February and 9 p.m. during the rest of the year. In Saskatchewan municipal councils may set an age higher than the general minimum for employment in both billiard-rooms and bowling-alleys.

Child welfare legislation in Alberta, Manitoba and Newfoundland, and the City Act in Saskatchewan, authorise municipal councils to pass by-laws requiring children to have a licence to engage in street trades, but provide that the licences shall be issued subject to the following conditions respecting age: in Alberta no licence may be granted to any child under the age of 12 years; and between the ages of 12 and 15 the child must have the written authorisation of his parent. In Saskatchewan no licence may be granted to a girl under the age of 18 years or to a boy under the age of 12 years. Between the ages of 12 and 14 a boy must obtain written authorisation from his parents. In Manitoba no licence may be granted to a girl under the age

of 18 years, and in Newfoundland to a girl under the age of 17 years. In neither of these provinces may a licence be granted to a boy if he is under the age of 12 years; and if he is between the ages of 12 and 14 years, he must obtain written authorisation from his parents. The Ontario Child Welfare Act provides that no girl under the age of 16 years and no boy under the age of 12 years may engage or be licensed or permitted to engage in any street trade. In Quebec there is a provision applicable throughout the province that children under the age of 16 years may not engage in street trades unless they can read and write fluently; and municipalities are empowered to impose further restrictions. In other provinces regulation of street trades is left entirely to municipal authorities.

Legislation for the protection of child performers in Canada is of three different types: (1) labour laws applicable to theatres, concert halls or similar places of entertainment as well as to other places of employment; (2) child welfare legislation providing for the care of neglected children and designed to control various practices detrimental to children; (3) municipal by-laws authorised by provincial statute.

In Alberta, British Columbia, Manitoba and Saskatchewan the minimum age requirements described above for other non-industrial employment apply also to child performers, and in New Brunswick the prohibition in the Factory Act of employment of children under 16 without a permit from the Minister of Labour is applicable to "places of amusement". In Nova Scotia employment of children under 14 in theatres is prohibited by the Employment of Children Act, and the general prohibition in that statute of employment of children under 14 to do work that is or is likely to be unwholesome or harmful to health or normal development or such as to prejudice attendance at school or capacity to benefit from instruction there given is applicable. In Quebec, under a provision contained in the Industrial and Commercial Establishments Act, children under 14 may not be employed in a theatre, moving-picture hall or amusement hall, and children may not be employed under the age of 16 unless they are able to read and write fluently.

Under the Child Welfare Act of Alberta it is an offence for any person, whether a parent or not, to cause a child under 16 to perform at any place where the public is admitted on payment, unless a licence has been obtained from the Child Welfare Commission.

Such licences may only be issued to a child over ten years of age and where it is shown that proper provision has been made to secure the health and kind treatment of the child. The licence is to be for a fixed period and during specified hours of the day, and will be subject to such supervision, restrictions and conditions as the Commission thinks fit. The Commission must be satisfied of the child's fitness to take part in the entertainment without injury. The licence may be varied or revoked at any time. The cost involved in granting the licence is to be paid by the person making the application.

Similar provisions are contained in the Newfoundland Welfare of Children Act.

In Saskatchewan it is an offence for any per-

son to cause a child under 16 to perform for profit without a licence. A licence may be issued by the mayor of a city or town or the overseer of a village or by the Minister of Social Welfare and Rehabilitation if it is shown that proper provision has been made to secure the health and kind treatment of the child. Hours of work are to be specified and are not to exceed 7 in any 24. Other restrictions may be imposed as considered necessary.

The Ontario Child Welfare Act, 1954, which is to come into effect on 1 January 1955, provides that it is an offence for any person to cause a child under 16 to sing, play or perform for profit at any place where the public is admitted on payment unless a licence has been obtained from the head of the municipal council. This provision exists also in the present Act.

Such licences may be issued only with the approval of the local children's aid society, where it is shown that provision has been made to ensure the health and proper treatment of the child. The licence is to be for a specified period and during specific hours of the day and will be subject to such restrictions and conditions as the head of the council thinks fit. He must be satisfied that the child is a fit and proper person to take part in the entertainment. The licence may be varied or revoked at any time with the approval of the children's aid society.

The municipal council shall assign to some person the duty of seeing that the restrictions and conditions contained in the licence are observed. Until such person is appointed the duty rests with the chief constable.

In Manitoba a municipality may pass by-laws regulating the employment of, and issue of licences to, children engaged as juvenile performers in a place of public entertainment and prohibiting children from engaging in any such occupation without a licence.

The licence fee imposed under a by-law is not to be more than 50 cents per annum. No licence is to be granted to a girl under 18, a boy under 12 or a boy between 12 and 14 unless the parents or guardian authorise in writing the making of the application.

A licence which contravenes the above conditions is subject to cancellation by the Minister of Health and Public Welfare.

Any person who without a licence causes or permits a child to sing, play or perform for profit in a place of public amusement to which the public are admitted on payment is liable to a penalty.

Legislation requiring attendance at school provides for an attendance officer in each school district. Parents are subject to fines if they fail to send their children to school as required by the legislation.

Under child welfare legislation inspection of workplaces is not provided for but an officer or an agency is designated competent to deal with the situation when a complaint is made that a child is in prohibited employment. A child found in some types of prohibited employment may be taken into care as a "neglect-child".

The inspection staffs of departments of labour check violations of child labour provisions as well as other provisions of labour laws. Under all the labour laws described above penalties

may be imposed on an employer for failure to comply with an obligation placed upon him by the legislation. City police check on compliance with city by-laws.

Legislation in most provinces applicable to a large part of the employment contemplated by the Convention requires employers to keep records showing the name and date of birth of each child or young person employed, and the hours worked.

### *Ceylon.*

Shops Ordinance No. 66 of 21 December 1938.

Children and Young Persons Ordinance No. 48 of 9 November 1939 (*L.S.* 1939—Cey. 1), as amended by Ordinance No. 13 of 1944.

The Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 13 March 1954 has been passed by the Senate and House of Representatives and awaits promulgation; the Shops Ordinance of 1938 will be repealed when this Act comes into force.

The Ordinance of 1939 contains provisions respecting the employment of children in, *inter alia*, non-industrial occupations. It establishes a minimum age of 12 years for entry into employment, and provides that no child under the age of 14 years who is required to attend school may be employed before the close of school hours or for a period of more than two hours on any school-day, or on Sundays, or in any manner that might prevent school attendance. Street trading is prohibited, as well as all occupations in which children may be called on to lift, carry or move loads likely to cause injury, or in which they perform work that might endanger their lives, limbs, health or education. Children under 14 years of age may not be employed between 8 p.m. and 6 a.m.

The Ordinance of 1939 also provides that children may not take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience. Exceptions to this rule may, however, be made in respect of those cases in which children participate without fee or reward in any entertainment the net proceeds of which are devoted to a charitable or educational purpose, or to any purpose other than the personal profit of the promoters. In such permissible employment, the rule limiting work after school to two hours daily is suspended. The Ordinance provides, furthermore, that no person under the age of 16 years may take part in any public performance in which his life and limb are endangered. Penal provisions have been made in respect of persons who cause or procure illegal employment in dangerous performances.

The Shops Ordinance, 1938, provides that no person under the age of 14 years may be employed in or about the business of a shop. This Ordinance will be repealed when the Shop and Office Employees Act, 1954, comes into force.

This Act stipulates that no person who has not attained the age of 14 years may be employed in or about the business of a shop or office. For the purpose of the Act, a "shop" is defined as any premises in which any retail or wholesale business is carried on, and includes a residential hotel and any place where the business of the sale of articles of food or drink or the business of a barber or hairdresser or any other prescribed trade or business is

carried on; an "office" means any establishment maintained for the purpose of the transaction of the business of any bank, broker, insurance company, shipping company, etc., and includes the office or clerical department of any shop, factory, or other prescribed establishment.

The Commissioner of Labour is entrusted with the administration of the legislation.

No modifications have been made in national legislation or practice with a view to giving effect to the provisions of the Convention. The Government adds that as the law and practice of Ceylon are not wholly in conformity with the requirements of the Convention and as it is not proposed in the immediate future to introduce measures corresponding with the provisions of the Convention, ratification cannot yet be contemplated.

### *Chile.*

Legislative Decree No. 178 of 13 May 1931, to ratify the Labour Code (*L.S.* 1931—Chil. 1).

Regulations No. 485 of 7 May 1932, respecting the registration of young workers.

Act No. 7295 of 22 October 1942.

Section 47 of the Labour Code, which authorises the employment of children between 12 and 14 years of age, provided they have fulfilled their scholastic obligations, contains the relevant legislative provisions. Nevertheless the employment of such children is prohibited in industry, even as apprentices, except in family undertakings.

The Regulations of 7 May 1932 concerning the registration of workers under 16 years of age provide that the register in question must contain all information concerning the identity of the young workers, showing the hours during which they may attend school, the place of the school which they attend and the type of work in which they are employed.

The Act of 22 October 1942 provides in section 2 that employers may pay wages lower than the living wage—up to 30 per cent. less—to young workers under 18 years of age. Moreover, the living wage may, subject to the previous authorisation of the Joint Wages Committee, be reduced by as much as 25 per cent. in the case of workers between 18 and 21 years of age who are employed as apprentices. At the end of six months' service with the same employer a young worker is no longer considered to be an apprentice.

Any employer who has dismissed a worker solely because he has reached the age of 18 years, has terminated his apprenticeship, or has regained his normal capacity for work, will not be able to make use of the provisions of this section.

Section 50 of the Labour Code is the only legislative text which refers specifically to certain categories of non-industrial occupations in connection with young workers. It prohibits the employment of children under 14 years of age in public performances, such as theatres, circuses, cafés and other places of amusement carried on for purposes of gain. Nevertheless, the Governor in pursuance of a report of the competent labour inspector may by way of exception authorise the employment of children in the performance of particular plays.

Finally, section 51 of the Labour Code provides that young persons under 18 years of age who have not received scholastic instruction shall be allowed not less than two hours' free time daily during the hours of work; they shall not be entitled to wages for these hours.

Various circumstances, due to the general nature of the legislative system, have prevented the modification of the existing legislative provisions with a view to giving effect to the provisions of the Convention.

### *Colombia.*

Decree No. 2663 of 5 August 1950, to promulgate the Labour Code (*L.S.* 1950—Col. 3A).

The provisions contained in section 10 of Act No. 6 of 1945 are reproduced in the Labour Code, which lays down that young workers under the age of 18 years must, before entering into a contract of service, obtain written authorisation from their legal representatives or, where there are no legal representatives, from the labour inspector, the mayor, or the inspector or superintendent of police of the place in which the contract is to be made. Such authorisation may be given whenever, in the opinion of one of the persons mentioned above, no apparent prejudice, either physical or moral, would be suffered by the young person in the exercise of the occupation concerned. In cases of employment without authorisation, the labour official may order the termination of the contract and may impose fines on the employer.

The Labour Code also provides that work by young persons under 16 may not exceed six hours daily and that night work for such persons is prohibited, except in the case of domestic work.

The report states that it may be concluded from the text of the Act of 1945 that young persons under 14 years of age may not be employed in industrial undertakings. The Labour Code does not refer specifically to a minimum age of 14 years, but as the Convention is in force it is understood that the minimum age established in the Convention is applied in Colombia.

Responsibility for supervision of the application of these provisions lies with the Ministry of Labour. Penalties in respect of infringements are imposed by the administrative authorities or by the Special Labour Tribunal.

### *Cuba.<sup>1</sup>*

Political Constitution of Cuba (*L.S.* 1940—Cub. 1).

Legislative Decree No. 883 of 27 May 1953, to complete and consolidate the laws respecting the employment of young persons (*L.S.* 1953—Cub. 1).

Section 66 of the Constitution prohibits the admission to employment or apprenticeship of children under 14 years of age. This applies to all occupations, whether industrial, commercial, agricultural or maritime. Section 1 of the Legislative Decree of 27 May 1953 contains a similar provision but authorises exceptions in the case of pupils of specified institutions.

No exceptions to the minimum age provisions are made in the case of employment in estab-

<sup>1</sup> Cuba ratified this Convention after the date on which the report was received. The ratification was registered on 7 September 1954.

lishments in which only members of the employer's family are employed.

Sections 2, 3 and 7 of the Legislative Decree prohibit the admission to employment of young persons under 16 or 18 years of age in the case of unhealthy or dangerous occupations.

The only discrepancy between the national legislation and Article 2 of the Convention lies in the fact that the text of this article is not reproduced in the national legislation. Nevertheless, in practice and in virtue of sections 8, 9 and 11 of the Legislative Decree and of the compulsory elementary schooling provisions, no children under 15 years of age are admitted to industrial or other employment.

Independently of the above-mentioned provisions of the Legislative Decree the Ministry of Labour may extend the scope of this text to include all occupations which might prove dangerous to the health, life or morals of children under 18 years of age.

The legislation concerning the employment of children is applied through the Womens' and Young Persons' Employment Office, the General Directorate of Health and Social Welfare and the provincial labour offices.

Penalties may be imposed in accordance with section 27 (b) of Legislative Decree No. 883 and section 575 of the Social Protection Code.

#### *Denmark.*

Act No. 145 of 18 April 1925, respecting the employment of children and young persons (*L.S.* 1925—Den. 1). This Act will cease to have effect as from 1 April 1955 when the following legislation will come into force :

Act No. 226 of 11 June 1954, respecting the protection of workers in employment generally.

Act No. 227 of 11 June 1954 respecting the protection of workers in shops and offices.

Act No. 228 of 11 June 1954 respecting the protection of workers in agriculture.

The existing provisions concerning the employment of children and young persons are to be found in the Act of 1925. However, this Act is to be superseded by the revising Acts respecting the protection of workers in employment generally, the protection of workers in commerce and offices, and the protection of workers in agriculture, forestry and horticultural work, which were approved on 11 June 1954 and will come into force on 1 April 1955.

The Act of 1925 establishes a minimum age of 14 years for young persons entering employment in undertakings carried on for gain. The Danish factories legislation contains no provision for a lower minimum age in the case of employment on light work as dealt with in Article 3, paragraphs 1 and 2, of the Convention. The only exception authorised relates to employment as messengers and is not limited to "light work", although section 13 of the Act provides that the local regulations concerning the employment of children may establish such a restriction.

The employment of children under 14 years of age is prohibited in the commercial undertakings, including theatres, covered by the Act of 1925 (Article 4 of the Convention). No special provision is made respecting the admission of young persons to employment in itinerant trading (Article 6). The legislation provides that the supervision and the application of minimum age provisions is the responsibility of the factories

inspection service or the police authorities, as the case may be (Article 7). The Act of 1925 provides for the necessary supervision, by means of registers or work books, of the application of the special rules governing the employment of young persons.

The Government has communicated a supplementary report containing the following information respecting the provisions of the Acts of 11 June 1954.

*Article 1 of the Convention.* The Act concerning the protection in general of workers applies to any employment for gain but excludes from its scope work in the private household of an employer and work performed by the employer's family, unless danger is involved.

*Article 2.* The Acts concerning the protection in general of workers and concerning the protection of workers in commerce and offices provide that children under 14 years of age who have not been lawfully discharged from school may not be gainfully employed except as messengers. In the case of forestry, the relevant legislation contains no minimum age provisions but fixes a minimum age of 10 years in the case of employment involving danger to the worker ; it lays down that children between 10 and 12 years of age may only be employed in work carried out under the supervision of one of the parents and that the age limit may be raised to 14 years in the case of particularly dangerous work.

*Articles 3 and 4.* The Acts concerning the protection of workers in employment generally and concerning the protection of workers in commerce and offices do not provide for a lower general minimum age except as regards messengers and as regards appearance in public performances, where exceptions may be authorised in individual cases.

*Article 5.* The new legislation provides for a greater protection for young persons. Thus the Act concerning the protection of workers in employment generally lays down that persons under 18 years of age may not be employed in work where there is a particular risk or danger. This Act, as well as the Act concerning the protection of workers in commerce and offices, provides that a minimum age higher than 14 years must also be laid down in the case of employment which by its nature or the circumstances in which it is carried out, is dangerous to the life, health, development or morals of young persons. The latter Act does not contain any provision for the minimum age of 18 years. The Act concerning the protection of workers in agriculture, forestry and horticulture fixes a higher age limit in the case of certain types of work.

*Article 7.* The supervision of the application of the relevant provisions is mainly carried out by the factories inspection service and the municipal inspection service, with the assistance of the police where this is necessary. The Act concerning the protection of workers in employment generally provides that employers wishing to engage a person under 18 years of age must first certify the age of the young person by means of a birth certificate. This Act also provides that the application of the special rules concerning the occupation of young persons must be supervised by means of work

books. The other two Acts concerning the protection of workers do not contain any such provisions.

#### *Dominican Republic.*

Act No. 2920 of 11 June 1951, to promulgate the Trujillo Labour Code (L.S. 1951—Dom. 1).

Resolution No. 72 of 24 October 1951, issued under the Labour Code.

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

Departmental Order No. 1/54 concerning the re-organisation of the Department of Labour.

The Government states that no line of division has been drawn between industry and commerce, the rules summarised below being therefore applicable to young workers in both categories of employment. Domestic workers are, however, excluded from the scope of the Labour Code.

Section 223 of the Labour Code prohibits the employment of young workers under the age of 14 years, and allows no exemptions to this rule for the performance of light work. By virtue of section 225 of the Labour Code the working day of young persons over the age of 14 years and under the age of 18 years may not in any circumstances exceed eight hours. A general prohibition has also been made against work on Sundays and legal public holidays. Work by young persons between the ages of 14 and 18 years is prohibited between the hours of 10 p.m. and 6 a.m.; the Government adds, in this connection, that the Dominican Republic is a tropical country in which a period of rest is allowed during the working day.

The Government states that the provisions of Article 4 of the Convention concerning employment in public entertainment are observed in the Dominican Republic, but that they do not form the subject of written law. In regard to paragraph 2 (a), section 229 of the Labour Code prohibits the employment of young workers under the age of 18 years in dangerous and unhealthy work. The provisions of Article 4 (2) (b) are also met by national practice, and paragraph 2 (c) is applied in virtue of sections 224 and 228 of the Code.

The report indicates that Article 5 of the Convention is applied in virtue of section 229 of the Code, mentioned above.

Section 227 of the Labour Code prescribes that no boy under the age of 16 years and no girl under the age of 18 years may engage in hawking or peddling without having previously obtained authorisation from the Department of Labour (Article 6).

The requirements of Article 7 of the Convention are met by the provisions contained in the Labour Code, Book VII, Part I, Chapter II, Divisions 1-4 inclusive. The departments of labour, through the agency of labour inspectors, are responsible for supervision of the application of the legislation. Section 153 of the Labour Code provides for the maintenance of registers containing specified details, including the age and sex of the workers employed at each place of work; other provisions relating to paragraph (b) are to be found in sections 151 and 152 of the Code and in section 35 of Regulation No. 7676.

As regards Article 8 (a) of the Convention the report states that a distinction is made between dangerous work and other work, and not between light work and other work.

The Government states that responsibility for supervision over application of legislation rests with the Secretariat of State for Labour, which acts through the Department of Labour and the local labour representatives and assistant inspectors attached thereto. With effect from April 1954, in virtue of Departmental Order No. 1/54, separate departments of labour have been established for the north and south regions of the country in order to ensure better application of the legislation.

The Government adds that neither the national legislation nor practice has been modified in the light of the Convention.

#### *Finland.*

Ratification will not be possible until existing legislation governing the protection of young workers has been considerably reinforced. The Ministry of Social Affairs has in course of preparation a Bill which will apply to the employment of young persons in all sectors of the economy except domestic work, mining and industrial home work. Due consideration will be given to the requirements of the Convention in drafting the Bill.

#### *France.*

Labour Code, Book II, Sections 2-5, as amended by the Acts of 9 August 1936 (L.S. 1936—Fr. 10), of 24 August 1942 (L.S. 1942—Fr. 5C), and 25 September 1948 (L.S. 1948—Fr. 6D).

The Government refers to the information contained in its annual reports on the Minimum Age (Non-Industrial Employment) Convention, 1932, and adds that the ratification of Convention No. 60 is delayed owing to the fact that it fixes, in Article 2, a minimum age of 15 years for the admission to employment in the occupations covered by the Convention. The French legislation links the age for admission of children to employment to the school-leaving age and the Act of 9 August 1936, which amends the Act of 28 March 1882 respecting compulsory elementary education, provides that children are freed from compulsory attendance at school at the age of 14 years.

#### *Federal Republic of Germany.*

Protection of Young Persons Act of 30 April 1938 (L.S. 1938—Ger. 5).

Ordinance issued in application of the Protection of Young Persons Act of 30 April 1938, promulgated on 12 December 1938.

Basic Law of 23 May 1949 for the Federal Republic of Germany (L.S. 1949—Ger. F.R. 1).

Act of 11 October 1952, respecting the organisation of undertakings.

#### *Hamburg.*

Ordinance of 22 March 1949.

#### *Lower Saxony.*

Labour Protection (Young Persons) Act of 9 December 1948 as amended by the Acts of 6 May 1949 and 21 June 1951 and by the Executive Ordinance of 26 July 1949.

#### *Württemberg-Hohenzollern.*

Act of 6 August 1948, to amend the (federal) Protection of Young Persons Act of 30 April 1938.

Ordinance of 19 April 1949, to amend the (federal) Ordinance of 12 December 1938.

In accordance with the Constitution of the Federal Republic of Germany, article 74, paragraph 12, it is incumbent on the federal Govern-



ment to take the legislative measures for the application of the provisions of the Convention, since the latter deals with the protection of workers.

A certain number of points dealt with in the Convention have already been covered by national regulations. The Act of 30 April 1938 and the federal amendments are applied in all the Länder of the Federal Republic with the exception of Lower Saxony. Nevertheless, special measures exist in the territory of Württemberg-Hohenzollern.

The Act concerning the protection of young persons is applied in the case of the employment of all children and adolescents who give their services in virtue of an apprenticeship or employment contract or who are employed under conditions similar to those resulting from such a contract; certain branches of activity are excluded, in particular the employment of domestic service in private households.

A distinction is made by the Act between children (under the age of 14 years) and adolescents (between 14 and 18 years). The provisions concerning the employment of children are also applicable in the case of adolescents who are still required to attend school.

The employment of children is prohibited in principle and authorised only exceptionally and subject to the following restrictions :

Children who are required to attend school may only be employed if the employer has received, before the admission to employment, a labour card for the child, issued by the labour inspection service after it has ascertained that the employment is not likely to be harmful to the education or health of the child or cause him any other prejudice.

Children over 12 years of age who are required to attend school may only be employed on light work in commercial undertakings or as messengers or as assistants in sports events. In the case of family undertakings (that is, undertakings in which the only regular employees are members of the employer's family), children who are closely related to the employer may be employed on other types of work but not, for example, in itinerant trading or trading in the streets or other public places.

Children may only be employed between 8 a.m. and 7 p.m. and never in the morning before school hours. A maximum of two hours' work daily is prescribed, or four hours during the school holidays. On Sundays and public holidays children may only be employed as assistants in sports events, and for a maximum period of four hours.

The employment of children in concerts, theatres or other public shows is only authorised in the interests of art or science and subject to a permit from the labour inspection service, which is issued for individual cases and contains special provisions relating to the place and duration of the employment; provision is made for special safeguards in the case of children under three years of age.

Children who are no longer required to attend school can be employed for a maximum of six hours per day. The provisions concerning hours of work of adolescents are applicable in such cases. These children may be employed in virtue of an apprenticeship contract in the same manner as adolescents.

In the case of adolescents between 14 and 16 years of age, the Ordinance provides for a compulsory rest period of at least 12 consecutive hours at the end of the day's work. Night work, between 8 p.m. and 6 a.m., is prohibited in principle, as well as work on Sundays and public holidays; there is, however, a considerable number of exceptions to this rule.

The Act makes no provision for restrictions to employment on light work. Adolescents may therefore in principle be employed on all types of work which are not expressly prohibited either by a general rule or for individual cases. They may thus be employed in concerts, theatres and other public shows. The restriction or prohibition of employment may be laid down in the case of work which might prove dangerous to the health or morals of the adolescent but no such prohibition has so far been issued. In practice, however, the employment of young persons in itinerant trading in the streets is prohibited as a rule in virtue of the Industrial Code.

Restrictions and prohibitions of employment in the case of adolescents employed in family undertakings only exist in the case of dangerous work; the other provisions of the Act are not applicable unless this is required by the labour inspection service.

The supervision of the application of the provisions of the Act concerning the protection of young persons and of the relevant Ordinance is entrusted to the labour inspection service. In the Land of Hamburg, the labour authorities have set up a committee for the protection of adolescents which includes, in particular, three representatives of employers and three representatives of workers (Ordinance of 22 March 1949).

Employers are required to keep a register of adolescents in their employment, showing their date of birth and the date on which they were admitted to employment.

Employers or their representatives who are found guilty of breaches of the provisions of the Act concerning the protection of young persons or the Executive Ordinance are liable to a fine of up to 150 marks or, in particularly serious cases, to imprisonment or a fine or both penalties combined.

In accordance with section 58 of the Act of 11 October 1952 concerning the organisation of undertakings, works councils must supervise the application of the provisions concerning the protection of workers, including those relating to the protection of young persons.

Modifications in the national legislation with a view to giving effect to all or part of the provisions of the Convention have not so far been made. Nevertheless, the Government believes that the regulations now in force in the Federal Republic are already in conformity with the provisions of the Convention to a considerable degree.

The national legislation differs from the Convention on the following points :

1. The scope of the Act concerning the protection of young persons does not extend to domestic service. When the relevant legislation is amended attention will be given to the possibility of including this category of workers in the scope of the new regulations.

2. The Act concerning the protection of young persons only prohibits the employment of children under the age of 14 years whilst the Convention prohibits the employment of children under 15 years. This provision is related to the period of compulsory education which, in the Federal Republic, begins at the age of six years and lasts for eight years as a rule. The raising of the minimum age from 14 to 15 years would only be possible if, in all the Länder, the period of compulsory education were increased to nine years; such a measure is not being contemplated for the near future.

3. The Act authorises the employment of children on light work outside school hours as from the age of 12 years, whilst the Convention stipulates the age of 13 years. It will be necessary to examine, when the legislation concerning the protection of young workers is amended, whether it will be possible to bring this provision into harmony with the provisions of the Convention, or whether it will be necessary to wait until the age for the general admission to employment has been raised.

4. According to German legislation children under 14 years of age may be employed during the holidays for four hours daily, whilst the Convention prescribes a maximum of two hours, even during the holidays. The possibility of bringing the German legislation into conformity with the provisions of the Convention in this respect will be duly examined.

According to the Convention children under 14 years of age may not be employed for more than two hours daily even if they are not required to attend school, whilst the German legislation authorises the employment of such children during six hours per day or more. This provision is also related to the period of compulsory education in Germany, which makes it possible for certain children to finish their schooling before the age of 14 years. So long as the period of compulsory education has not been extended by one year, it will hardly be possible to prohibit children who have left school from undertaking work involving more than two hours per day, particularly in the case of children who are entering into an apprenticeship.

5. According to the Convention children under 14 years of age may not spend more than a total of seven hours daily at school and on light work. The Government considers that it would be difficult to prescribe the maximum number of hours to be spent each day at school and on light work and even more difficult to require compliance with such provisions by making infringements subject to penalties.

6. Whilst the Convention provides that children under 14 years of age may only be employed on light work, to be defined by the national legislation or regulations, the German legislation lays down that such children may be employed on all types of work with the exception of those specifically prohibited. This discrepancy also is the result of the difference between the Convention and the Act concerning the protection of young persons with regard to the minimum age for admission to employment. In this case also it would be possible to bring about conformity between the national legislation and the provisions of the Convention only if the

period of compulsory attendance at school were extended.

7. Although the Convention does not provide for any exception to the prohibition of employment of children under 15 years of age on Sundays and public holidays, the German Act authorises the employment on such days of children between 12 and 14 years of age as assistants in sports events and of children over 14 years of age in cafés, restaurants, the hotel trade in general, hospitals, markets, and, on a maximum of six Sundays or public holidays per annum, in places of trade open to the public; their employment in all types of work is also authorised in case of necessity. It would probably be possible to abolish some of these exceptions at the time of the modification of the Act concerning the protection of young persons but their complete removal would only be possible after an extension of the period of compulsory education and when the minimum age for admission to employment has been extended in general to 15 years of age.

8. Although the regulations covering the employment of children in all types of public entertainment, such as those set out in Article 4 of the Convention, correspond to the German regulations as regards children under 14 years of age, the Act concerning the protection of young persons provides that the employment of children over 14 years of age in public entertainment, even if this is not in the interests of art or science, is subject to some restrictive provisions only and that the issue of individual authorisations is not necessary. At the time of the modification of the Act concerning the protection of young persons attention will be given to the possibility of making the employment of adolescents between 14 and 15 years of age in public entertainment subject to stricter restrictions and to more serious guarantees than have so far been required.

Finally the Government adds that on 26 April 1951 the federal Parliament requested the federal Government to submit to it at the earliest possible date a Bill concerning the protection of young workers. The Ministry of Labour is now preparing this Bill.

#### Greece.

Act No. 4029 of 24 January-6 February 1912, concerning the work of women and minors (*Bulletin of the International Labour Office* (Basle), 1912, Vol. VII, p. 285).

Royal Decree of 14-27 August 1913, respecting the execution of Act No. 4029 (*Bulletin of the International Labour Office* (Basle), 1914, Vol. IX, p. 219).

Act No. 2943 of 29 July 1922, to amend and supplement certain Acts for the protection of workers (*L.S.* 1922—Gr. 4).

Act No. 199 of 29 September 1936, to amend certain labour Acts (*L.S.* 1936—Gr. 9).

Act No. 759 of 27 June 1937, to provide for the protection of certain occupations and to amend various provisions of certain labour laws (*L.S.* 1937—Gr. 2 B).

The minimum age standard established in this Convention has not been applied in Greece, where the period of compulsory education terminates at the age of 12 years or, more frequently, 13 years. Children may enter non-industrial employment at the age of 12 years, or after leaving school at 13 years, provided they can produce a certificate showing that



they have completed the compulsory period of elementary education, and have obtained the requisite workbook from the labour inspectorate. Special rules have been drawn up in respect of employment which is dangerous to the health and morals of young persons, and of night work.

Economic, social and demographic conditions in Greece have prevented the implementation of Articles 1, 2 and 3 of this Convention. Although there is no definition of "non-industrial occupations", this term is considered to cover work in commercial undertakings, all types of agencies, hotels and similar establishments, theatres and itinerant trading.

Existing legislation prohibits the employment of young persons under the age of 14 years in any theatre or similar place of entertainment. Exceptions may be authorised by means of a special permit in the case of stage productions which promote the cause of art.

Permission is also required for young persons under the age of 14 years who engage in itinerant street trading, or offer wares for sale in places to which the public have access, or from door to door. This provision is designed to restrict the young worker's access to independent street trading, without wholly preventing such work on behalf of an employer.

Work on Sundays and public holidays is prohibited in the case of boys under 16 years and women of any age.

Act No. 759 of 1937 prohibits the employment in domestic service of all young persons under the age of 14 years.

Workbooks are required in the case of all young workers under the age of 16 years. These documents are issued by the labour inspectorate on the basis of a medical certificate drawn up by the state or communal doctor. All these papers are issued free of charge.

Section 16 of Act No. 4029 of 1912 requires that all employers who have in their service young persons under the age of 18 years should ensure that conditions in their undertakings are favourable for the health, physical development and morals of the personnel concerned.

Employers are also required to post up on the work premises extracts of the legislation relating to young workers, together with a table showing the names of the workers, their days and hours of work (with specific reference to the hours at which work is scheduled to begin or end) and their rest periods. Workbooks should remain in the possession of the employer, who is required to enter in them the dates on which the young worker began and ended his period of service. The workbook should be returned to the young worker when he leaves the employer's service.

The labour inspectorate, with the assistance of the police force, is responsible for the supervision of the application of provisions relating to the employment of young workers. Employers' and workers' organisations are empowered to submit proposals on the provisions regulating the employment of young persons, inasmuch as all decrees, before presentation for signature, are placed before the Labour Council—a body which includes employers' and workers' representatives—for comment and observations.

The provisions of the present Convention have not hitherto been applied and have not

affected existing legislation. National conditions are such that ratification is not immediately possible, especially in view of the fact that very few families can afford to do without the earnings of young persons after they have left school.

#### *Iceland.*

Act No. 29 of 9 April 1947, respecting the protection of children and young persons.

The Act of 1947 provides that the protection of children should be entrusted to a special committee set up in every town, and to elementary school boards in other places. Among the duties of these bodies is that of ensuring that children and young persons do not suffer undue strain through strenuous or unhealthy labour, long hours of work or irregular working methods.

Children under the age of 15 may not be employed in factories and the minimum age for admission to apprenticeship is 16 years. The Minister of Labour is empowered to issue regulations for the whole country, or for parts of the country, establishing special age standards for entry into certain occupations including restaurants and places of entertainment. No such regulations have yet been issued.

It is to be noted, however, that as school attendance is compulsory for children up to the age of 15 years, children are excluded as a rule from the employment market until that age, except for work undertaken during the summer holidays.

The penalties prescribed by law for breaches of the provisions for the protection of youth are fines or imprisonment up to a maximum of three years.

No special modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention.

#### *India.*

Laws regulating conditions of employment in shops and commercial establishments are in force in the majority of the Indian states. The legislation in question generally applies in the first instance to shops and commercial establishments, restaurants, and places of amusement in selected urban areas but may be extended to other areas and establishments.

The minimum age for admission to employment has been established at 12 years in the laws of Assam, Bombay, Delhi, Madhya Pradesh, Hyderabad, Madhya Bharat, and Mysore; and at 14 years in the laws of Bihar, Madras, Travancore-Cochin and Uttar Pradesh. The Punjab and West Bengal laws contain no provision regarding the employment of children and young persons. The Punjab law is also in force in Himachal Pradesh, the West Bengal law in Tripura, and the Bombay law in Saurashtra.

The Government nominates the authorities responsible in the various states for supervising the application of these provisions.

It is proposed to enact a law of the central Government on the subject, laying down uniform standards for adoption by the states. The provisions to be included in the proposed central legislation are at present under consideration.

One of the principal difficulties in the way of conformity with the Convention is the requirement that minimum age provisions should apply to all territories in respect of which the Indian Legislature has jurisdiction. It has not hitherto been found practicable to extend the scope of Indian legislation beyond selected urban areas.

#### *Ireland.*

Dangerous Performance Acts, 1879 and 1897.

Employment of Children Act, 1903.

Prevention of Cruelty to Children Act, 1904.

Children Act, 1908, amended by the Children Act, 1941.

Street Trading Act, 1926.

School Attendance Act, 1926 (*L.S.* 1926—*I.F.S.* 1).

Shops (Conditions of Employment) Acts, 1938 (*L.S.* 1938—*Ire.* 1), and 1942.

The Dangerous Performance Act, 1879, as amended by the Dangerous Performance Act, 1897, prohibits the employment of any boy under the age of 16 years or of any girl under the age of 18 years in any public exhibition or performance which, in the opinion of a court of summary jurisdiction, would involve danger to the life or limb of the young person concerned. Failure to comply with this provision makes the person or persons responsible for the offence liable to a penalty not exceeding £10.

The Employment of Children Act, 1903, was intended to provide a means of regulating the employment of children in those occupations which do not come within the scope of the Factory and Workshop Act, 1901, the Metalliferous Mines Regulation Act, 1872 and the Coal Mines Act, 1887.

The Act prohibits the employment of children under the age of 14 years between the hours of 9 p.m. and 6 a.m., but provides that these hours may be varied by the local authority. It empowers local authorities to issue by-laws prescribing a minimum age for admission to employment, hours during which employment is illegal, and the maximum number of daily and weekly hours of work, as well as by-laws prohibiting or permitting the employment of children in any occupation. Particular reference is made in this Act to street trading. It provides that no child under the age of 11 years may be employed in street trading and empowers local authorities to regulate the employment in this trade of children under the age of 16 years by prescribing conditions as to minimum age, sex, the issue and revocation of licences, the wearing of badges, etc. Street trading is defined to include the hawking of newspapers, matches, flowers and other articles; playing, singing or performing for profit; shoe-blackening and any other like occupation carried on in the streets or in public places.

The Act also provides that a child under the age of 14 years shall not be employed to lift, carry or move heavy weights, or work in any occupation which may endanger his life, limb or health or prove prejudicial to his education.

With regard to inspection, the Act provides that an officer of the local authority may be empowered, by virtue of an order issued by any district justice, in cases where there is reasonable cause to believe that a child is employed in any place in contravention of the Act, to enter such a place at any reasonable time and

to carry out an investigation regarding the employment of any child employed therein. Provision is also made in the Act for the imposition of penalties for breaches of the Act itself or of any by-laws made under the Act.

The Prevention of Cruelty to Children Act, 1904, prohibits the employment of children under the age of 11 years at any time in any street, in premises licensed by law for the sale of intoxicating liquor, in premises licensed by law for public entertainment or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing or performing, or being exhibited, or offering anything for sale. There is a similar prohibition on the employment of boys under the age of 14 years and of girls under the age of 16 years between the hours of 9 p.m. and 6 a.m. in the case of employment in premises which have not been licensed by law for public entertainment. The Act also prohibits the employment of any child under the age of 16 years for the purpose of training as an acrobat, contortionist or circus performer or for any dangerous exhibition or performance.

There is provision in the Act, however, for the granting of a licence by the district court for such time and during such hours of the day and subject to such restrictions and conditions as the court thinks fit in respect of any child over the age of 10 years who wishes to take part in any entertainment on premises duly licensed by law, or in any circus or other place of public amusement, or for training for such an entertainment. No such licences, however, may be granted unless due provision has been made to ensure the health and kind treatment of the child.

The Act confers upon inspectors and other responsible officers powers of entry, inspection and examination similar to those given under the Factory and Workshop Act 1901.

Section 120 of the Children Act, 1908, as amended, provides that the holder of the licence of any premises licensed for the sale and consumption of intoxicating liquor may not allow a child under the age of 15 years to be in the bar of the licensed premises at any time except when the bar is closed. This section does not, however, apply in the case of the licence holder's own children or in the case of any child who may be resident but not employed in the licensed premises. The holder of a licence who contravenes this section of the Act is liable on summary conviction to a maximum fine of 40 shillings in respect of the first offence and of £5 in respect of any subsequent offence.

The Street Trading Act, 1926, makes it illegal for any person to sell, offer, expose or carry for sale any goods whatsoever in any street in the city of Dublin, unless he has obtained a street trader's certificate; or to engage in any form of stall trading in any street in the city of Dublin unless he has obtained a street trader's stall licence issued to him under the Act. The Act provides that the Commissioner of the *Garda Síochána* may grant to any person a street trader's certificate if he is satisfied that he is a fit and proper person to have such a certificate. No fee, however, is payable in respect of a street trader's certificate issued to a person under the age of 16 years. The Act also provides that the holder of a street trader's certificate may, on application to the Corpora-

tion of Dublin, obtain a street trader's stall licence in accordance with the Act.

With regard to inspection, there is provision in the Act by which any member of the *Garda Siochana* may demand from any person whom he observes to be engaged in street trading or in stall trading, or whom he believes to be so engaged, the production of the appropriate certificate. Failure to comply with such a demand makes the person concerned guilty of offence under the Act and renders him liable to prosecution and to a maximum fine of £5.

While the Street Trading Act originally applied only to the city of Dublin, there is provision in the Act whereby it may be adopted by the council of any other city or town. The Act is at present in operation in a number of towns throughout the country.

The School Attendance Act, 1926, fixes the minimum school-leaving age at 14 years. It also empowers the Minister for Education to make regulations restricting or prohibiting the employment of children whose education may be prejudiced thereby. So far no regulations under this particular provision of the Act have been made.

The Shops (Conditions of Employment) Act, 1938, prohibits the employment by the proprietor of a shop of any child under the age of 14 years (other than a relative of the proprietor) on shop work. Failure to comply with this provision renders the proprietor liable to prosecution. A child who is a relative of the proprietor may, however, do shop work as a part-time occupation. The Act also provides that it shall not be lawful for the proprietor of a shop to employ any juvenile to do shop work unless or until a birth certificate or other satisfactory evidence as to age has been produced. Failure to comply with this provision renders both the proprietor and the young person liable to prosecution. Provision is also made whereby an inspector may enter at all reasonable times for the purposes of enforcing the provisions of Parts I to IV of the Act.

The application of all Acts mentioned above is enforced by the courts of justice.

The Government states that in view of the fact that the school-leaving age is 14 years, it will not be possible to ratify the Convention. The Government has already endorsed the principle of a higher school-leaving age but has not yet provided a comprehensive programme of implementation.

The Government adds that ratification of the Convention is prevented by the following difficulties: the line of division mentioned in Article 1 (2) has not been defined, the employment of children under 15 years is not prohibited (Article 2), the Irish legislation contains no provisions relating to light work as defined in Article 3, the legislation does not correspond with Article 4, the higher age limits referred to in Article 5 are only applied in the case of certain public exhibitions or performances and the provisions of Article 7 (a) and (b) are not fully reproduced in the national legislation.

#### Japan.

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

Ministry of Welfare Ordinance No. 23 of 30 August 1947: Enforcement of the Labor Standard Law.  
Child Welfare Law of 12 December 1947.

Ministry of Labor Ordinance No. 8 of 31 October 1947 :  
Labor standard for women and minors.

The Labor Standard Law covers a wide range of non-industrial occupations which are enumerated in section 8 of the Act and which in the opinion of the Government correspond to the scope of the Minimum Age (Non-Industrial Employment) Convention (No. 60). Specific exclusion is, however, made of all undertakings in which are employed only relatives of the employer who live with him as members of the family; and also all domestic employees in the employer's household.

The minimum age of entry established by this Act is 15 years. Provision is, however, made that children who are over the age of 12 years may, subject to authorisation by the Administrative Office, be employed outside school hours in the performance of light work which is not injurious to their health and welfare. It is further provided that the working hours, including school hours, of children employed in this manner should not exceed seven hours daily or 42 hours weekly.

While the Labor Standard Law prescribes that the employer must provide at least one day of rest every week, or at least four days of rest in every period of four weeks, no explicit prohibition has been made against the employment of young workers on statutory holidays. Work is, however, prohibited between the hours of 10 p.m. and 5 a.m. for all young workers under the age of 18 years, with special prohibitions applicable to children between the ages of 12 and 15 years engaged on light work, who are prohibited from working between the hours of 9 p.m. and 6 a.m., and to children between the ages of 15 and 16 years, who may not be employed between the hours of 8 p.m. and 5 a.m.

The procedure whereby children between the ages of 12 and 15 years may apply for employment is as follows: an application must be made to the Administrative Office, giving complete information in regard to the work to be performed, and bearing the signatures of the principal of the school and of the parent or guardian. The competent Administrative Office, after having ascertained that the employment is unlikely to be injurious to the health and welfare of the applicant, and that the work in view does in fact constitute light work, determines whether permission should be given. In the issuing of such authorisations, however, no contravention may be made of sections 13 and 15 of the Labor Standard Ordinance for Women and Minors.

By virtue of section 57 (2) of the Labor Standard Law, every employer who has in his service young workers under the age of 15 years engaged on light work is required to keep on the working premises the appropriate certificate issued by the school proving that the employment does not hinder the child's work at school, together with the document showing the consent of the parent or guardian.

The Labor Standard Law provides that children under the age of 12 years may be employed outside school hours in the production of motion pictures and in dramatic performances, after having obtained authorisation from the Administrative Office and after an employment certificate has been issued to the employer

under section 4 of the Labor Standard Ordinance for Women and Minors. In the case of such employment no authorisation may be issued in respect of the occupations listed in sections 13 and 15 of the Labor Standard Ordinance for Women and Minors; and furthermore, by virtue of section 62 of the Labor Standard Law, no employment may be permitted between the hours of 10 p.m. and 5 a.m.

Section 63 of the Labor Standard Law prescribes that young workers under the age of 18 years may not be employed in work which is prejudicial to their safety, health and welfare. The scope of such work is defined in sections 12 and 13 of the Labor Standard Ordinance for Women and Minors.

Section 34 of the Child Welfare Law prescribes that no young person under the age of 18 years may be engaged, whether by an employer or otherwise, in any occupation which involves going from door to door, or working in the street, or in any similar place, in the selling, distributing, exhibiting or collecting of commodities, nor in any form of service between the hours of 10 p.m. and 3 a.m. Children under the age of 15 years are not allowed to enter places such as restaurants, cafés, cabarets, dance halls, etc.

Chapter XI of the Labor Standard Law provides for an adequate system of public inspection and supervision by means of which effect is given to the Labor Standard Law and other related legislation. This Law also prescribes that every employer must maintain a census register showing the age of all young persons under the age of 18 years employed on the working premises. Chapter XIII of the Law makes provision for dealing with breaches of the legislation.

The Minister of Labor acts as the central administrative authority for the enforcement and inspection of the Labor Standard Law and other relevant legislation. The Director of the Labor Standard Bureau is responsible to the Minister of Labor. Local administration is in the hands of 46 directors of prefectural labor standard offices and 337 directors of labor standard inspection offices throughout the country. There are 2,424 standards inspectors, 781 of whom are attached to the prefectural labor standard offices and 1,643 to the labor standard inspection offices. Thus, in Japan, the Labor Standard Inspectorate is under the supervision and control of a central authority. The figures quoted above are in respect of 31 December 1953.

The Director of the Women's and Minors' Bureau is also responsible to the Minister of Labor in respect of the enactment, amendment and interpretation of special provisions for women and young persons. He is also required to submit recommendations and to offer assistance to the Director of the Labor Standard Bureau in regard to the enforcement of the Labor Standard Law.

Acting in an advisory capacity to the Minister of Labor and to the directors of the prefectural labor standard offices are the Labor Standard Council in the Ministry of Labor and the local labor standard councils in prefectural labor standard offices. These bodies are composed of representatives, in equal numbers, of labour, management and public administration, and their members discuss and advise on

the enforcement and amendment of the Labor Standard Law. A Women's and Minors' Problems Council, consisting of representatives of labour and management and of persons specially qualified by reason of their learning and experience, has been set up in the Ministry of Labor. This body was brought into being as a result of an inquiry instituted by the Minister of Labor in regard to the special problems of women and young workers.

No modifications have been made in national legislation with a view to giving effect to the provisions of the Convention.

The Government points out that ratification of the Convention is impeded because of the discrepancy between the Convention and the Labor Standard Law in respect of the minimum age for light work (the former requires 13 years, the latter permits employment at the age of 12 years); and because employment on legal public holidays is not prohibited for children engaged on light work. The Government adds that it is not proposed at the present time to adopt measures which would bring national legislation into line with the Convention.

#### *Luxembourg.*

Act of 10 August 1912, as amended by the Act of 2 August 1921 and the Grand Ducal Decree of 26 September 1946.

Legislative Decree of 26 March 1945, respecting labour inspection.

Special legislation governing the age of admission to non-industrial employment has not hitherto been adopted in the Grand Duchy of Luxembourg. On 1 June 1953, however, Convention No. 60, among others, was submitted to the Chamber of Deputies in Bill No. 473, for ratification.

The provisions of the Convention are in practice applied to a considerable degree as a result of the compulsory education laws now in force. The Constitution provides for compulsory school attendance. Every boy or girl who has attained the age of six years by 1 November must begin to attend school in that school year and continue during eight years to receive education based on the curriculum established by law. The communal authorities may, subject to the sanction of the Government, increase the period of compulsory school attendance to include one-half or the whole of a ninth year of education. No exceptions are authorised. In practice, therefore, children under the age of 15 years are excluded from entering employment except in so far as they perform light domestic work outside the hours of school attendance.

Compliance with school attendance laws is ensured by state and communal supervisory authorities. The labour inspectorate, in supervising the application of regulations governing the protection of children and young persons provides an additional safeguard (Legislative Decree of 26 March 1945). During the year 1953 no infringements of the law were reported to the labour inspectorate.

The ratification of Convention No. 60 would not give rise to conflict with any principle of the law in Luxembourg, particularly since its main provisions are, in practice, already in force. Consideration of the Bill mentioned above has been delayed only in view of the great number

and exceptional range of administrative reforms to which first priority has been given. The State Council, whose opinion is required before a vote can be taken in the Chamber of Deputies, has, however, already begun to study the ratifying Bill, and it is expected that its deliberations in this regard will have been concluded before the opening of the Parliamentary Session of 1954-55.

#### *Netherlands.*

Decree of 17 September 1930, to promulgate the text of the Labour Act, 1919, as last amended by the Act of 14 June 1930 (*L.S.* 1930—Neth. 2B).

Decree of 25 September 1933, to promulgate the text of the Labour Decree, 1920 (*L.S.* 1933—Neth. 4), as amended.

Act of 9 May 1935, to amend the Labour Act, 1919 (*L.S.* 1935—Neth. 2).

The Labour Act of 1919 provides that children under the age of 14 years, and others who are still subject to compulsory school attendance, may not undertake any work either on their own account or for some other person. In compliance with the provisions of section 10 of this Act, as amended, a number of public administrative regulations have been issued prohibiting the employment of young workers in work involving danger to their health, morals or life, or making such employment subject to specified safeguards.

Reference is made to the annual report submitted for the period 1952-53 on the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33) for more detailed information.

The labour inspectorate is responsible for supervision of the application of the relevant legislative provisions. National and municipal police are also authorised to report infringements of the law. Employers' and workers' organisations frequently assist in the supervision of compliance with the law on an unofficial basis, as for instance by entering complaints.

No modifications to the legislation have been made with a view to securing conformity with the Convention. The Government indicates that if the minimum age standard were to be raised to 15 years, the result, particularly as regards boys, would be the withdrawal from production of a number of workers who are essential to the programme of high productivity which the country is attempting to implement. Furthermore, school attendance, in practice, terminates when children attain the age of 14 years; for despite the fact that legal provisions require school attendance to begin at the age of seven years and continue for a period of eight years, many children begin school at the age of six years, so that the requisite eight years' education has been completed by the time children are 14 years of age. While complementary education would appear to be called for, a number of practical reasons make this impossible.

While the Government endorses the objectives of the Convention, it states that ratification will have to be postponed until national circumstances permit. In this connection a Bill amending the Labour Act of 1919 has been laid before the Chamber, in which it is proposed that girls aged 14 years should not be allowed to work in undertakings.

#### *Norway.*

Workers' Protection Act No. 8 of 19 June 1936 (*L.S.* 1936—Nor. 1), as subsequently amended, in particular by Act No. 21 of 28 July 1949 (*L.S.* 1949—Nor. 7).

Provisional Act of 3 December 1948, respecting the conditions of employment of domestics (*L.S.* 1948—Nor. 7), as amended by, *inter alia*, the Acts of 23 November 1951 and 17 July 1953.

The prohibition against child labour laid down in section 27 of the Workers' Protection Act has a more limited scope than the Convention; thus certain occupations have been excluded from the prohibition, the most important relating to forestry work, the measuring and floating of timber, salvaging and diving operations, theatres and similar establishments, hotels and similar establishments, and training and education establishments. The Ministry of Local Government and Labour has been empowered under the Act to decide whether, and under what conditions, children may be employed in these occupations, which may therefore be covered by the prohibition without any amendment to the Act. Furthermore, the Act authorises the employment of children over 12 years of age in the drying of peat and fish in the open air and on messenger duties and the carrying of goods for shops.

The supervision of the application of the relevant legislation has been entrusted to the Ministry of Local Government and Labour and to the Directorate of Labour Inspection.

The Act of 3 December 1948 concerning conditions of employment for domestics, as amended by the Act of 23 November 1951, is based on the principles laid down by the Ministry of Social Affairs in a Royal Proposition of 1948 in which the Ministry stated that the question of domestic work for children should be solved in such a way that the conditions in Norway for this occupation complied with the requirement of Convention No. 60. The Ministry also indicated its agreement with the provision of the Convention providing for a general minimum age of 15 years for domestic workers and indicated that housework by children under this age should be limited to the tasks of looking after children and carrying out light messenger duties. The working hours of children over 13 years of age should be limited in accordance with the requirements of the Convention and work by children should be prohibited after 6 p.m. The Ministry also decided to propose that the provisions relating to the employment of children in domestic work should apply even in cases which are otherwise excluded from the scope of the Act. It was stated that this was necessary in order to ensure conformity between the Act concerning domestic service and the provisions of the Convention.

The Government states that regulations concerning the employment of children on messenger duties will be issued under the Workers' Protection Act and based on the present arrangement authorising the employment of children over 12 years of age on light messenger duties. The possibility of amending the Workers' Protection Act with a view to bringing it into conformity with the Convention on this point has not been discussed. The draft regulations in question are not sufficient to fulfil the requirements of the Convention on other points.

Relevant legislative texts are appended to the report.

*Pakistan.*

Employment of Children Act, 1938 (*L.S.* 1938—Ind. 5).  
Sind Shops and Establishments Act, 1940.

North-West Frontier Province Trade Employees Act, 1947.

East Bengal Shops and Establishments Act, 1951.

The Government states that the present Constitution gives concurrent jurisdiction to the central Government and to the state governments in regard to the question of the minimum age for admission to non-industrial employment ; and adds that a new Constitution is being drafted for Pakistan.

The Employment of Children Act, 1938, prohibits the employment of children below the age of 15 years in any occupation connected with the transport of passengers, goods or mail by railway or involving the handling of goods within the limits of any port. It also prohibits the employment of children below the age of 12 years in bidi making, carpet-weaving, cement manufacture, textile printing, manufacture of matches and explosives, mica cutting and splitting, etc.

The Sind Shops and Establishments Act, 1940, which also applies to Karachi, prohibits the employment of children under the age of 12 years in any shop, commercial establishment, restaurant, eating house, theatre or any other place of public amusement or entertainment.

The North-West Frontier Provinces Trade Employees Act, 1947, prohibits the employment of persons below the age of 10 years in any shop, commercial establishment, eating place or place of amusement.

Under the East Bengal Shops and Establishments Act, 1951, persons below the age of 12 years may not be employed in any shop or commercial establishment.

The Government reports that the appropriate state governments have appointed inspectors or labour officers who are responsible for the supervision of the application of the Acts, and adds that tripartite bodies have been set up by the central Government and in the provinces of the Punjab and East Bengal which can call upon the assistance of the workers' and employers' representatives in the enforcement of relevant legislation.

The Government states that discrepancies in the age standards which appear from a comparison between national legislation and the Convention constitute an obstacle to ratification which cannot be removed until compulsory primary education has been introduced throughout the country.

*Philippines.*

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violations of the Act, and for other purposes (*L.S.* 1952—Phi. 1).

Act No. 679, which is known as the Women and Child Labor Law, replaces the Act of 16 March 1923 which also dealt with the employment of women and young persons.

The enforcement of the above-mentioned Act is entrusted to the Women's and Children's Section of the Labor Inspection Division of the Bureau of Labor.

The provisions of Act No. 679 are in many ways similar to those of the Convention. Thus, the Act lays down that children under 14 years

of age may be employed only to perform light work which is not harmful to their health or normal development, and which is not such as to prejudice their attendance at school. It also provides that no child under 14 years of age may be employed on school days in any shop, factory or agricultural establishment or any other place of labour unless the child in question knows how to read and write.

No children under 16 years of age may be employed in quarries, mines, shipbuilding, building and civil engineering works or as elevator boys, motormen or firemen, etc. No girl under 18 years of age may be employed in any bar, night club or dance hall.

The Government states that the national legislation differs from the provisions of the Convention in that it authorises the employment of children provided they know how to read and write, whilst the Convention requires full-time school attendance as a prerequisite to employment.

During the last session of the Congress, House Bill No. 2426, to amend Act No. 679, was approved ; a copy of this Bill is appended to the report, together with the text of the present Act.

*El Salvador.*

Decree No. 157 of 1 June 1949, to promulgate the Act respecting individual contracts of employment in commercial and industrial undertakings or establishments (*L.S.* 1949—Sal. 1).

Decree No. 14 of 7 September 1950 : Constitution of the Republic of Salvador (Extracts ; *L.S.* 1950—Sal. 4A).

Decree No. 128 of 22 January 1951, to promulgate the Act respecting hours of work and weekly rest (*L.S.* 1951—Sal. 1).

The Constitution provides that all persons living in the Republic of El Salvador have the right to elementary education, which is free of charge when subsidised by the State. The Constitution also provides that persons under the age of 14 years, and those over the age of 14 years who are still subject to compulsory school attendance, may not be employed on any kind of work, except in cases where employment is deemed to be indispensable to the maintenance of their families, and provided always that it would not prevent them from receiving the minimum education prescribed by the law.

The Act concerning contracts of employment provides that young persons may enter into individual contracts of service from the age of 14 years ; children aged 12 to 14 years may enter into such contracts through their legal representatives, provided that their compulsory education is not interrupted.

The Act concerning hours of work and weekly rest provides that young persons under 18 years of age may not do night work and that the working week of young persons under 16 years of age must not exceed 36 hours.

The Department of Labour Inspection, which maintains a staff responsible for carrying out visits of inspection to industrial and commercial undertakings throughout the country, reports to the Ministry of Labour and Social Welfare on the application of these regulations. Where infringements are reported, the employer is warned that unless he complies with the law within a reasonable time he will be subject to such penalties as are imposed by law.



Employers are also required to report, in January of each year, to the Section of Inspection in Industry and Commerce—which is responsible to the Department of Labour Inspection—the names and ages of all workers in their service during the preceding year.

While members of the Department of Labour Inspection are responsible for ascertaining whether the law is observed, the *delegados inspectores*—i.e. labour court judges, the Assistant Director of the National Labour Department, and the Minister of Labour and Social Welfare—are responsible for the enforcement of the law.

The Government believes that the national legislation should be appropriate to the needs of the country, and therefore expresses its willingness to adopt the principles contained in Convention No. 60 in the degree to which they correspond to national requirements and may be implemented without prejudice to the nation's economy.

The chief obstacle in the way of ratification is the high minimum age standard defined in the Convention. This provision would, if adopted, present major problems for the labour force in El Salvador. The Government points out that where there are no resources available for providing elementary education, a requirement of this nature would have a harmful effect on the very persons it is designed to protect; economic pressure would compel young persons to enter employment illegally, with the result that they would find themselves at a disadvantage when faced with inequitable conditions of work, as any application to the authorities responsible for supervision of the law would result in their immediate removal from the employment market. On the other hand, the Government states that recent years have seen the development of real interest in making available free and effective education for all young persons in El Salvador. When most of the above problems have been solved, it will be possible to ratify the Convention.

Article 23 (2) of the Constitution of the I.L.O. has not yet been fully applied.

#### *Sweden.*

Ordinance No. 115 of 1897, respecting the employment of children in public entertainment.

Employment of Children (Street-trading) Act of 9 April 1926 (*L.S.* 1926—Swe. 2).

Workers' Protection Act of 3 January 1949 (*L.S.* 1949—Swe. 1).

Royal Proclamation No. 208 of 6 May 1949: Regulations issued under the Workers' Protection Act (*L.S.* 1949—Swe. 4).

Royal Proclamation No. 209 of 6 May 1949, to prohibit the employment of young persons on certain dangerous types of work (*L.S.* 1949—Swe. 3).

The Government states that Convention No. 60 has already been brought for discussion before the National Parliament and that on the advice of the Secretary-General to the Ministry of Labour it has been decided that ratification would not at present be feasible in view of the stricter standards imposed in the Convention and in view of the difficulties which would arise from the introduction of a minimum age of admission which would be a year higher than the school-leaving age.

*Article 1 of the Convention.* The Workers' Protection Act of 1949 applies to all forms of employment with the exception of work performed at home under such conditions that the employer cannot be held responsible for the manner in which it is carried out, fishing operations, family employment and domestic service. Work in vocational training institutes not specifically designated by the Crown is also excluded; but the Government adds in this connection that even in the case of institutions which have been brought within the scope of the Workers' Protection Act, minimum age provisions are not applicable but, instead, section 26 of the Workers' Protection Act, which imposes on the employer a general obligation to safeguard the young person's health and physical development and moral welfare.

*Article 2.* The Workers' Protection Act prohibits the employment of young persons unless they have attained the age of 14 years (or will attain this age during the current calendar year) and unless they have completed the prescribed elementary school course or have otherwise met the requirements for release from school attendance obligations. An exception is also made for work effected during the holidays.

For employment in certain occupations deemed to be exceptionally fatiguing for the young worker, the age of admission has been established at 15 years. By virtue of section 24 of the Workers' Protection Act these occupations include all employment in hotels, restaurants and cafés except the carrying of messages and running of errands and light distribution duties.

*Article 3.* The Statement of Intention appended to the Workers' Protection Act recommends that authorisation for employment at an age lower than the general minimum age should be restricted to children who have attained the age of 13 years, but this is not specified in the Act. The Workers' Protection Board, or the labour inspector acting under powers delegated by the Board, may thus authorise children who are over the age of 13 years to engage in light work provided that such work is not likely to prejudice their health, physical development or school attendance obligations. A memorandum has been issued by the Workers' Protection Board setting out conditions under which such employment may be authorised for young persons seeking employment during the school term.

In regard to the holiday employment of school children the Workers' Protection Board may, in exceptional cases, allow employment in those occupations which normally require a minimum age of 15 years—*inter alia*, hotels, restaurants and cafés—if the work in question is particularly light. On the other hand the Board has provided that young persons over the age of 13 years may without special authorisation, undertake employment in a number of occupations specially selected on the basis of information received from the employment service as being suitable for holiday work. Such employment is, however, permitted only provided that the work premises are suitable in every way, that the young worker is not engaged in mass-production processes or piece work, or in the handling of toxic, corrosive or other dangerous substances, and furthermore, provided that

he is not required to work more than 48 hours weekly or on Sundays and holidays.

If the young worker has attained the age of 14 years permission may be given in individual cases for employment in other occupations for the purposes of vocational training and whenever the work might be of special advantage to the young worker.

Provisions in Swedish legislation governing hours of work are considerably less strict than those set out in the Convention. Section 31 of the Workers' Protection Act prescribes that except in times of natural disasters, young persons may not be employed for more than 10 hours daily or 54 hours weekly. Children over the age of 13 years engaged on light work during the school term in accordance with permission granted by the Workers' Protection Board, are not authorised to work for more than 2 hours daily or more than 12 hours weekly. Work performed during the school holidays is governed by the rules set out under section 31 of the Act.

No provision has been made in respect of the work of young persons on Sundays and holidays except inasmuch as (1) section 21 of the Workers' Protection Act provides that workers are entitled to a period of 24 hours' rest in every period of seven days; and (2) authorisation for the work of schoolchildren is not given in respect of Sunday duties and holiday work.

Night work is normally prohibited for young workers. By virtue of section 33 of the Workers' Protection Act every young worker has the right to a night rest of at least 11 consecutive hours. This interval must include the period between 7 p.m. and 6 a.m. in the case of young workers under the age of 16 years, and the period from 10 p.m. to 5 a.m. in all other cases. The Workers' Protection Board may authorise the substitution, in certain regions and in the case of certain employments and places of work, of an alternative period of seven consecutive hours between 10 p.m. and 7 a.m.

While there is no definition of light work in Swedish legislation, the Workers' Protection Board has established a list of occupations deemed to be particularly light and in respect of which admission to employment is permissible under the age of 14 years. This list was drawn up after preliminary consultation between employers' and workers' organisations.

While no special safeguards in the performance of light work have been prescribed under the terms of Swedish legislation, section 26 of the Workers' Protection Act contains a general prohibition of all employment involving danger of accident or overstrain, or exposing the young workers' health, physical development or moral welfare to risks of any kind. The Government adds that before exemptions are authorised inquiries are instituted as to the actual nature of the place of work.

*Article 4.* An Ordinance of 1897 provides that boys under the age of 14 years and girls under the age of 15 years may not be permitted to dance, to play the barrel organ or other instruments, to perform acrobatic acts or trick riding or to assist in menageries and similar shows in respect of which a ticket or a right of entry is required from the public. Exemptions may however, be authorised in the case of theatrical performances upon due application

to the police authorities in Stockholm or to the prefecture elsewhere.

*Article 5.* Section 24 of the Workers' Protection Act establishes a higher age of admission (i.e. 15 years) in respect of employment in hotels, restaurants and cafés. The Crown may lay down special conditions for the employment of young persons in certain categories of employment which may expose them to risk of accident or overstrain or put their moral welfare in hazard; it may also exclude young workers entirely from such employment. Royal Decree No. 209 of 1949 prohibits the employment of young workers in certain dangerous occupations.

*Article 6.* By virtue of the Act of 1926 the employment of young persons under the age of 16 years may be prohibited in the sale and delivery of printed matter, flowers, haberdashery and other articles in towns, market towns or municipalities. The prohibition is not applicable to children over the age of 13 years employed as sales assistants in shops or other places on working days between the hours of 8 a.m. and 7 p.m., or to those selling or distributing newspapers or assisting in trade and distributing operations on behalf of or under the direct supervision of either of their parents. The prohibition must be promulgated by the municipal authorities after consultation with the public health authorities, the School Board and the Children's Committee.

*Article 7.* The Government states that the requirements of this Article are substantially met by the provisions of Swedish legislation.

#### *Switzerland.*

Federal Act of 24 June 1938, respecting the minimum age for employment (*L.S.* 1938—Swi. 1).

The federal Act of 24 June 1938 contains provisions which relate largely to non-industrial occupations. It does not, however, include domestic service, institutions of a public or public utility character which are set up in the interests of art, science, education or instruction, social welfare or the care of the sick, as does the Convention.

The federal Act applies the basic principles of the Convention. It also provides for a minimum age of 15 years and prescribes certain exceptions.

The application of the Act is entrusted to the cantons, but the Federal Council is the supreme supervisory authority. Employers' and workers' organisations may obtain information on the application of the Act and make complaints if any infringements have taken place.

No modifications have as yet been introduced into the national legislation or practice with a view to giving effect to the provisions of the Convention.

The scope of the Convention is much wider than that of the national legislation.

The federal legislator does not intend, for the present, to issue provisions concerning minimum age with a view to covering the activities falling within the scope of the Convention but excluded from that of the federal Act. The General Labour Bill of 1950 provides for a wider field of application but nevertheless does not



correspond exactly with the provisions contained in Convention No. 60.

### *Turkey.*

Constitution of Turkey.

Elementary Education Act of 23 September 1913, as amended by Act No. 5956 of 16 June 1952.

Public Health Act of 24 April 1930 (*L.S.* 1930—Tur. 1). Act No. 2559 of 4 July 1934, respecting the duties and powers of the police.

Labour Act No. 3008 of 8 June 1936 (*L.S.* 1936—Tur. 2).

The Constitution (section 78) provides that elementary education is compulsory and free. The Elementary Education Act contains a similar provision and also lays down that children between 6 and 14 years of age must attend an elementary school.

The Labour Act applies to industrial and non-industrial occupations alike and does not cover agriculture, navigation, air navigation or home work. Some of the non-industrial occupations as defined in the Medical Examination of Young Persons Recommendation, 1946, and the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946, are covered by the Act. Thus the Act applies to any undertaking, whether industrial or non-industrial, where the nature of the work is such as to necessitate the daily employment of at least ten employees (four employees in cities or towns with a population of more than 50,000 inhabitants).

The Labour Act (section 48) provides that children under 16 years of age may not be employed on any work whatever for more than eight hours a day and that the hours of work of schoolchildren must be so arranged that they do not hinder attendance at school; hours spent in school are reckoned as part of the eight-hour working day. The Labour Act (section 51) also lays down that employers must draw up lists of children in their employment who are aged between 12 and 16 years, of young persons between 16 and 18 years of age, etc. The list must indicate the employee's name, date of birth, hours of work, etc., and must be submitted to the competent authorities.

Regulations issued under section 58 of the Labour Act specify the types of work deemed to be dangerous and arduous and in which young persons under 18 years of age may not be employed. The Act also lays down that the Ministry of Labour must ensure, by means of supervision and inspection, that conditions of employment are in accordance with the law and with national interests. Penalties are provided for in the case of contraventions of the provisions of the Labour Act.

The Public Health Act provides that children between 12 and 16 years of age may not be employed for more than eight hours daily and may not work after 8 p.m. It also prohibits the employment of young persons under 18 years of age in bars, cabarets, etc., and provides that the Labour Act must specify the unhealthy and dangerous occupations in which children between 12 and 16 years of age may not be employed.

Act No. 2559 prohibits the employment of young persons under 21 years of age in casinos, cabarets and other similar establishments.

The Ministries of Education, Labour, Public Health and Social Assistance and the Interior, are responsible for the supervision of the application of the relevant provisions of the law. The Acts mentioned above specify the penalties to be imposed in the case of breaches of the relevant provisions.

No modifications have been made in the national legislation or practice with a view to giving effect to all the provisions of the Convention but the Government states that the national legislation already covers most of these provisions.

The Government does not hope to ratify the Convention in the near future, since non-industrial occupations, as defined in the Convention, have a wide scope and the definition of the line of division separating non-industrial occupations from industrial, agricultural and maritime occupations, would necessitate the introduction of new legislative measures requiring an extensive survey of the non-industrial sector.

### *Union of South Africa.*

Liquor Act, 1928, as amended.

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), as amended.

Shops and Offices Act No. 41 of 1939.

Apart from restrictions contained in the Liquor Act, 1928, as amended, the regulation of the minimum age for admission to non-industrial employment is a matter which is dealt with by bodies such as the Wage Board and the various industrial councils which are responsible for the drawing up of wage-regulating instruments.

The Liquor Act, 1928, as amended, prohibits the employment of persons under the age of 18 years in places where liquor is supplied for consumption on the premises.

Wage determinations promulgated under the Wage Act, 1937, as amended, or industrial (collective) agreements promulgated under the Industrial Conciliation Act, 1937, prohibit the employment of persons under the age of 15 years in many areas of the country in occupations such as hairdressing, insurance, catering, retail meat trades, private hotels, newspaper publishing, and in shops. The Shops and Offices Act, 1939, also places certain restrictions on the employment of persons under the age of 18 years at night in shops, tea-rooms, etc.

Whenever employers are required by industrial legislation to keep records of wages, hours, etc., provision is made for recording the age of any person under 21 years.

With the exception of the Liquor Act, which is administered by the Department of Justice, all the other legislation mentioned falls under the jurisdiction of the Department of Labour. Where industrial councils exist, they administer their own agreements, and employers and workers in such instances are engaged directly in the application of the instruments which prescribe conditions of employment.

In so far as national legislation is concerned, no modifications have been made since the introduction of the Shops and Offices Act in 1939, but modifications in practice have been brought about in a number of cases when wage determinations or agreements have been pro-

mulgated in respect of undertakings not previously covered by any wage-regulating instrument.

Ratification of the Convention can only be contemplated when full effect is being given to all its Articles, including those relating to inspection, identification and supervision of persons under the specified age. It has not yet been possible to extend the benefits of education to all children, especially in the more remote areas, nor has it been feasible to allocate staff to those areas for purposes of inspection and supervision. The barring of children from employment in remote country areas where no educational facilities exist may even cause hardship, and for this reason, and because of inspection difficulties, the full implementation of the terms of the Convention can only be a very slow process.

As indicated above, the regulation of conditions of employment, including the subject matter of the Convention, is a function of the Wage Board and of the various other bodies and persons, permanent and temporary, which form part of the Union's wage-fixing and collective bargaining machinery, and any extension of the applicability of the terms of the Convention can only be effected in conjunction with the expansion of the scope covered by the Wage Board and the other bodies in question.

#### *United Kingdom.*

Children and Young Persons Act, 1933 (*L.S.* 1933—*G.B.* 1).

Education Act, 1944 (extracts, *L.S.* 1944—*G.B.* 5).

Education Act, 1946.

Children and Young Persons (Scotland) Act, 1937.

Education (Scotland) Acts, 1946-49.

Education (Exemptions) (Scotland) Act, 1947.

Education Acts (Northern Ireland) 1923 and 1947.

Children and Young Persons Act (Northern Ireland), 1950.

*Articles 2 and 3.* Section 18 of the Children and Young Persons Act, 1933, as amended by the Education Acts, 1944 and 1946 (in Scotland, section 28 of the Children and Young Persons (Scotland) Act, 1937, as amended by the Education (Scotland) Acts, 1946-49), restricts the employment of children who are not over statutory school age, and, in general, prohibits their employment if more than two years below that age, i.e. 13 at present. In Northern Ireland, roughly the same provisions apply under section 36 of the Education Act (Northern Ireland), 1923, as amended in the 7th Schedule of the Education Act (Northern Ireland), 1947, but until the present school-leaving age is raised the lower age limit for employment will remain at 12 years. These restrictions include prohibitions of employment between 8 p.m. and 6 a.m. (this time is varied to 7 p.m. from 1 October to 31 March in Scotland, and is between 8 p.m. and 7 a.m. in Northern Ireland) for more than two hours on school days and Sundays (three hours in Northern Ireland), and in lifting, carrying or moving anything so heavy as to be likely to cause injury.

By-laws made by local education authorities may impose restrictions additional to those specified in the Acts. Such by-laws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may also prescribe the age below which children

may not be employed, the times of day at which they may be employed, the intervals for meals and rest and the holidays or half-holidays to be allowed. The by-laws may authorise the employment of children below the statutory minimum age of 13 (12 in Northern Ireland) by their parents or guardians in light agricultural or horticultural work, and also the employment of children for not more than one hour before the commencement of school hours in any day on which they are obliged to attend school.

In 1947, when the school-leaving age in Great Britain was raised to 15, local education authorities were provided with a set of model by-laws for their assistance in considering the revision of their by-laws. The local education authorities, who have revised their by-laws since that date, have, in general, followed these models fairly closely. Most local education authorities have provided for a maximum number of daily and weekly hours during which a child may be employed on non-school-days, intervals for meals and rest, safeguards against the employment of a child out of doors without adequate clothing to protect him from inclement weather, and the prohibition of employment of children in specified occupations, e.g. in billiard saloons.

None of the by-laws allows employment before 6.30 a.m. or after 8 p.m. The latest hour most commonly fixed is 7 p.m.

In Northern Ireland, the raising of the school-leaving age to 15 has been deferred until sufficient school buildings are available.

The Education (Exemptions) (Scotland) Act, 1947, authorises the exemption from school attendance of a limited number of children aged 13 years and over to enable them to assist in lifting the potato crop. Regulations provide that the education authority must be satisfied that the child is physically fit, that the exemption does not exceed 15 school-days, that the child is suitably shod and clad, that suitable arrangements are made for his midday meal and that he may not be employed for more than 40 hours in any week or for more than eight hours in any day with an interval of one hour after any continuous period of work extending to four hours.

*Article 4.* Under Section 22 of the Act of 1933 (sections 32 and 38 of the Scottish Act of 1937 and section 23 of the Northern Ireland Act of 1950) and rules made thereunder, no child under 12 (13 in Scotland) may take part in any entertainment in connection with which a charge is made to the audience, and a child of this age or over may take part only if a licence has been granted by the local education authority or by the national authority on appeal. Certain performances (which include rehearsals) from which no private profit is derived are excepted and children of 12 and over are exempt when taking part in a performance broadcast by the British Broadcasting Corporation, to which the public are not admitted on payment. These provisions do not apply to the employment of children as film actors, which is subject to the general provisions relating to employment of children referred to above. Children over 14 may be employed under licence up to 10 p.m., or in exceptional circumstances, to 11 p.m. No child may be employed in an entertainment on Sunday in Scotland or Northern Ireland.

Licences may not be granted unless the education authority is satisfied that the child is fit to take part in entertainment and that proper provision has been made to secure his health and kind treatment.

*Article 5.* Section 23 of the Act of 1933 (in Scotland, section 33 of the Act of 1937 and in Northern Ireland, section 24 of the Act of 1950) prohibits a person under 16 from taking part in any public performance in which his life or limbs are endangered. Section 24 (section 34 in Scotland and section 25 in Northern Ireland) prohibits any person under 12 from being trained to take part in performances of a dangerous nature and requires a licence for the training of persons between 12 and 16. If the licensing authority is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment, the licence may not be refused.

*Article 6.* Section 20 of the Act of 1933 (section 30 of the Scottish Act of 1937) prohibits persons under the age of 16 (17 in Scotland) from engaging or being employed in street trading, but local education authorities have power to make by-laws permitting young persons who are over compulsory school age but under 16 (17 in Scotland), to be employed by their parents. In Northern Ireland, section 36 of the Education Act (Northern Ireland), 1923, as amended, prohibits children under the statutory school-leaving age from engaging or being employed in street trading. The local authorities may also make by-laws regulating or prohibiting street trading by persons under 18, lay down distinctions based on age and sex, determine the days and hours during which such persons may be engaged or employed and providing that if a Youth Employment Committee can find an applicant for a street-trading licence more suitable employment within a reasonable distance of his home, this shall be a ground for refusing the application. In Northern Ireland such by-laws regulating street trading by young persons under 16 may be made under section 37 of the 1923 Act.

*Article 7.* Under section 28 of the Act of 1933 (in Scotland section 36 of the Act of 1937 and in Northern Ireland section 42 of the Act of 1923 and, so far as entertainment is concerned, section 26 of the Act of 1950) a warrant may be granted authorising an officer of the local authority or a police constable to enter any place where it is suspected that the law or by-laws concerning employment of children or employment of young persons in street trading or employment of children in entertainment are being contravened. Also, any authorised officer of a local education authority or any police constable may at any time, without warrant, enter any place where a young person is being employed in an entertainment or being trained to take part in a dangerous performance during the currency of the licence.

By-laws usually provide that employers shall keep a register of children in their employment and that the child shall carry an employment card on which are entered the times at or between which his employment is permitted. A number of by-laws also provide that employed

children and persons under 18 years of age employed in street trading must wear a badge. A photograph is attached to a licence for a child employed in entertainment.

Sections 21 (1), 22 (5), 23 (1) and 24 (1) in England and Wales provide penalties for contraventions of any of the above-mentioned provisions of the Act or of by-laws made thereunder (sections 31, 32 (1) and (4), 33, 34 (1) and 36 (3) of the Scottish Act, sections 40 and 41 of the Northern Ireland Act of 1923 and sections 23 (5) and (6), 24, 25 (1) and 26 (3) of the Northern Ireland Act of 1950).

Local education authorities are responsible for the enforcement of the Acts and by-laws, except the law as regards training for dangerous performances, which is enforced by the police. There is no special machinery for securing co-operation of organisations of employers and workers in the application of the law, but they are consulted when new or amending legislation is under consideration.

No modifications have been made in national legislation as a result of the Convention but, as will be seen, the present law and practice accord to a considerable extent with a number of its provisions and these are also being borne in mind in connection with proposals for amending legislation which are at present under consideration. As at present advised, however, the Government considers that local authorities should be left reasonable discretion, within limits laid down by central legislation, to deal with certain of the matters covered by the Convention, such as the question of Sunday employment and maximum daily and weekly hours of employment on non-school-days, and the Government does not therefore feel able to commit itself to the implementation of all the provisions of the Convention in national legislation or regulations.

#### *United States.*

Fair Labor Standards Act of 25 June 1938 (*L.S.* 1938—U.S.A. 1), as amended.  
Child Labor Regulation, No. 3.

The Government regards the provisions of the Convention as appropriate in part for federal action and in part for action by the constituent states.

The Government states that collective bargaining agreements do not consistently include minimum age provisions. Where minimum age standards are found, they are most likely to be in connection with the establishment of age limits for apprentices. In the union agreements recently reviewed on this point, those which had age standards set a minimum of 16, 17, or 18 years.

In so far as the federal Government is concerned, the United States Civil Service Commission has prescribed an 18-year minimum age for entrance to most competitive examinations. When the interests of sound administration so require, a minimum age of 16 or 17 years may occasionally be prescribed for employment in non-hazardous occupations. The Commission has issued regulations providing that state labour standards setting forth minimum age requirements should be applied in all agencies in the field and further providing that the provisions of the Fair Labor Standards Act relating to the employment of minors under the age of 18 in

occupations classed as hazardous for the employment of such minors should also be applied.

*Article 1 of the Convention.* The child labour provisions of the Fair Labor Standards Act apply to any employer who employs any minor in interstate or foreign commerce or in the production of goods for such commerce, and to any producer, manufacturer, or dealer who ships goods or delivers goods for shipment in interstate or foreign commerce. The employment of minors in certain occupations is exempt from coverage under the child labour provisions of the Fair Labor Standards Acts (*paragraphs 1 to 3 of Article 1 of the Convention*). Children working for their parents in occupations which have not been found to be hazardous and which do not involve manufacturing or mining are not covered (*paragraph 4*).

*Article 2.* There is no provision of federal law applicable.

*Article 3.* The Fair Labor Standards Act sets a 14-year minimum age outside school hours for employment in the limited number of non-manufacturing, non-mining occupations for which a minimum age of 16 or 18 years does not apply; the employment of children of 14 and 15 years of age is permitted only under specified conditions established by regulations issued under the Act (*paragraphs 1 and 2*).

The employment of children of 14 and 15 years of age is limited to periods outside school hours and to a maximum of three hours on any school day and eight hours on any non-school day (*paragraph 3*). The Fair Labor Standards Act does not prohibit Sunday or holiday work; it prohibits night work of minors of 14 and 15 years of age between 7 p.m. and 7 a.m. (*paragraph 4*). Children under 14 years are not permitted to work at any time in employments covered by the Act (*paragraph 5*). Child Labor Regulation No. 3 issued under the Act carries out the purposes of *paragraph 6*. It also sets a maximum eight-hour day on a non-school day and a 40-hour week in a non-school week; a maximum of three hours of work on a school day and a maximum of 18 hours in a week in which school is in session. There is no federal regulation of school attendance but all states have compulsory school-attendance laws (*paragraph 7*).

*Article 4.* The employment of children as actors or performers in motion picture, theatrical, radio, or television productions is exempt from the Act. Cabaret employment, since it does not involve interstate commerce, would not be subject to federal law.

*Article 5.* Under the Act, an 18-year minimum age is set for occupations which are found and declared by the Secretary of Labor to be particularly hazardous for minors. To date, eleven orders have been issued.

*Article 6.* Employment of children engaged in the delivery of newspapers to the consumer is exempt from the Act. There is little, if any, coverage under the Act of children engaged in itinerant trading in the streets.

*Article 7.* A comprehensive system of public inspection and supervision by the United States

Department of Labor is provided for under the Act. Regulations issued pursuant to the Fair Labor Standards Act require the employers to keep a register of the names and dates of birth of all minors under 19 employed by them. In addition, employers are protected against unintentional violation of the child labour provisions of the Act by having on file employment or age certificates for minors under 18 years of age for regular employment and under 20 years for hazardous employments. These certificates also show the names and dates of birth of the minors. *Clause (c)* of this Article is not applicable. For violation of the child labour provisions of the Fair Labor Standards Act the employer may be subject to a fine, imprisonment, or both. In addition, an employer may be enjoined by civil action from future violations of the Act.

The administration and enforcement of the Fair Labor Standards Act comes under the jurisdiction of the United States Department of Labor. The Secretary of Labor has assigned to the Administrator of the Wage and Hour and Public Contracts Divisions the enforcement of the Act, subject to the general direction and control of the Secretary. The Office of the Solicitor of the Department of Labor and the Department of Justice co-operate in the handling of legal actions arising under the Act. The administration of this Act involves the co-operation of both employers' and workers' organisations as well as that of groups of individuals and organisations representing the general public.

The head of each government department or agency, in accordance with applicable statutes, executive orders and rules, is responsible for the administration of Civil Service Commission regulations. To assist and advise them in carrying out their responsibilities in these matters, the agency or department heads have designated a director of personnel or other similarly responsible official to be in charge of personnel.

The 1949 amendments to the Fair Labor Standards Act strengthened the child labour provisions of the Act. Among other things coverage was extended to many more minors and, in particular, the 16-year minimum age was made applicable to minors employed in agriculture during school hours and to minors employed directly in interstate commerce.

#### *State Legislation and Regulations.*

The Government reports that every state<sup>1</sup> in the United States has legislation in regard to all or some of the matters dealt with in the Convention. Appended to the report is a table showing a detailed breakdown of the minimum age standards for non-industrial employment found in state child labour laws. The Government indicates that most state laws set different minimum ages for the various occupations; that many states also apply different age standards during and outside school hours; and that the commonly accepted minimum age for most non-industrial employment in the United States is 14 years.

<sup>1</sup> Wherever "state" is used in the Government's report, it includes the District of Columbia, Alaska, Hawaii and Puerto Rico.

*Article 1 of the Convention.* The Government considers that no report is necessary on *paragraph 1*, and that *paragraphs 2 and 3* are not applicable. The state child labour laws do not set up the separate categories referred to in this Article. The minimum age provisions of the state child labour laws generally apply to minors of certain ages in all or various occupations "during school hours", "outside school hours", or "at any time". The employments designated in *paragraph 4* are generally exempt under state child labour laws.

*Article 2.* State compulsory school attendance laws generally require school attendance up to 16 years or a higher age, although most of the laws permit limited exemptions, generally for employment. There is a growing tendency to eliminate all exemptions, and now about one-fourth of the states do not permit children under 16 to leave school unless they have completed high school. The exemptions permitted in the other states are generally for children who are lawfully employed; those who have attained a certain age, usually 14 years; or those who have completed a certain grade, usually the eighth. Under many of the school laws, children must meet two or more of these conditions in order to be released from further school attendance. The effectiveness of the school-attendance laws, however, is indicated by the fact that in the United States in 1953, 96.5 per cent. of the children of 14 and 15 years of age and 74.7 per cent. of the young persons of 16 and 17 years of age were enrolled in schools.

*Article 3.* Three-fourths of the states set a minimum age of at least 14 years for employment outside school hours for all or many non-industrial occupations (*paragraph 1*). The state laws do not, in general, meet the particular standards outlined in *paragraph 2*, although the general minimum age of 14 years for employment outside school hours makes *clause (b)* non-applicable in the majority of the states. Practically every state prescribes maximum hours for the employment of minors under 16 or under 18 in all or in most occupations, in accordance with *paragraph 3*. In most states, for minors under 16 years, the maximum is eight hours daily. In about one-third of the jurisdictions, an eight-hour day is set for minors (of both sexes) who are under 18 years. In addition, about one-third of the jurisdictions limit the maximum number of hours that may be worked in a combined school-work day (generally an eight-hour day) or else provide that minors under 16 or 18 years attending school may not work more than three or four hours on a school day. As regards *paragraph 4*, Sunday and holiday work, as such, are not prohibited under state child labour laws. A few states prohibit Sunday work under other labour laws or under special "Sunday" laws. However, almost two-thirds of the jurisdictions specifically set a six-day week for the employment of children under 16 years and almost one-half of the jurisdictions set a six-day week for minors under 18 years. In all but one of the jurisdictions not establishing a six-day week for minors under 16 or under 18, the combined maximum daily and weekly hours in practice provide this standard.

As regards *paragraph 5*, in over three-fourths

of the jurisdictions there is at least a 14-year minimum age for all or most non-industrial employment covering the employment of children outside school hours, thus completely preventing their employment at night. Four of the 12 jurisdictions permitting employment of children under 14 years in non-industrial occupations prohibit their employment during 12 or 13 night hours, including the hours from 7 p.m. to 7 a.m. Twenty-six jurisdictions prohibit the night work of minors between 14 and 16 years of age for a period varying between 12 and 14 hours.

Under most state child labour laws, the employments in which children may engage would be classified as "light work". The laws contain such safeguards as maximum hours of work, night-work prohibitions, requirements as to employment certificates, the prohibition of hazardous employments, and other safeguards (*paragraph 6*). Maximum daily hours are not generally set in terms of holiday or non-holiday time. As has been pointed out earlier, practically all state child labour laws set maximum daily hours and many states also set maximum hours for hours of work plus school hours. All states in the United States have compulsory education requirements (*paragraph 7*).

*Article 4.* One-third of the state child labour laws contain provisions requiring special permits under which children under 16 may appear in public entertainments. In the states where films are most commonly produced, special laws or regulations cover the employment of children in the making of such films (*paragraph 1*). About three-fourths of the states, either through their child labour laws or through their criminal codes, specifically prohibit the employment of minors under 14, 16 or 18 (depending on the jurisdiction) in "dangerous" entertainments. In 13 of the 17 jurisdictions requiring special permits, the standards described in this item are fully met by the laws. In the other four jurisdictions, the safeguards are met in varying degree. Of the 17 jurisdictions granting special theatrical permits, six prohibit employment after 11 p.m., 11.30 p.m. or midnight (*paragraph 2*).

*Article 5.* Most states fix a minimum age of 16 or 18 years for specified hazardous employments.

*Article 6.* The only itinerant occupations governed by a special law in the states are "street trade" occupations, which include the sale, offering for sale, delivering, and collecting for, newspapers and other periodicals, and boot-blacking, on any street or other public place or from house to house. The street trade laws, in general, do not set higher ages than those referred to in Article 2.

*Article 7.* All states provide for a system of public inspection and supervision. Employment certificates, which show among other things the age of the minor, are required in all but five states (Idaho, Missouri, South Carolina, Texas and Alaska) for children under 16 years; almost half of the jurisdictions require certificates for minors of 16 and 17 years of age. In addition, many states also require the employer to keep lists of all minors under 16 or under

18 years employed by him. The states with special street-trade laws generally provide suitable means for facilitating the identification and supervision of minors employed in these trades. Supervision is usually by the same officials enforcing other provisions of the child labour laws. Penalties are provided for by state laws.

The state departments of labour, with very few exceptions, have responsibility for the administration of the child labour laws. The administration of state labour legislation involves the co-operation and support of employers' and workers' organisations, together with representatives of the general public.

Many of the state laws exceed the standards set in the Convention and every year some improvements are made by legislative enactments.

The programme of advisory and technical services concerning labour legislation and administration given to the states by the Bureau of Labor Standards in the United States Department of Labor stimulates uniform state action and promotes measures which are necessary in order to meet the standards of the Convention.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952, to promulgate the Labour Code (*L.S.* 1952—*V.N.* 1).

The Ordinance of 8 July 1952 contains many provisions which, on the whole, correspond with the objective of the Convention. The provisions in question have a large scope and apply both to industrial and agricultural work and to the non-industrial occupations dealt with by the Convention. It is, in fact, provided that the legislation applies to all industrial, mining, agricultural, commercial and handicrafts undertakings whatever their nature, whether public or private, secular or religious and even if these undertakings are connected with vocational education or charitable institutions (sections 163, 168, 173, 200 and 217 of the ordinance).

The minimum age for admission to employment is 14 years in Viet-Nam. The difference between this minimum and the minimum laid down in the Convention is due to the poverty and overpopulation of the country, but it does not give rise to any major difficulties, since any heavy or dangerous work may be forbidden for children under 18 years of age by the labour inspector in virtue of section 210 of the ordinance.

Variations in the minimum age are authorised. Thus, in the case of children under 12 years of age, manual or occupational training may not exceed three hours daily (section 160); children under 14 years of age may not be employed in any undertaking as paid workers or as apprentices (sections 14 and 159); begging is prohibited in the case of children under 15 years of age (section 216); itinerant occupations (section 216) and employment in theatres, cafés, etc. (section 212) are prohibited for children under 16 years of age; in the case of children under 18 years of age, special protective provisions are laid down concerning the conditions of work, wages, health, safety, morals and dangerous types of work.

As regards the definition of "light work", the labour inspectors have full powers for each individual case to satisfy themselves that the

work entrusted to young persons under 18 years of age does not exceed their strength; the inspectors may to this effect have the person concerned examined by an appointed doctor and, if necessary, the child may be required to undertake another employment or cease to work (section 210).

The Code provides that no children under 14 years of age may in principle be employed in theatres and that no children under 16 years of age may be employed in dangerous acrobatics, etc. (sections 212 to 216). In the case of contraventions penalties may be imposed in the form of fines varying between 20 and 400 piastres or a maximum of two years' imprisonment.

Exceptions to the above-mentioned provisions are authorised in the interest of the families or in the interests of art. Thus, children under 14 years of age may be employed in family undertakings (section 159); the provisions relating to health and safety do not apply to such undertakings (section 117); acrobatic and similar occupations are authorised when carried out under the supervision of the parents in the case of children between 14 and 16 years of age (section 214); finally, in particular cases, children may be employed in theatres, etc. (section 213).

The Minister of Labour, Youth and Sports is, together with the general labour inspector, entrusted with the application of the relevant provisions; on the regional and provincial levels the local inspectors are responsible.

As indicated, the inspectors enjoy considerable latitude with regard to the protection of children. In orphanages, charitable undertakings and similar institutions a special register must be approved by the inspector and must indicate the conditions of manual work carried out by the children, their hours of work and rest, etc. (section 161). A complete list of the children brought up in such establishments, showing their age and certified by the director, is communicated to the inspector each year (section 162).

The collaboration of employers' and workers' organisations is provided for in this field, as in all fields relating to labour, manpower and social security, through the national and regional advisory commissions set up by the ordinance of 8 July 1952. Moreover, in all undertakings where more than 100 persons are employed, workers' delegates must ensure the thorough application of the provisions concerning conditions of work (section 152).

The report states that the main provisions of the Convention are applied in spirit by the provisions of the Labour Code. The only differences relate to points of detail and are due to local conditions. It is hoped, however, that modifications may be made with a view to bringing the provisions of the Code into complete conformity with those of the Convention as non-industrial undertakings are developed. The provisions of the Convention will also be borne in mind at the time of drafting collective agreements.

#### *Yugoslavia.*

Labour Inspection Act of 1 December 1948 (*L.S.* 1948—*Yug.* 2).

Instruction No. 5963 of the Ministry of Labour of 4 November 1949.



Regulations of 4 February 1950, respecting trades and occupations.

Decree of 4 February 1952, respecting work-books.

Decree of 5 March 1952, to prohibit the employment of women and young persons on certain types of work (*L.S.* 1952—Yug. 2).

Decree of 22 July 1952, respecting apprentices (*L.S.* 1952—Yug. 8A).

In view of the general applicability of labour legislation to all sectors of the economy no separate provision has been made in respect of non-industrial employment, which is included in the scope of Instruction No. 5963. This Instruction provides that young workers may not be employed in any occupation whatsoever, whether state-owned or private, unless they have attained the age of 16 years, save in those cases in respect of which special age minima have been established, and where in exceptional circumstances young workers may be employed if they have attained the age of 14 years and have proved by means of a pre-employment medical examination that they are fit to undertake the work in question.

Furthermore, section 1 of the decree of 5 March 1952 prohibits the employment of young workers under the age of 18 years in work which is injurious to health or dangerous to life or on particularly heavy work. The subcommittee responsible under the terms of this decree for designating those occupations which should be included in this category is also empowered to authorise the employment of individual young persons between the ages of 16 and 18 years on certain types of work, otherwise included in the prohibition, where a medical

examination shows that they are fit to undertake the work in question.

By virtue of section 2 of the decree of 22 July 1952 entry into apprenticeship is conditional upon the apprentice having attained the age of 14 years. The Government emphasises the fact that the majority of young workers under the age of 16 years are employed in the capacity of apprentices and are therefore subject to this minimum age standard. Section 4 of the regulations of 4 February 1950 establishes a similar minimum age and also enumerates 162 occupations in respect of which a minimum age of 15 years is obligatory and 107 occupations requiring a minimum age of 16 years.

No provision exists for a register as defined in Convention No. 60. However, the decree of 4 February 1952 provides that the details shown in the work-book, which remains in the employer's possession for the duration of the employment, must include the date of the worker's birth and must be available for the purposes of inspection, in conformity with the Labour Inspection Act of 1 December 1948.

The labour inspectorate is responsible for the supervision of the application of the legislation cited above. The structure and operation of the labour inspectorate are determined by the Labour Inspection Act.

A Labour Bill is now in course of preparation. The committee or subcommittees responsible for drawing up the Bill are taking into account the requirements of the International Labour Code with a view to enabling the Government in due course to ratify a certain number of Conventions, including those governing the protection of young workers.

## Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946: C. 78<sup>1</sup>

### *Afghanistan.*

See under Convention No. 60.

### *Argentina.*

Act No. 11317 of 30 September 1924, respecting the employment of women and young persons (*L.S.* 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of apprenticeship and the employment of young persons, as approved by Act No. 12921 (*L.S.* 1944—Arg. 1) and as amended by Decree No. 6648 of 24 March 1945 (*L.S.* 1945—Arg. 2).

Decree No. 7251 of 26 March 1949, to provide for the medical examination of young persons (*L.S.* 1949—Arg. 4).

#### *Article 2, paragraph 1, of the Convention.*

Section 35 of Decree No. 14538 of 1944 lays down that the National Apprenticeship and Vocational Guidance Board, in agreement with the National Directorate of Public Health and Social Assistance, shall make provision for the medical examination of any young persons who apply for work permits, as well as for the periodical medical re-examination of young persons in employment. In addition, the granting of the permit shall depend on the results of the medical examination.

*Article 2, paragraph 2.* Section 1 of Decree No. 7251 of 1949 provides that the medical examination of young persons of either sex between the ages of 14 and 18 years who apply for work permits shall be carried out by the Ministry of Health, prior to any other technical or occupational examination.

Section 35 of the Decree of 1944 also lays down that on the occasion both of the initial medical examination and of the periodical examinations, account shall be taken of the physical condition of the young person in relation to the nature, methods and characteristics of the work which he is to perform and also of the conditions of safety and hygiene obtaining at the place at which he is to perform his work and the implements which he is to use.

In addition, section 4 of Decree No. 7251 of 1949 provides that the Ministry of Public Health shall supply every young person free of charge with a health book which must indicate his degree of organic and functional capacity for the type of work he wishes to take up or which has been offered to him. The National Ministry

of Public Health is the authority competent for certifying fitness for employment.

*Article 3.* Section 35 of Decree No. 14538 of 1944 provides for medical supervision regarding the fitness of young persons for the employment in which they are engaged. The legislation also provides for the repetition of the medical examination at intervals of not more than one year in the case of young persons under 18 years of age.

Decree No. 7251 of 1949 (section 2) provides that without prejudice to the provisions of section 1 of this decree, periodical medical examinations shall be held at least once a year, principally for the purpose of determining the effect of the work on the psychological and the physical condition of the young person. The Ministry of Health shall adopt such public health measures as it may deem appropriate in each case.

*Article 4.* As regards occupations which involve high health risks the report states that the national legislation (section 9 of Act No. 11317 of 1924) prohibits the employment of young persons under 18 years of age in dangerous or unhealthy occupations. However, persons over 18 years of age may be employed in such occupations and at present are not subject to periodical medical examinations.

*Article 5.* Section 4 of Decree No. 7251 of 1949 provides that the Ministry of Health shall supply every young person free of charge with a health book which must indicate his physical fitness for the type of work in question.

*Article 6.* The Government states that the national legislation contains various provisions relating to appropriate measures to be taken by the competent authority for the vocational guidance and physical rehabilitation of young persons found by medical examination to be unsuited for the work in question. Section 36 of Decree No. 14538 of 1944 states that measures shall be taken to provide for the treatment of young persons suffering from physical effects which can be cured or corrected, and also for the establishment of institutions, schools or courses for the rehabilitation and retraining of young persons in need thereof. When the services of the Institute of Vocational Guidance have been organised, young persons who apply for an employment or apprenticeship permit will also undergo a psycho-technical examination (section 37).

<sup>1</sup> This Convention came into force on 29 December 1950. Eight ratifications have been registered up to 1 December 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 38th Session of the Conference (*Summary of Reports on Ratified Conventions*).



Every young person who, on account of organic or functional defects discovered in the course of the medical examination, is considered unfit for work shall receive suitable treatment in the assistance institutions of the Ministry of Health (section 5 of Decree No. 7251). Any defects or deficiencies discovered in the course of the psychological examination of the young person may, if they are likely to be cured or corrected, be treated in institutions of the Ministry of Health which specialise in such matters, or in institutions to be established in the future, in co-ordination with the General Directorate of Apprenticeship and Vocational Guidance (section 6 of Decree No. 7251).

*Article 7.* According to section 62 of Decree No. 14538 of 1944 every employer who employs young persons under the conditions laid down in this decree shall be bound to require the said young persons to be in possession of the work book provided for in section 61. However, he shall enter in the said book the category to which the young person belongs, in conformity with the classification given in section 2 of this decree, as well as the wage or salary paid to the young person. A list giving all these particulars shall be posted up in a conspicuous place in the establishment and another list shall be sent by the employer to the General Directorate of Apprenticeship and Employment of Young Persons. It shall not be lawful to make entries of any other kind in the said work book, in particular, entries which might be prejudicial to the holder of the book in any manner whatsoever.

*Article 10.* No exceptions can be made to the minimum provisions laid down in the national legislation; consequently, agreements concluded between employers and workers may fix standards which are more favourable for the workers than those laid down in the national legislation.

The National Ministry of Public Health and the National Apprenticeship and Vocational Guidance Board are responsible for the application of the above-named provisions. The report adds that the Executive Power has prepared a Bill relating to the ratification of international Conventions, including Convention No. 78. This Bill was submitted to Congress in May 1954 and is now being examined by the Chamber of Deputies.

The federal Government is of the opinion that, in accordance with its constitutional system, the provisions of the Convention are more appropriate for federal action because the subject matter is dealt with in the basic legislation.

#### *Austria.*

Federal Act of 3 July 1947, respecting labour inspection (*L.S.* 1947—Aus. 3).

Federal Act No. 146 of 1 July 1948, respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

Order of 1 May 1951, issued by the Federal Ministry of Social Administration, respecting the medical examination of young persons.

The medical examination of children and young persons is regulated by section 6, paragraph 4, of the federal Act of 1 July 1948, which stipulates that the physical fitness of a

child for employment must be certified by medical examination. The employment of children in the making of cinematographic films is subject to medical supervision by an oculist. In principle, the employment of children on work of any kind is prohibited in Austria by section 5 of the federal Act of 1948. The provincial governments may permit children to be employed in musical, theatrical and other performances, and in the making of cinematographic films, but permission for their employment shall only be granted where it is particularly in the interests of art, science or education, and is justified by the manner and character of the employment. The employment of children in variety shows, cabarets, night clubs, dance halls and similar establishments or in circus performances is prohibited.

Medical examination is regulated by section 25 of the federal Act of 1948, which provides that young persons must undergo a medical examination at least twice a year for the purpose of safeguarding their health. In addition, it may be prescribed by order that young persons shall not be employed in certain undertakings or kinds of work if their fitness for the work in question has not been first established by a medical examination.

The supervision of the application of the provisions relating to medical examination is entrusted to the labour inspection service, in virtue of the federal Act of 3 July 1947 respecting labour inspection. In order to exercise special supervision of the application of the provisions concerning children, young persons and women, each labour inspectorate is required to appoint a special inspector for the protection of children, young persons and women. The youth protection offices, which are attached to the chambers of labour, also follow closely the development, progress and application of existing regulations on the protection of young persons.

No modifications have been made hitherto in the existing legislative provisions with a view to adapting them to the requirements of the Convention. The obligation laid down in Article 2 of the Convention—according to which young persons under 18 years of age shall only be admitted to employment after having undergone a medical examination—goes beyond the provisions of section 25 of the federal Act of 1948, which provides for medical supervision during employment (every six months); however, admission to employment is not as a general rule subject to a previous medical examination, although such an examination may be prescribed by order for certain undertakings, or certain tasks.

The provisions of Article 4 of the Convention, which make medical examination compulsory up to the age of 21 years for occupations involving high health risks, are not in fact covered by the federal Act of 1948, but are covered by the provisions of section 74 of the Industrial Code, which lays down that, as a general rule, by virtue of a decree of the federal Ministry of Social Administration, a medical examination at the expense of the employer is compulsory for occupations involving danger to health.

Efforts are now being made—especially by the workers—to ensure that young persons undergo a general medical examination before being admitted to employment; it is not yet possible to state when these efforts will succeed.

However, the ratification of the Convention is dependent upon the success achieved in this direction.

### *Belgium.*

General Regulations of 11 February 1946 for the protection of labour.

Ministerial Order of 21 December 1946, containing general recommendations for the setting-up of safety and health services and committees in industrial and commercial undertakings.

Order of the Regent of 25 September 1947, to establish bodies for the supervision of safety and hygiene in underground mines and quarries (*L.S.* 1947—Bel. 5).

Act of 10 June 1952, respecting the health and safety of workers and the salubrity of work and workplaces (*L.S.* 1952—Bel. 3).

From the medical point of view, Belgian legislation on the health and safety of workers corresponds in large measure to the spirit of the Convention. The legislation differs from the Convention chiefly as regards the question of the vocational guidance and rehabilitation of young persons and the methods of application of the various provisions of the Convention. Belgian regulations on the medical supervision of workers provide that all persons under 21 years of age who apply for employment in industrial and commercial undertakings, in public undertakings and institutions serving the public interest, must undergo a medical examination. The regulations however do not apply to : (1) family undertakings—i.e., undertakings in which only members of the family up to the third degree are employed under the authority of one of them or of a guardian ; (2) domestic servants and their employers.

The medical examinations must take place within three months preceding admission to employment and are repeated each year up to the age of 21 years. They are of a thorough character and are carried out by physicians or by medical bodies chosen by the head of the undertaking and at his expense.

In addition to these examinations and re-examinations, all young persons exposed to the risk of occupational diseases must undergo periodical examinations for the purpose of detecting such diseases.

The supervision of these measures is facilitated by requiring each young person to obtain a health card ; in addition, the examining physician keeps records of medical examinations. The health card is the exclusive property of the worker. The report gives detailed information concerning the methods to be observed in filling up the young person's health card and the records kept by the physician.

The labour medical inspection service is responsible for the application of these measures and employers have been invited to collaborate by setting up industrial hygiene and safety services and committees. A special appeal to employers on this subject was made in the Ministerial Decree of 21 December 1946, the text of which is given in the report.

The difficulties in connection with the Convention, as well as the national legislation and practice, which may prevent or delay the ratification of the Convention are the following :

*Article 1, paragraph 4, of the Convention.* This paragraph states that national laws or regulations may exempt from the scope of the Convention work which is recognised as not being

dangerous to the health of children or young persons in family undertakings in which only parents or their children or wards are employed. Belgian legal provisions, however, exempt all family undertakings.

*Article 2, paragraph 2.* Belgian regulations do not require that the medical examination for fitness for employment " shall be carried out by a qualified physician approved by the competent authority ". The large volume of work entailed by the examination and re-examination of all young persons is such that it is impossible to confine it only to the small number of qualified and approved physicians. Such work has therefore had to be undertaken by the whole medical profession without distinction, subject to supervision by the labour medical inspection service. There is, therefore, in these circumstances, no object in having the examining physicians approved by the competent authority.

*Article 3, paragraph 3.* Belgian regulations do not make provision for medical re-examination, in addition to the annual medical examination, when only the state of health of the young person is in question or when the person is not exposed to the risk of occupational disease. It was considered sufficient—in drawing up these regulations—that the persons concerned, duly informed by the physician of their state of health would always appeal to their regular physician, and at small expense under the National Sickness and Invalidity Insurance Service. There would, however, be no major inconvenience in introducing into the Belgian regulations provisions requiring the repetition of the medical examination in particular cases, if this was the only modification necessary to ensure conformity with the requirements of the Convention.

*Article 6, paragraphs 1 and 2.* The measures adopted up to the present for vocational rehabilitation are hardly sufficient to ensure the application of these provisions of the Convention. More complete and adequate measures are at present under consideration which would enable the necessary liaison to be effected between the above-mentioned body competent for the supervision of workers' health and the medico-social services for the training and vocational rehabilitation of handicapped persons.

*Article 7, paragraph 1.* The Belgian regulations are limited to requiring the employer to keep up-to-date lists of employees submitted to first and subsequent examinations ; these lists contain remarks concerning fitness for employment. The regulations conform in spirit to the requirements of the Convention ; if the compulsory recording of the relevant information in the employment permit or work book is recognised to have certain advantages, there is nothing to prevent a provision to this effect being included in the regulations.

*Article 7, paragraph 2 (a).* The scope of the Belgian regulations does not coincide with that of Article 7, paragraph 2 (a), which covers all undertakings of a family character. As pointed out above, under Article 1, paragraph 4, all family undertakings are excluded from the Belgian regulations. Moreover, young persons

working on their own account are assimilated to self-employed persons; somewhat special measures of identification would be required in order to ensure the application to such young persons of a system of identification.

The report adds that the Belgian regulations on the health of workers in general and on the medical supervision of young persons in particular are in conformity both with the letter and the spirit of the Convention. On certain points, they go beyond the latter, especially as regards the age up to which medical supervision is required; in Belgium this age is 21 years in all cases. The legislative provisions which seem to be contrary to those of the Convention are those relating to: (1) family undertakings (Article 1, paragraph 4), and (2) young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or places to which the public have access (Article 7, paragraph 2 (a)).

#### *Canada.*

##### *Nova Scotia.*

Education Act, 1953.

##### *Saskatchewan.*

Regulations of 14 August 1948, issued under the Hospital Standards Act.

The report states that the trend in Canada is for an increasing proportion of boys and girls between 14 and 18 years of age to remain at school, with a corresponding decrease in the proportion of that age group in full-time employment.

Attempts are being made in various ways to meet the problem of children entering employment that is unsuited to them. The development of vocational counselling in the schools and special services in the National Employment Service for "first jobbers" are among the ways in which an attempt is being made to see that young people are adequately prepared for work and are suitably placed.

A substantial proportion of young persons under 18 years of age employed in non-industrial fields are in retail trades, offices and service occupations.

Certification of physical fitness as a condition of entering employment is not commonly required by law in Canada. Public health services in schools are developing, and are proving efficient in bringing to light the special needs of young persons who suffer from various handicaps.

Under the Nova Scotia Education Act, the school authorities may require a child for whom an employment certificate is sought to have a medical examination. In Saskatchewan every hospital employee subject to the Hospital Standards Act must have a complete physical examination on entering employment and annually thereafter.

Medical examinations of persons engaged in the handling of food are frequently required by law for the protection of the public. For certain occupations where a physical defect would constitute a particular hazard, medical examinations are also required. Examples are the occupation of projectionist in a moving picture theatre and elevator operators.

It is known that some establishments as a matter of policy require new employees to

undergo medical examinations before they are accepted.

As a part of the compulsory free school system, special provisions are made in some provinces for services to children who because of physical handicap cannot receive their general education or occupational training in the normal way. This work is aided by a federal grant. A recent report of the Ontario Department of Education states that about a hundred physically handicapped boys and girls have need for special training to prepare for general employment each year. Particular mention is made of adolescents who have a crippling condition which prevents them from attending the regular commercial or vocational schools. The following quotation from the report gives an indication of the type of service given: "Each person's case is treated individually. Medical, educational, psychological and social welfare data are collected and studied. Reports and recommendations of private agencies are studied before any plan for training is suggested. The trainee may be given training by a commercial or trade school or private instructor. The record of successful training and subsequent employment is very creditable. Trainees who have taken clerical, watch-repairing, shoe-repairing, radio-repairing, switchboard and office practice, stenographic, upholstering or other types of training have done well." Special classes in public schools for the hard-of-hearing or pupils with poor eyesight and for children with other handicaps are provided in some cities.

Residential schools for the blind or for the deaf, some of them supported wholly out of public funds and some by private charities, help blind and deaf children to prepare for gainful employment as well as to secure a general education. The Saskatchewan School for the Deaf, in which pupils from the three prairie provinces are enrolled, offers courses in cabinet making, carpentry, sheet-metal work, forging, office practice, hairdressing, etc.

In addition services to handicapped children, which include some occupational training, are provided by voluntary associations formed for the purpose.

The provisions of Convention No. 78 are regarded as appropriate for action by the provincial legislatures except in the North-West and Yukon territories and except when incidental to certain matters within the exclusive legislative jurisdiction of Parliament.

#### *Ceylon.*

Children and Young Persons Ordinance No. 48 of 9 November 1939 (*L.S.* 1939—Cey. 1), as amended by Ordinance No. 13 of 1944.

Ordinance No. 48 of 1939, as amended, makes provision for a local authority to prohibit or attach such conditions as it may think fit to the employment of a child resident within its area in work that is prejudicial to his health or physical development or that renders him unfit to obtain the proper benefit from his education, notwithstanding that the employment may be authorised under any other provision of the ordinance or under the provisions of any other written law. However, the Government states that this provision is not in force.

In the case of clerical and similar grades in the public service, recruitment for employment

is possible at the age of 17 years. Any person appointed to a permanent post in these grades is required by the administrative regulations to present himself for a medical examination for the purpose of finding out whether he is physically suited for the appointment in question. No fee is chargeable for this examination.

No modifications have been made, or are envisaged, to give effect to all or some of the provisions of the Convention. The absence of the relevant legal provisions prevents ratification of the Convention.

#### Chile.

Act No. 6174 of 31 January 1938, to set up a preventive medicine service (*L.S.* 1938—Chil. 1A).

Chilean legislation does not contain any provisions relating particularly to the Convention. Act No. 6174 of 31 January 1938 provides that the different provident funds, to which employees of all ages must contribute, shall set up preventive medicine services to be responsible for supervising the state of health of their members and for taking measures to detect and arrest in time the development of chronic diseases and occupational diseases. On the promulgation of this Act, a service was instituted and entrusted with the duty of supervising the health of all children and young persons—throughout the country—who enter into employment of any kind.

The Government states that it has not yet been possible to adopt measures with a view to applying the Convention.

#### Colombia.

Colombian legislation provides that all workers, of whatever age, including domestic workers, must produce a health certificate issued by a duly authorised medical practitioner before entering the employment for which they have been engaged.

Private undertakings have their own medical service and some of these undertakings take advantage of social security service facilities for medical examinations. Workers and salaried employees of public undertakings are examined by the respective social welfare fund. The examination consists of a blood test, an examination of the lungs and a clinical examination.

Domestic workers are required to produce a health card issued by the competent health directorate.

#### Cuba.<sup>1</sup>

Legislative Decree No. 883 of 27 May 1953, to complete and consolidate the laws respecting the employment of young persons (*L.S.* 1953—Cub. 1).

The above-mentioned decree, which regulates the work of young persons in general, combines in one text existing measures (Legislative Decrees Nos. 592-647 of 1934 and Act No. 53 of 1935).

Section 12 of Chapter IV of Legislative Decree No. 883 of 27 May 1953 lays down that, without any exceptions, the admission to employment of young persons under 18 years of age is subject

to the condition that they have obtained a medical certificate showing that they are physically fit for the work for which they are to be employed.

Sections 13 and 14 of the decree provide that the young person must undergo a medical re-examination once a year and each time he changes his employment; after the renewal of the attestation of physical fitness, the young person must obtain an employment certificate.

The Women's and Young Persons' Employment Office, the General Directorate of Health and Social Welfare and the provincial labour offices, supervise the application of the decree.

Medical certificates are issued free of charge by the Ministry of Labour. In isolated places, the municipal authorities (*alcaldes municipales*) ensure that certificates are issued by co-operating in the issue of employment certificates.

The Government is of the opinion that Legislative Decree No. 883 follows the general lines of the Convention except as regards the provisions of the latter relating to vocational guidance and physical rehabilitation.

#### Denmark.

Act No. 145 of 18 April 1925, respecting the employment of children and young persons (*L.S.* 1925—Den. 1). This Act will cease to have effect as from 1 April 1955 when the following legislation will come into force:

Act No. 226 of 11 June 1954, respecting the protection of workers in employment generally.

Act No. 227 of 11 June 1954, respecting the protection of workers in shops and offices.

Act No. 145 contains no provision for the medical examination of young workers other than a permissive provision under which local regulations on the employment of young persons can call for medical examination.

The effect of Acts Nos. 226 and 227 is that, apart from children employed in domestic service, or in messenger services and in agriculture, horticulture and forestry, all young workers covered by Convention No. 78 will be subject to medical examination as from 1 April 1955.

Section 41 of Act No. 226 and section 19 of Act No. 227 prescribe that all young workers under the age of 18 years should be medically examined within four weeks of their entry into employment.

The supervisory authority is empowered to prohibit the employment of the young person concerned or to make his employment subject to certain conditions. The supervisory authority is also empowered to require that the medical examination of young workers in certain occupations should be carried out immediately before admission to employment and that the young workers concerned should be re-examined at regular intervals during the course of their employment.

By virtue of section 8 of Act No. 226, the Minister of Social Affairs is empowered to lay down regulations in respect of occupations with high health risks and to make entry into employment conditional upon medical examination, with re-examination during the course of employment. Section 9 of this Act authorises the directors of the inspection service to call for medical examinations where necessary in order to prevent and combat occupational

<sup>1</sup> Cuba ratified this Convention after the date on which the report was received. The ratification was registered on 7 September 1954.

diseases and other factors which are liable to prejudice health.

The Government points out that the following standards of the Convention are not included in the newly adopted legislation :

*Article 2, paragraph 2, of the Convention.* No condition is made whereby medical examination can only be conducted by qualified physicians approved by the State ; all medical practitioners are considered to be competent to act in this regard.

*Article 3, paragraph 2.* Medical re-examination at intervals not exceeding one year is not a requirement of Danish legislation.

*Article 4.* The new legislation does not provide for general authority to extend compulsory medical examination requirements to young persons over the age of 18 years, even in respect of occupations involving especially high health risks.

*Article 6, paragraphs 1 and 2.* No provision has yet been made in respect of the vocational guidance and the physical and vocational rehabilitation of children and young persons found by medical examination to be unfit for certain types of employment, or of those who suffer from physical handicaps or limitations.

#### *Dominican Republic.*

Act No. 2920 of 11 June 1951, to promulgate the Trujillo Labour Code (L.S. 1951—Dom. 1).

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

Section 226 of the Labour Code provides that any young person under 18 years of age who wishes to work in an undertaking of any kind shall give evidence of his physical fitness to carry out the work in question by presenting a medical certificate, which shall be made out free of charge by a medical practitioner in the service of the State, the District of Santo Domingo or a commune.

Section 42 of Regulation No. 7676 provides, *inter alia*, that young workers under 18 years of age who seek employment in any undertaking whatsoever should give proof of their physical fitness in the manner indicated in sections 210 and 226 of the Labour Code, whenever the employer so requests. Consequently the obligation regarding the medical examination of young persons under 18 years of age is left to the discretion of the employer ; on the other hand the provisions of Regulation No. 7676 are applicable to all the occupations covered by Article 1 of the Convention.

The Government adds that the national legislation does not contain any provisions on the lines of Articles 4, 6 and 7 of the Convention. Article 5 of the Convention is covered by section 226 of the Code. (See under Convention No. 60 for information relating to the authorities entrusted with the application of the relevant laws and regulations.)

The report adds that the national legislation and practice have not been modified to meet the requirements of the Convention but, from the provisions of section 226 of the Code, it is evident that the legislative authorities have

been influenced by the standards already established by the International Labour Organisation.

#### *Finland.*

The report states that existing legislation in Finland relating to the protection of children and young workers, in particular as regards their employment in non-industrial work, is so defective that the ratification of the Convention cannot be considered. However, on the basis of a committee memorandum relating to the protection of young persons under 18 years of age, the Ministry of Social Affairs is preparing, for submission to Parliament, proposals for new legislation on this matter. The proposed legislation will be general in character and will only exclude from its scope domestic work, work in mining undertakings and certain work performed by young persons for an employer in cases where such young persons are not lodged and boarded by the employer and where the employer has not been called upon to supervise their work.

In drawing up the new legislation, account will be taken as far as possible of the Conventions and Recommendations adopted by the International Labour Conference as regards the protection of children and young persons.

#### *Federal Republic of Germany.*

X-ray Order of 7 February 1941.

Basic Law of 23 May 1949 for the Federal Republic of Germany (L.S. 1949—Ger. F.R. 1).

#### *Lower Saxony.*

Labour Protection (Young Persons) Act of 9 December 1948, as amended by the Acts of 6 May 1949 and 21 June 1951 and by the Executive Ordinance of 26 July 1949.

Under article 74 (12) of the Basic Law for the Federal Republic of Germany, the federal authorities are competent to enact legislation to give effect to Convention No. 78.

The matters dealt with in Convention No. 78 are covered by national legislative and other provisions to a limited extent only.

The only legislation requiring young persons (i.e., persons under 18 years of age) to undergo medical examinations without cost to themselves before they are admitted to employment, in order to ascertain whether they are physically fit for the work in question, and to ensure subsequent supervision of their health, is to be found in section 9 of the Lower Saxony Act of 9 December 1948 concerning the protection of the work of young persons, as amended. This Act also lays down that the medical examination must be repeated at yearly intervals. The initial medical examination is paid for by the employer and subsequent examinations by the health authorities. If the medical practitioner's report indicates that the young person requires preventive treatment, this treatment must be provided at once. Sections 19 to 25 of the ordinance of 26 July 1949, to apply the Act of 9 December 1948, define the detailed measures to be taken.

The above-mentioned ordinance provides, *inter alia*, that the examination for admission to employment shall be carried out by the medical officer of the undertaking or by a medical practitioner selected by the employer. The examining practitioner must report the findings of the examination to the employer. The



employer must present the certificate of examination to the labour inspectorate on demand. Periodical re-examinations are the responsibility of the health bureaux, acting within the framework of the school health service, which also deals with pupils in vocational schools. Examinations must take place wherever possible on the day on which the young person has to attend the vocational school but not during classroom hours; the employer must note the date of the examination in a register. If any doubt arises as to whether the young worker should be allowed to remain in employment, the health bureau must report the fact to the labour inspectorate and to the employer.

If the report of the examining practitioner indicates that preventive treatment is necessary, he must report this fact to the social insurance institution responsible for the young person concerned. If the latter is not insured the physician is required to report to the competent health bureau. The social insurance institute or the health bureau shall immediately take the necessary action as required by law. Where measures are necessary within the undertaking, a report must be sent to the competent labour inspectorate.

The foregoing shows that there is no legislative provision similar to that of the Convention making the admission of a young person to employment or his continued employment dependent upon the medical attestation of his fitness.

There are also certain federal regulations concerning the medical examination of young persons or workers of any age, but, with the exception of the X-ray Order dated 7 February 1941, they apply to industrial processes only.

Although this order applies mainly to industrial undertakings, it also covers a small number of non-industrial undertakings where processes are carried on involving the use of X-rays and rays given off by radio-active material in the examination, testing and treatment of raw materials and finished products. Section 10 of the order provides that radiation processes may only be carried out by workers who have been examined before admission to employment by a physician appointed by the state industrial medical officer, and found fit for the work. Such workers must be examined at least twice a year for local or general injury due to radiation.

The provisions concerning medical examinations, contained in the accident prevention rules drawn up by the mutual accident insurance associations, also apply to adults as well as to young persons. Section 18 of the "General Regulations" concerning occupations liable to give rise to occupational diseases provides that only fit persons may be employed in processes liable to give rise to occupational diseases. The employer is entitled to have any person engaged by him medically examined by an approved and qualified physician, who may be selected by the mutual accident insurance association. If the latter so requires the employer must have the worker concerned examined. Unfit persons may not be admitted to employment. Re-examinations at regular intervals may be requested.

A report on the examination must be drawn up in writing by the physician. The mutual accident insurance association may specify the details to be given in the report, which must be

submitted to the technical inspectors on request. If the physician's report shows that there is a danger that the insured person may contract an occupational disease or that a disease which he has already contracted may recur or be aggravated, the worker must be removed from the process on which he is employed—either until the danger has subsided or altogether if he is particularly susceptible to the harmful effects of the process in question.

These provisions apply mainly to industrial undertakings; but they may also apply to occupations covered by the Convention (for instance, occupations in hospitals and other institutions providing medical care or treatment, in institutions and work in the welfare and health services or in laboratories for scientific and medical research and experiments).

Collective agreements and regulations governing conditions of work only rarely contain provisions concerning medical examinations. One such provision is contained in the collective agreement (*Tarifordnung*) of 2 December 1939 concerning conditions of work in hospitals and other medical care centres in the Reich, the Länder and the communes and in the insurance institutions of the Reich; section 5 of this regulation provides that, before any person takes up employment, his physical fitness (state of health and fitness for work) must be ascertained by a reliable physician or by the health office. Persons employed in centres for the treatment of tuberculosis or infectious diseases, in X-ray and radium departments or in laboratory work, and persons engaged in the preparation of meals must be re-examined regularly; the cost of such examinations is to be borne by the employer.

Similar provisions are found in the collective regulation of 20 July 1944 concerning conditions of work in free public hospitals and medical care centres and in the collective regulation of 19 January 1942 concerning conditions of work in private hospitals. All these provisions apply both to adults and young persons.

Before a young person is given vocational guidance or placed in employment or apprenticeship the labour office ascertains whether he is physically fit for the employment in question from his report card for his last year at school; this card contains the findings of the medical examination by the school doctor. If the labour office is uncertain whether the candidate is fit for the job proposed for him or whether he is fit for any other work, it requires him to be examined by the medical officer attached to the labour office. However, an employer is not prohibited from offering employment to young persons who are not found to be fit. The labour offices do not arrange for regular re-examinations. If a young person proves not to be physically fit for the employment for which he is engaged he may—if he so wishes—obtain fresh advice from the labour office (where necessary after a fresh medical examination by the medical officer attached to the labour office) and where possible obtain a transfer (according to his physical capacities) to a new vocational training scheme or to another workplace. The labour office pays the cost of these examinations.

A considerable number of firms require all their new employees (including young persons) to be medically examined when they are en-

gaged, in order to ascertain their state of health and their fitness for the job in question ; in such cases the cost of the examination is borne by the firm. The main purpose of these examinations is to avoid wherever possible the engagement of persons who are in poor health or persons whose working capacity is insufficient.

The application of the Lower Saxony Act concerning the labour protection of young persons and of the ordinance to apply the Act is the responsibility of the Minister of Social Affairs in Lower Saxony. Penalties are provided for in the case of an employer or of a person acting on behalf of an employer who violates the provisions of the Act or the ordinance. In serious cases, or in cases of repeated contraventions, the offender may also be debarred temporarily or permanently from employing young persons. The labour inspectorates and the state industrial medical officers are responsible for supervising the application of the other legal provisions described above. The enforcement of accident prevention rules is entrusted to the mutual accident insurance associations themselves ; the enforcement of provisions in collective agreements and orders concerning conditions of work is entrusted to the employers' and workers' organisations concerned.

No modifications have so far been made in the national legislation with a view to giving effect to all or any of the provisions of the Convention.

According to statistics prepared by the Federal Placing and Unemployment Insurance Office, 569,850 boys and girls were employed in undertakings covered by the Convention on 30 September 1953. In addition, 1,080,405 young persons were employed in industry and 121,761 young persons in agriculture, stock-raising and forestry, and in connection with hunting, gardening and fishing.

In 1951 the labour inspectorates issued 1,020 labour cards for children, the great majority of which were for employment in commerce and other trades covered by the Convention.

A legal provision making the engagement or the continued employment of children and young persons subject to a medical examination before entry into employment and to re-examination at least once a year to ensure that they are fit for the work they are doing could obviously not be restricted to non-industrial occupations. If such a provision were introduced it would mean that approximately 1,800,000 children and young persons would have to be examined every year in order to ascertain their general physical and mental development and their fitness for the particular job on which they are employed. In addition, certificates of fitness would have to be issued by the doctors or the competent authorities and given to the young persons concerned for presentation to the labour inspectors whenever required. This would involve a heavy amount of administrative organisation and considerable expenditure. The Convention does not allow these costs to be charged to the young person or his parents. The question of charging the cost of the yearly re-examinations at least wholly or in part to the undertakings concerned will require further consideration. In any event, the greater part of the expenses involved would have to be provided for out of public funds. In view of the difficult financial situation prevailing in the

Federal Republic and the Länder it is at present impossible to say whether the question of meeting all these costs can be settled satisfactorily in the near future.

The proposed revision of the Protection of Young Persons' Act involves consideration of the question of introducing medical supervision of all employed children and young persons (on the general lines laid down in the Medical Examination of Young Persons (Industry) Convention 1946 (No. 77) and in Convention No. 78. A draft Bill on the protection of the employment of young persons is now being prepared by the Federal Minister of Labour.

#### Greece.

Act. No. 4029 of 24 January-6 February 1912, concerning the work of women and minors (*Bulletin of the International Labour Office* (Basle), 1912, Vol. VII, p. 285).

Royal Decree of 14-27 August 1913, respecting the execution of Act No. 4029 (*Bulletin of the International Labour Office* (Basle) 1914, Vol. IX, p. 219).

Act No. 199 of 29 September 1936, to amend certain labour laws (*L.S.* 1936—Gr. 9C).

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

*Articles 1, 2 and 3 of the Convention.* The Act of 1912, as supplemented by the Royal Decree of 1913 and the Act of 1936, prohibits the employment of any person under the age of 16 years who has not been supplied with a special work book. Work books are issued by the district labour inspection office upon presentation of a certificate signed by a communal medical officer of health attesting that the young person is in good health, has been vaccinated and is capable of doing the work in question without injury to his health or physical development. Wherever necessary, the young person is also required to undergo an X-ray examination.

Entries must be made in the work book relating to the identity of the young worker, medical certificates, periods of employment with each employer and the nature of the work to be performed.

Medical examination of young workers is compulsory up to the age of 16 years.

In the event of a change of employment, the young person must undergo another medical examination and another medical certificate must be issued. Section 14 of the Act of 1912 stipulates that the competent officials may—at any time—require the medical examination of any young worker in order to ascertain whether he is fit for the work in question. The expenses of the examination are borne by the employer. Should it be found that the work to be performed is likely to cause injury to the health of the young person, the competent officials are empowered to demand the termination of his employment.

While Greek legislation does not require medical examinations for occupations that are particularly dangerous or harmful, the employment of boys under the age of 16 years and of girls under the age of 18 years in these occupations is prohibited.

*Articles 5, 6 and 7.* In virtue of Act No. 199 of 1936, the medical examination of young workers, the medical certificates required for the issue of work books, and work books are all free of charge. The work book must give

specific details of the work to be performed.

The labour inspection service and the inspectors of occupational health of the Ministry of Labour are responsible for ensuring the application of the legislative provisions.

The report adds that, as Greek legislation provides for the medical examination of young workers up to the age of 16 years only, the protection afforded by the legislation is less favourable than that provided for by the Convention. However, under section 42 of Act No. 1846 of 1951, the Social Insurance Institute (I.K.A.) has been made responsible for organising the promotion of preventive medicine and for extending appropriate assistance to the labour inspection services. A preventive medicine centre, which was established in the Piraeus a year ago, exercises supervision over the health of all young persons, even those who are over 18 years of age.

The Convention has been submitted to Parliament for ratification but no decision has been reached as yet in this respect.

There is a very marked tendency for the Social Insurance Institute to be generally responsible for the social security system; this fact coupled with the improvement in the organisation of the health services will facilitate the ratification of the Convention.

#### *Iceland.*

The report states that Iceland has no legislation or regulations on the subject matter of the Convention and that collective agreements do not include any provisions on this subject.

#### *India.*

The report states that there are no legislative, administrative or other provisions as regards the subject matter of the Convention. The Government proposes to draw up a central law regulating conditions of employment in shops and commercial establishments. The provisions to be included in this legislation are under consideration.

The Government is of the opinion that, at this stage, it is not practicable to arrange for the medical examination of children and young persons employed in non-industrial occupations throughout the country.

Both the Central Government and the state governments are competent to deal with the subject matter of the Convention.

#### *Ireland.*

The Government states that in Ireland there is no general legislation governing the medical examination of children and young persons for fitness for employment in non-industrial occupations. There are, however, certain administrative practices which deal with a number of the matters covered by the Convention.

Young persons before being appointed to a permanent office under a local authority must be medically examined and certified as suitable from the point of view of health. Routine general medical examinations of officers subsequent to their appointment are not normally carried out except in the case of personnel employed in institutions for the treatment of tuberculosis.

Every trainee-nurse and every young person (other than persons appointed through the local

Appointments Commission, none of whom is under 21 years of age) appointed to an institution which provides treatment for tuberculosis must undergo a thorough examination for this disease, as well as a general medical examination both before appointment and periodically after appointment, when so required. The Government adds that the personnel attached to all other local authority institutions are strongly urged to avail themselves of these facilities.

Special supervision is maintained over persons shown by medical examinations to require a medical check-up; the medical officer attached to an institution is empowered to limit the hours of work and modify the duties of any such person who requires special medical care.

Persons under the age of 18 years are not, however, normally employed as nurses in the hospitals maintained by local authorities.

Civil servants are at present required to undergo a medical examination on entry to the service, and may be required to consult the chief medical officer in the event of excessive sick leave, and also to undergo medical re-examination when this is considered necessary by the chief medical officer. The Government adds that most of the civil servants who are under 18 years of age are those employed in the Department of Posts and Telegraphs, and that these persons enjoy free medical attendance. In addition, all civil servants are afforded the opportunity to have chest X-ray examinations carried out by the mobile X-ray units provided by the Mass Radiography Association.

The Government points out that a fee is charged for medical examinations for entry to the civil service, and adds that there is no special provision for the rehabilitation of persons rejected on medical grounds for admission to the civil service.

In addition, a number of concerns such as the Electricity Supply Board, *Coras Iompair Eireann* (the national transport undertaking) and a number of private firms require applicants for employment to undergo a medical examination.

The Government does not consider that the benefits which would result from the implementation of the provisions of the Convention would justify the introduction of the elaborate legislation necessary to bridge the gap between present practice and full compliance with the terms of the Convention.

#### *Japan.*

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

Ministry of Labor Ordinance No. 9 of 31 October 1947: Labor safety and sanitation.

Ministry of Labor Ordinance No. 12 of 1951: Regulations for the prevention of danger and injury from tetra-ethyl-lead.

Section 52 of the Labor Standard Law requires that employers in certain undertakings enumerated in the Ordinance of 31 October 1947 on labour safety and sanitation should ensure that their employees are medically examined both at the time of employment and at fixed intervals thereafter. These provisions are applicable with equal force to young workers and adult employees. The occupations in respect of which medical examination is obligatory include undertakings and offices in which more than 50 workers are employed on a permanent basis,



for which periodical medical examination must be carried out at least once every year ; and a number of other occupations involving special health risks, in which re-examination must be carried out at least twice a year.

All medical examinations must be conducted by qualified physicians and be paid for by the employer.

By virtue of section 52 of the Labor Standard Law the employer is under an obligation to take such appropriate steps to preserve the worker's health as are called for by the results of medical examination, for example, by assigning different duties to the worker or by curtailing his hours of work.

The vocational training of children and young persons who suffer from physical handicaps or limitations is carried out through the joint efforts of the Ministries of Labor and Welfare and Education, the public vocational training centres for the handicapped, the child welfare centres and other institutions such as schools for the blind and for the deaf. Special vocational training facilities are provided for workers injured in the course of their employment. Public employment security offices extend facilities for vocational guidance to workers suffering from physical handicaps. They include in their programme some vocational training as well as advice on job selection, and assume responsibility for placing the young person in employment and for following his subsequent career.

By virtue of section 53 of the ordinance on labour safety and sanitation, the employer is required to file and keep available for examination by labour standard inspectors the individual health records of workers, showing the results of their medical examinations. Section 109 of the Labor Standard Law provides that these records should be preserved for a period of three years.

The Government refers to the report on Convention No. 60 for information relating to the authorities responsible for the supervision of the application of national legislation.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention.

The Government states that ratification of the Convention is hampered by the fact that medical examination in Japan is compulsory only to the limited extent described above ; in addition, no measures have been adopted governing the procedure for the issue of health certificates.

The Government adds that, in order to determine the need for special legislation on medical examination for children and young persons, the Women's and Minor's Bureau of the Ministry of Labor has undertaken a systematic survey of labour in industrial occupations and in non-industrial occupations.

#### *Luxembourg.*

The Grand Duchy has to date adopted no legislation governing the medical examination of young persons for fitness for employment in non-industrial occupations. However, provision for medical examination of all workers has been included in a Bill concerning occupational health, safety and hygiene and the improvement of the working environment. This Bill was laid

before the Chamber of Deputies at the close of the 1953-54 Session and is at present under consideration by the Council of State and the various Chambers interested in labour questions.

The Government points out that, even in the absence of special legislation, the employment of children and young persons in non-industrial work has not given rise to any abuses, thanks to the general legislation governing the employment of young workers, as well as the general measures adopted by the Ministry of Public Health and the Ministry of Population and Family Questions.

The Government is, however, aware of the desirability of introducing legislation governing this question. To this end, Convention No. 78 was submitted on 1 June 1953 to the Chamber of Deputies for ratification ; the consideration of this question has been delayed only by certain internal matters of a more urgent nature.

#### *Netherlands.*

There are no legislative provisions regarding the medical examination of young workers for fitness for employment in non-industrial occupations ; nor do collective agreements for various branches of non-industrial undertakings contain any provisions on this subject.

No modifications have been made in the national law or practice with a view to giving effect to all or some of the provisions of the Convention.

In order to ensure compliance with the Convention, it would be necessary for medical examinations to be conducted by medical practitioners fully acquainted with the conditions in the undertakings in question. This task could only be entrusted to industrial medical officers. Although the work of the Institute of Industrial Medical Officers is receiving increasing attention from the Government, the progress made in this connection is not sufficient to justify the ratification of the Convention.

The advisability of a medical examination to determine fitness for employment has been recognised for some time in the Netherlands and, under the Labour Act, has been carried out for a number of years for various categories of young workers in industry. Measures designed to extend the scope of the legislative provisions regarding the medical examination are limited provisionally to industrial undertakings.

#### *New Zealand.*

The report states that there is no legislation in New Zealand requiring the preliminary or periodical medical examination of children and young persons to determine fitness for employment in non-industrial occupations.

Apart from the problem of diverting the services of medical practitioners from the more urgent and pressing demands upon their time, a practical difficulty exists because the number of medical practitioners available makes it impossible for New Zealand to implement the requirements of the Convention. However, the Government points out that because of the existence of two important state services—the National Health Service and the School Medical

and Dental Health Service—it is less essential in New Zealand to institute a system of pre-employment medical examination on the lines laid down in the Convention.

Under the National Health Service, every person is entitled to consult any medical practitioner he may choose, and as often as he may feel disposed, at a purely nominal fee; the main expenses are borne by the State. The School Medical and Dental Health Service provides school children with the benefit of professional attendance by medical officers of health of the State Department of Health. The services of these officers are supplemented by the district health nursing scheme, the school dental nurse and the clinic service. Attention is also given to the medical examination of pre-school children (in 1952, 16,310 pre-school children were examined). In addition, medical officers and the child hygiene division offer various tests, X-ray examinations, etc., in the case of all children over 12 years of age. It is anticipated that in 1955 the routine medical examination of all children passing into secondary schools (originally initiated in 1947-48) will be resumed. There are also increasing facilities in other directions for the improvement of children's health, e.g., the use of new equipment and the establishment of child health clinics at Auckland and Wellington. The activities of a number of organisations and of children's health camps contribute substantially to maintaining young persons in good health.

As an indication that the medical examination for admission to employment envisaged by the Convention is gaining ground in New Zealand, the report quotes figures from the annual report of the Department of Health for 1953 in respect of the examination of juveniles under the Factories Act. The figures given show the number of persons examined between 1948 and 1953 and the number of certificates of fitness issued.

The Government adds that in view of the factors outlined in the report it does not intend at present to introduce legislation to give effect to the Convention, but that, should there be any material change in the over-all position, existing administrative arrangements provide for the matter to come under periodical review.

#### *Norway.*

Workers' Protection Act No. 8 of 19 June 1936 (*L.S.* 1936—Nor. 1), as subsequently amended, in particular by Act No. 21 of 28 July 1949 (*L.S.* 1949—Nor. 7).

Act No. 5 of 14 July 1950, respecting apprentices in handicrafts, industry, commerce and office work (*L.S.* 1950—Nor. 2), as amended by the Act of 23 February 1951.

Section 28 of the Workers' Protection Act of 1936 gives the Crown the authority to order that the health and physical condition of young workers be examined by a medical practitioner before they are admitted to employment. However, this provision applies only to work involving physically strenuous effort or danger to the life and health of young persons.

The supervision of the application of the Act of 1936 is entrusted to the Ministry of Local Government and Labour, through its executive agency, the Directorate of Labour Inspection. The Ministry of Education, through its executive agency, the Vocational Training Council, is responsible for the application of the Apprenticeship Act of 1950.

The Government adds that it is the rule for students to undergo medical examination on entering the state pre-vocational schools. It is also customary for students to be under medical supervision during the school period. The Apprenticeship Act of 1950 (section 6) gives the Crown the authority to order the medical examination of apprentices. Up to now no decisions have been made by the Crown in this respect, because it has been found desirable to study the matter in connection with amendments that may be made to the Workers' Protection Act.

In its report of 30 November 1953, the committee which examined the question of amending the Workers' Protection Act submitted draft amendments which will probably result in conformity between the provisions of the Act and the Convention as regards the occupations covered. The report in question is under consideration by the Ministry of Local Government and Labour, but it is not possible at present to state whether or not Norway will be able to ratify the Convention.

#### *Pakistan.*

The report states that the present Constitution gives concurrent jurisdiction to the Central Government and to the state governments in regard to the question of medical examination of young workers in non-industrial occupations; it adds that a new Constitution is being drafted for Pakistan.

No legislative or administrative provisions have been made in connection with the medical examination of young workers. As there is at present no adequate provision even for medical examination and re-examination in industrial occupations, the introduction of medical examination in non-industrial occupations would seem to be out of the question for the time being, in particular in the light of administrative and other difficulties of a practical nature.

#### *Philippines.*

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violation of the Act, and for other purposes (*L.S.* 1952—Phi. 1).

The question of the medical examination of young persons seeking employment in non-industrial occupations is covered by sections 3 and 4 of the above Act.

Section 3 of the Act defines the establishments and occupations in which the employment of children under 18 years of age is prohibited.

Section 4 of the Act provides that no person below the age of 18 years may be admitted to employment in any shop, factory, commercial, industrial or agricultural establishment or other place of labour unless he has been found fit for the work on which he is to be employed by means of a thorough medical examination, conducted free of cost by a qualified government physician or by any other qualified physician approved by the Secretary of Labor. Fitness for employment shall be evidenced by a certificate issued by the examining physician; this certificate may be issued subject to specified conditions of employment or for a specified employment or group of employments involving similar risks.

Every employer is required to have all persons employed by him, who are under 18 years of age, medically examined at least every six months and as often as the Secretary of Labor may require in exceptional cases involving high health risks, in order to determine the continued fitness for employment of the persons concerned. Such examinations shall be without cost to the employee.

The Secretary of Labor shall have the power, in case of occupations involving high health risks, to require a medical examination and re-examination for fitness for employment of the persons concerned up to the age of 21 years.

The Secretary of Labor shall refer to the appropriate authorities for vocational guidance and physical and vocational rehabilitation the cases of children found by medical examination to require such services.

Since the coming into force of Act No. 679 in 1952, 4,800 establishments employing 55,134 workers (including 313 young persons) were inspected. A number of contraventions (mainly due to the fact that the employers concerned were unfamiliar with the provisions of the legislation) were reported.

A Bill to amend Act No. 679 was approved by the last session of the Congress of the Philippines.

#### *El Salvador.*

Decree No. 158 of 1 June 1949 : Rules of employment in commercial and industrial undertakings and establishments (L.S. 1949—Sal. 2).

Decree No. 14 of 7 September 1950 : Constitution of the Republic of Salvador (Extracts : L.S. 1950—Sal. 4).

In El Salvador there are some legislative and administrative provisions, but no collective agreements, relating to the matters dealt with in the Convention.

As regards the legislative provisions, section 4 (7) of Decree No. 158 provides that all rules of employment must contain the date on which and the manner in which workers shall undergo preliminary and periodical medical examinations and any prophylactic measures prescribed by the authorities. This decree also lays down that every head of a commercial or industrial undertaking or establishment where ten or more workers are permanently employed shall draw up rules of employment and submit the same to the Director of the National Department of Labour for approval ; these rules shall come into operation on the expiry of a ten-day period after they have been made known to the workers. In addition section 183, paragraph 10, of the Constitution of El Salvador prohibits the employment of young persons under 18 years of age in unhealthy or dangerous work. As regards the administrative provisions, the Directorate of the National Department of Social Welfare of the Ministry of Labour and Social Welfare, through the medium of the section for women and young persons, has carried out an intensive campaign to draw the attention of employers and workers to the benefits of medical examinations for fitness for employment. This campaign has had satisfactory results, and the great majority of commercial and industrial undertakings employing less than ten workers already require such medical examinations. In order to avoid any cost to the

young persons concerned, the section of industrial hygiene of the National Department of Social Welfare has undertaken to carry out the medical examinations.

The social policy of the Government is guided by the principle that it is necessary to adopt legislation which takes due account of the national conditions and which is based on the standards of the Conventions and Recommendations adopted by the International Labour Conference in so far as the latter are compatible with the real conditions of the country and can be put into force without any prejudice to the national economy. One of the difficulties in the way of ratification is constituted by the fact that the provisions of Article 6 of the Convention require States Members to take measures for the vocational guidance and physical and vocational rehabilitation of children and young persons who are found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations and also for States Members to establish medical, educational and social services for this purpose. The report adds that El Salvador is not in a position to introduce measures of social progress of this kind.

#### *Sweden.*

Workers' Protection Act of 3 January 1949 (L.S. 1949—Swe. 1).

Royal Proclamation No. 208 of 6 May 1949 : Regulations issued under the Workers' Protection Act (L.S. 1949—Swe. 4).

Decree No. 213 of 6 May 1949, respecting an initial medical examination and periodical medical examinations for young workers.

Decree No. 214 of 6 May 1949, respecting payment for the medical supervision of young workers.

*Article 1 of the Convention.* The Workers' Protection Act applies in principle to all activities whether industrial or not ; the chief occupations which are excluded from the scope of the Act are industrial home work, domestic work and employment at sea, as well as public administrative work for the local and central governments. The provisions of the Act as regards the medical examination and inspection of young persons do not cover agricultural work, work in connection with co-operative societies, work performed by pupils of vocational training establishments and work by the inmates of corrective establishments. However, in given cases where work not covered by the Workers' Protection Act is carried out in such circumstances that the persons concerned are exposed to serious health risks, the Crown may order that the Act shall be applied to the necessary extent to the work in question. Up to the present the Act has not been extended to meet such cases. General provisions relating to measures to protect young persons in employment are contained in section 26 of the Act.

*Article 2.* The provisions in force in Sweden (section 27 of the Workers' Protection Act and sections 49 to 51 of the Royal Proclamation issued under this Act) correspond on the whole to the provisions of this Article of the Convention.

The report states that there is no formal conformity between the provisions of paragraph 1 of this Article of the Convention and those of the national legislation, according to

which the medical practitioner is required to ascertain and to state the occupations for which the young person in question is not suited. However, in principle, this is tantamount to approval for employment in all other kinds of occupations. In virtue of section 30 of the Workers' Protection Act, the Workers' Protection Board may—at the request of the employer, the young person himself or his parents or guardian—permit exceptions from certain conditions respecting the employment of the young person laid down in the report by the medical practitioner.

*Article 3.* The provisions of this Article are applied by section 28 of the Workers' Protection Act which lays down that once in every calendar year a medical inspection shall be made at every workplace where a young person is employed in order to ascertain whether the employment of the young person is detrimental to his health or physical development. This provision does not apply to workers employed in forestry work and in timber floating (otherwise than in work at certain places), for whom there are special arrangements because of the difficulties in arranging a regular annual medical examination at casual workplaces. The report adds that there is a discrepancy between the Act and the Convention, since the former (section 29) authorises the Workers' Protection Board to make exemptions from medical examinations in the case of work involving very little effort and lasting for only a short time each year. This power of exemption is used very sparingly.

*Article 3, paragraph 3.* This paragraph is applied by section 58 of the Royal Proclamation issued under the Workers' Protection Act; this section provides that the examining physician may lay down special conditions for the young person's continued employment on a certain type of work and may also require a further medical examination within a given period.

*Article 4.* The report states that this Article appears to be implemented, partly by the general provisions attaching to conditions of employment for certain occupations and partly by the special provisions respecting medical supervision in certain cases. Section 7 of the Workers' Protection Act provides that it shall be the duty of the employer to take all reasonable steps, in view of the nature of the work, the conditions under which it is carried on and the age, etc., of the employees concerned, for preventing the persons employed by him from suffering injuries to their health or meeting with accidents. Furthermore, section 2 of the Royal Proclamation issued under the above Act provides that no person shall be employed on work which makes special demands upon his health or physical development if a medical examination has shown, or it is otherwise evident, that he does not possess the necessary physical or mental qualifications. Under section 16 of the Act the Crown may prescribe special conditions for the employment of persons on work which is considered to involve particular danger of accident or injury to health. A Proclamation respecting medical examinations and inspections to prevent certain occupational diseases covers all workers, including those under 21 years of age.

*Article 5.* In exceptional circumstances a young person may be required to meet the cost of the first medical certificate. The school doctor is responsible for entering the particulars of the medical certificate in a young person's work book; the cost of the first medical certificate issued to young persons who require a work book after they have left school is met by the young persons concerned. A minimum charge is laid down for the certificate. The cost of travelling expenses and travelling allowances for periodical medical examinations are borne by the Government and the remaining cost by the employer.

*Article 6, paragraphs 1 and 2.* There are no specific measures for the vocational guidance or the physical and vocational rehabilitation of young persons who are found by medical examination to be unsuited for certain types of work. Facilities for physical rehabilitation are available to all citizens under the general health scheme as well as under the employment service, which provides vocational guidance and rehabilitation free of charge. Medical experts are attached to the Employment Market Board and to the provincial labour boards. The provisions of the national legislation correspond to those contained in paragraph 3 of Article 6.

*Article 7.* The national legislation is in conformity with paragraphs 1 and 2 (b) of this Article. The Workers' Protection Act does not make provision for the medical examination of young persons engaged in itinerant trading on their own account or on account of their parents. However, in practice, effect is given to paragraph 2 (a) of this Article by means of the Act of 9 April 1926 which prohibits the employment of children in certain kinds of commercial occupation.

The Convention was submitted to Parliament in 1947, when Parliament adopted the view that the final decision regarding ratification should be deferred until the Bill to amend the Workers' Protection Act had been laid before it.

While Swedish law and practice are on the whole in conformity with the Convention there are certain obstacles to ratification: the scope of the Convention is wider than that of the Workers' Protection Act, which does not apply to domestic work and work performed in the employer's household. Moreover, according to the Workers' Protection Act, the Workers' Protection Board is authorised to exempt certain groups of young persons from the obligation to be medically examined.

#### *Switzerland.*

Order of the Federal Council of 24 February 1940, to issue rules for the application of the federal Act of 24 June 1938, respecting the minimum age for employment (L.S. 1938—Swi. 1).

The protection of workers' health is a question which, for the most part, falls within the competence of the cantons. There are some cantonal provisions which rely more or less directly on medical examination for fitness for employment, but this principle cannot be said to be the general rule on the cantonal level. Federal legislation contains only a few occasional provisions relating to medical examination, as a prerequisite for admission to non-industrial

occupations. Section 12 (2) of the Order of 1940 gives the cantons the power to make the admission of young workers under 15 years of age to certain occupations subject, *inter alia*, to the production of a health certificate. Furthermore, apprenticeship should be allowed only on production of a medical certificate showing fitness for employment in the case of any occupation which makes special demands on the physical capacity and powers of resistance of the young persons concerned.

From the foregoing it is clear that requirements regarding medical examinations appear to a very limited extent in federal and cantonal legislation. Existing provisions apply rather to industrial employment than to work in non-industrial occupations and are not drafted specifically within the meaning of the provisions of Convention No. 78.

Responsibility for the enforcement of federal legislation rests with the cantons, while the Federal Council exercises supreme supervision. Employers' and workers' organisations do not co-operate directly in the application of these provisions.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention.

The cantons are responsible for the protection of health in general. In any case, legislative measures relating to non-industrial employment would not be considered unless such a step were found to be absolutely necessary.

The adoption of measures to give effect to the provisions of the Convention depends on the decision to be taken as regards the proposed general labour legislation which contains special provisions concerning the health of young workers. The 1950 draft legislation contains the following section: "An employer who engages young persons shall require an attestation as to age, as well as a medical certificate showing that such young persons have been examined during the last year at school or subsequently." This provision would apply to all undertakings coming within the scope of the law and therefore to non-industrial occupations.

#### *Turkey.*

Public Health Act of 24 April 1930 (L.S. 1930—Tur. 1).

Labour Act No. 3008 of 8 June 1936 (L.S. 1936—Tur. 2).

Municipalities Act.

Regulations prescribing the powers and duties of the police.

Section 60 of the Labour Act of 1936 provides that, before taking up any form of employment, children and young persons between the ages of 12 and 18 years (including those in their 18th year), must be examined by the medical officer of the undertaking (or, in default of such, by a state or communal medical officer) and certified physically fit for the work to be performed, its nature and conditions being taken into account. The certificates issued in this connection are exempt from all dues and taxes and must be signed by the employer and produced whenever required by the competent authorities.

Regulations issued under section 58 of the Labour Act specify the kinds of work deemed

to be arduous and dangerous and those which are prohibited for young persons under 18 years of age, including those in their 18th year.

Section 59 of the Labour Act stipulates that an employee may not be employed on any arduous or dangerous work without a certificate from the medical officer of the undertaking or, in default of such, from a state or communal medical officer attesting that he is physically fit for the work in question and is robust.

The Labour Act (section 62) also provides that the Ministry of Economic Affairs and the Ministry of Health and Social Welfare shall issue regulations jointly requiring that persons engaged for work other than the kinds of work recognised as arduous and dangerous, shall undergo preliminary medical examination, and that employees engaged in certain kinds of work shall undergo a general medical examination at prescribed intervals; regulations to this effect have not yet been issued.

Section 15 (3) of the Municipalities Act requires municipal authorities to ensure that persons employed in various establishments such as hotels, restaurants, theatres, etc., are medically fit for the work they are required to perform. Section 15 (8) of this Act provides that municipal authorities shall require persons employed in services which bring them into close contact with the public to undergo a medical examination before being admitted to employment.

Section 8 of the Regulations prescribing the powers and duties of the police provides that persons employed as doormen, watchmen or waiters in the above-mentioned establishments must satisfy the medical requirements before being admitted to employment.

The Ministry of Labour, the Ministry for the Interior, the Ministry of Public Health and the municipal authorities are responsible respectively for the administration of the relevant legislation.

The report states that no modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention. The Government states that ratification cannot be envisaged in the immediate future because of the wide scope of the Convention; further, in order to define the line of division between non-industrial employment and industrial, agricultural and maritime occupations, it would be necessary to introduce new legislative measures which would also involve an extensive survey of the non-industrial sector.

#### *Union of South Africa.*

Apprenticeship Act No. 37 of 30 May 1944 (L.S. 1944—S.A. 1), as amended.

The report states that there is no general law or practice in the Union of South Africa regarding the medical examination of young persons prior to or during employment but, in so far as the Apprenticeship Act is applied to non-industrial occupations, it conforms to the main terms of the Convention.

The above-mentioned Act requires all persons to produce a certificate of fitness in a prescribed form as a preliminary condition of apprenticeship.

The administration of the Apprenticeship Act is carried out by the Department of Labour.

The report adds that although many employers—including the Government itself—make the production of a satisfactory medical certificate a qualification for employment, there are many practical difficulties to be overcome before anything approaching a widespread application of the provisions of the Convention can be contemplated. The advisability of medical examinations is fully appreciated and some local authorities offer facilities to employers in this regard, but the practical difficulties which must be surmounted in endeavouring to provide the necessary services are such that it would be many years before the medical examination could be put into effect.

The principles embodied in the Convention represent an objective which it is hoped will be attained in course of time, but at present it is not possible to give any indication how long this will take.

#### *United Kingdom.*

Children and Young Persons Act, 1933 (*L.S.* 1933—G.B. 1).

School Health Service and Handicapped Pupils Regulations, 1953.

Education (Scotland) Act, 1946.

Education Act (Northern Ireland), 1947.

Children and Young Persons Act (Northern Ireland), 1950.

There are no general statutory requirements for the medical examination of children and young persons for fitness for non-industrial employment. However, by-laws made under section 18 of the Children and Young Persons Act, 1933 (section 136 of the Education (Scotland) Act, 1946, as amended) usually provide (as does section 55 of the Northern Ireland Act of 1947) that if it appears to a local education authority that the employment of a child is likely to be prejudicial to his health or otherwise to render the child unfit to obtain the full benefit of the education provided, the authority may prohibit the employment of the child or impose such restrictions as appear to them to be expedient in the interests of the child.

All children attending schools under the supervision of the local education authority are medically examined at appropriate intervals and free medical treatment is obtained where necessary; their last examination generally takes place during the last year at school and advice is given to their parents about their suitability or otherwise for certain employment (Regulation 10 of the School Health Service and Handicapped Pupils Regulations and section 51 of the Education (Scotland) Act, 1946, and Regulation 4 of the School Health Service Regulations of 1948, made under the Northern Ireland Act of 1947).

Under rules made by the national authority an application for a licence for a child still at school to take part in entertainment must be accompanied by a certificate from a medical officer of the local education authority certifying that the child may be employed in the manner proposed without prejudice to his health or physical development, and that the employment will not render the child unfit to obtain proper benefit from his education. The licence may require the child to be examined at intervals of not more than three months or on such other occasions as may be considered appropriate

by the medical officer of the local education authority.

Most by-laws regulate street trading by persons under 18 years of age and provide that a licence may be refused on grounds of physical or mental unsuitability.

Persons entering the permanent service of the Crown are normally subject to medical examination before taking up employment and the provisions of the National Health Service are freely available to persons of all ages.

The local education authorities are responsible for the supervision of the application of the legislation and regulations.

There is no special machinery for securing co-operation of organisations of employers and workers in the application of the law, but they are consulted when new or amending legislation is under consideration.

Pending the further development of the health services in the United Kingdom it is not possible to implement the Convention.

#### *United States.*

The Government regards the provisions of the Convention to be appropriate in part for federal action and in part for action by the constituent states of the United States.

The report states that, with the exception of regulations applying to federal government employees, there is no provision in federal legislation requiring medical examinations for children and young persons for fitness for employment.

The majority of federal employees, including minors, are required, in accordance with rules and regulations issued by the Civil Service Commission, to submit to medical examinations, at the time they take up their duties, in order to determine their physical fitness to perform the duties of the position to which they are being appointed. Generally speaking, the Civil Service Commission has delegated authority to the individual federal agencies to determine whether or not an applicant for federal employment meets the physical requirements for the post in question.

The report contains the following detailed information regarding the law and practice in the various states :

In over two-thirds of the jurisdictions there is legislation dealing with medical examinations for children and young persons for non-industrial employment.

In state<sup>1</sup> laws, the requirement for a medical examination as a prerequisite for the employment of children and young persons has developed as one of the procedures for issuing employment certificates. All but five states in the United States require employers of minors under 16 years of age to obtain employment certificates for such young persons and almost one-half of the states require employment certificates for minors 16 and 17 years of age; medical examinations are required prior to the issue of these certificates in 28 states. In an additional eight states, an examination may be required at the discretion of the officer issuing employment certificates.

<sup>1</sup> Wherever "state" is used in this report, it includes the District of Columbia, Alaska, Hawaii and Puerto Rico.



*Article 1, paragraphs 1 to 3, of the Convention.* The child labour laws providing for the issue of employment certificates do not specify "non-industrial" or "industrial"; rather, they cover "all occupations" or a very substantial number of occupations so that non-industrial occupations as defined in the Convention would, in general, be covered.

*Article 1, paragraph 4.* Very few state laws exempt employment for parents in family undertakings.

*Article 2, paragraph 1.* The report gives the following detailed information regarding the states in which a physical examination is required prior to the issue of an employment certificate. The examination applies to persons under 18 years of age in Georgia, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico and Virginia; to minors under 17 years of age in Alabama; to minors under 16 years of age in Arizona, California, Connecticut (where it is required for the very limited group of occupations not covered by a 16-year minimum age), Delaware, Florida, Illinois, Iowa, Louisiana, Massachusetts, Minnesota, Missouri, New Hampshire, Tennessee, Vermont, West Virginia and the District of Columbia.

In eight additional states the officer responsible for issuing the employment certificate is left free to require a physical examination prior to the issue of the certificate. This provision applies to persons under 18 years of age in Michigan, Oregon, Utah, Wisconsin (in Milwaukee the physical examination is mandatory) and to persons under 16 years of age in Maine, Nebraska, New Mexico and Oklahoma. (In Oklahoma, however, examination is required for minors under 18 years of age in cities where continuation schools are established.)

Of the 16 remaining jurisdictions, five (Idaho, Mississippi, South Carolina, Texas and Alaska) do not require employment certificates, and 11 (Arkansas, Colorado, Kansas, Montana, Nevada, North Dakota, Rhode Island, South Dakota, Washington, Wyoming and Hawaii) do not require a physical examination prior to the issue of employment certificates.

*Article 2, paragraph 2.* In most of the states which require medical examinations, the law specifically provides that the examination shall be carried out by qualified physicians either designated or approved by the agency responsible for the issue of employment certificates or by the agency responsible for the supervision of the employment certificate system.

The certificate of physical fitness is filed with the authority responsible for issuing the employment certificate. Only a few jurisdictions provide that the employment certificate itself should include any reference to the medical examination.

*Article 2, paragraph 3.* As employment certificates are required for each job which a minor undertakes, the examining physician is informed of the work the child intends to do and can take this factor into consideration in examining him. Some of the laws specifically provide that the medical officer may issue a certificate indicating the kind of employment suitable for the minor having regard to his physical condition; or else

that the certificate should state that the child may be employed only on the work he intends to do subject to the limitations specified in the physician's statement.

*Article 2, paragraph 4.* The competent authorities are specified in the state child labour laws.

Usually, the responsibility for drafting forms and instructions for making the medical examinations is vested in the government agency responsible for the employment certificate issuance system.

*Article 3, paragraph 1.* See under Article 2, paragraph 1, above.

*Article 3, paragraph 2.* A new examination is generally required each time the child changes jobs. Only two of the states for which information on the details of medical examinations are available, require periodical examinations. In New Mexico employment certificates are valid for only six months and, upon renewal, the issuing officer must be satisfied that the child is in good health. In Virginia the law provides that an employment certificate shall be invalid after 12 months from the date of issue unless a new certificate of physical fitness is filed with the issuing officer.

*Article 3, paragraph 3.* A few of the states specifically provide, when the child's physical condition so warrants, for the issue of certificates for only a limited period, at the expiration of which the child must be examined again before being permitted to continue his work. In addition, a few states provide that the inspecting official may require a certificate of physical fitness in cases where the child appears to be physically unable to perform the work he is doing. Basically in the United States the protection of the child from jobs with a high health hazard is approached through the prohibition of employment of young persons in such jobs.

*Article 4.* Only one state (Alabama) provides for medical examinations for young persons over 18 years of age prior to the issue of employment certificates; this requirement does not apply to non-industrial employment but only to mines or quarries.

*Article 5.* As a rule the laws specify that the physicians who carry out the examinations for children entering employment shall be public health or public school physicians or physicians designated or appointed by the Department of Labor or the education department. These examinations are usually free of charge to the child. However, a few states provide that a private physician may be used, in which case the child or his parents are responsible for the fee.

*Article 6, paragraphs 1 and 2.* It is the practice of the issuing officers, depending on the resources available in the community, to refer children to vocational guidance and physical and vocational rehabilitation and to such other services as may be necessary to adjust the children to employment suitable for them.

The labour, health, educational and social services concerned co-operate in order to carry out these measures.

*Article 6, paragraph 3.* The standards outlined in this paragraph are met in some jurisdictions, as has been pointed out above, under Article 2, paragraph 3 and Article 3, paragraph 3.

*Article 7, paragraph 1.* Employers are required to file and keep available to labour inspectors the employment certificate of each child in their employment. The reports on the medical examinations are filed in the office issuing the certificate.

*Article 7, paragraph 2 (a).* A few of the states which have laws providing for special street-trades permits or badges require, as a prerequisite to the issue of the permit or badge, medical examinations for the minors employed in such occupations.

*Article 7, paragraph 2 (b).* The system of medical examinations is supervised by the responsible government agency.

Supervision of the employment certificate system is generally exercised by the Department of Labor or by the Department of Education. Sometimes these two departments are jointly responsible. The administration of state labour legislation involves the co-operation and support of employers' and workers' organisations and other community agencies, together with representatives of the general public.

The report adds that at every session of the state legislature efforts are made to improve child labour and education standards through new laws or through amendments to existing laws.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952 to promulgate the Labour Code (L.S. 1952—V.N. 1).

Although the legislation in force contains no provisions relating directly to the object of the Convention, certain provisions of the Labour Code refer to the matter. Section 227 of the Code provides that the types of work liable to cause danger to, or to exceed, physical strength, are determined, and employment thereon is prohibited, by Ministerial Decree for persons under 18 years of age. Moreover, section 210 gives the labour inspectors power to require a medical examination in order to ascertain if the work allotted to a child exceeds his strength. If this is the case, the child must be transferred to other work or dismissed.

The authorities responsible, at the national level, for supervising the application of the above measures are the Ministry of Labour and Youth and the general labour inspector; the regional and provincial labour inspectors are responsible as regards the regions and provinces.

The collaboration of employers' and workers' organisations is assured, as in other labour questions, by means of the national and regional commissions set up under the ordinance of 8 July 1952. Moreover, in undertakings employing more than 100 workers, workers' delegates are responsible for assuring the satisfactory application of the regulations concerning labour conditions.

The medical examination for fitness for employment—as laid down in the Convention—

may be envisaged when the organisation for medical labour inspection and social security (sections 335-337 of the ordinance of 8 July 1952) has been set up. Consideration is at present being given to this matter, together with the texts for the application of the relevant measures provided for in section 227 of the Labour Code.

#### *Yugoslavia.*

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

Order of 29 April 1947, respecting the compulsory periodical medical examination of workers.

Decree of 22 July 1952, respecting apprentices (L.S. 1952—Yug. 8A).

Provision for medical examination applies to all workers in all sectors of the economy; no special legislation exists for children and young persons in non-industrial occupations.

Section 2 (c) of the decree of 22 July 1952 requires that all persons who become apprenticed to a trade or to an occupation should be in sound physical and mental health. To this end, medical examination is made a prerequisite for entry into apprenticeship and the medical services are required to carry out the medical examination at intervals of not less than one year. Section 25 of the decree prescribes that the medical certificate attesting fitness for indenture as an apprentice should not be subject to tax. The Government considers that this provision meets the requirements of Article 5 of the Convention.

The report adds that, as almost all persons between the ages of 14 and 16 years in employment in Yugoslavia are employed in the capacity of apprentices, the requirements of the Convention are largely met.

There is, however, no provision making medical examination obligatory for young persons between the ages of 16 and 18 years except in so far as certain regulations governing medical examination apply to all persons irrespective of age. Section 10 of the general regulations of 13 January 1947 requires the employer to ensure that all workers engaged in work which exposes them to occupational diseases and similar hazards should undergo a medical examination. The employer is also required to establish a list of those workers who have passed such a medical examination and to attach thereto details concerning their fitness for the work in question.

Furthermore, section 1 of the order of 29 April 1947 enumerates 34 different occupations in which the periodical medical examination of workers is compulsory.

Responsibility for the supervision of the application of legislation is entrusted to the labour inspectorate. The organisation and operation of this service are governed by the Labour Inspection Act of 1 December 1948.

Draft labour legislation is now in course of preparation. The competent committee or sub-committee responsible for drawing up the Bill in question has taken note of the requirements of the International Labour Code with a view to enabling the Government in due course to ratify a certain number of Conventions, including those governing the protection of young workers.



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### *Afghanistan.*

See under Convention No. 60.

### *Argentina.*

Act No. 11317 of 30 September 1924, respecting the employment of women and young persons (*L.S.* 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of apprenticeship and the employment of young persons, as approved by Act No. 12921 (*L.S.* 1944—Arg. 1) and as amended by Decree No. 6648 of 24 March 1945 (*L.S.* 1945—Arg. 2).

The Government refers to its report on the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), in view of the fact that the legislation in force makes no distinction between industrial and non-industrial occupations. The Government considers that in conformity with the Constitution the provisions of the Recommendation call for federal action as the subject is dealt with by basic legislation.

### *Austria.*

Federal Act of 3 July 1947, respecting labour inspection (*L.S.* 1947—Aus. 3).

Federal Act of 1 July 1948, respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

Decree of 11 May 1951 of the Federal Ministry for Social Affairs, on the medical examination of young persons.

The information given in the report submitted on the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) applies also to this Recommendation.

National authorities are endeavouring to improve the law and practice concerning medical examination for fitness for employment of children and young persons in industrial and non-industrial occupations in order to carry out as far as possible the provisions of the Recommendation.

The provisions of the Recommendation which deal with the application of the principles laid down in Convention No. 78 to certain industrial groups and to certain categories of employment are very detailed and their application might involve a large amount of administrative work. The acceptance by Austria of this Recommendation and of Convention No. 78 is rendered difficult by the provision which requires all children and young persons to be subjected to medical examination for fitness before their admission to any employment whatsoever.

### *Belgium.*

General Regulations of 11 February 1946 for the protection of labour.

Ministerial Order of 21 December 1946, containing general recommendations for the setting up of safety and health services and committees in industrial and commercial undertakings.

Order of the Regent of 25 September 1947, to establish bodies for the supervision of safety and hygiene in mines and quarries (*L.S.* 1947—Bel. 5).

Act of 10 June 1952, respecting the health and safety of workers and the salubrity of work and workplaces (*L.S.* 1952—Bel. 3).

Basic laws on primary education.

Belgian legislation provides for a medical examination of fitness for employment for all children and young persons under 18 years of age who seek employment in industrial and commercial undertakings and in public institutions and services. It does not cover in any case (1) family undertakings, and (2) domestic workers and the persons employing them. The Act of 10 June 1952 extended the legal provisions to agricultural, horticultural and forestry undertakings.

Medical examination for fitness takes place within three months before the persons take up employment and is renewed each year up to the age of 21 years.

The examinations are carried out by physicians or medical services chosen by the heads of undertakings and at the latter's expense. The time spent during the working day at these medical examinations is paid for as effective work. The examining physician must indicate, where necessary, the means of obtaining other analyses and special examinations, the treatment required, and the services of the visiting nurse, and he must give, where necessary, advice on health measures. Young persons who, in the course of their work, are exposed to the risk of occupational diseases must undergo periodical special examinations.

The Minister of Public Health is entrusted with carrying out the medical supervision of young persons to whom are issued health cards on which the examining physician records the appropriate facts.

The provisions of Paragraph 3 of the Recommendation are covered, if not completely, at least very substantially by the provisions of article 5 of the basic laws on primary education, by which every commune is obliged to set up a free service of school medical examination.

University students, and those of the state higher educational establishments assimilated to universities, must also undergo a medical examination for the purpose of detecting contagious disease.

The enforcement of the provisions respecting the health of workers is entrusted to the Industrial Medical Inspection Service; the supervision of the application of the measures con-

cerning school medical inspection is entrusted to the communal council.

The Ministerial Order of 21 December 1946 lays down general recommendations concerning the setting up of safety and hygiene committees and services in industrial commercial undertakings and in public services and institutions serving the public interest.

#### *Bulgaria.*

Ukase No. 554 of 13 November 1951, to promulgate the Labour Code (L.S. 1951—Bul. 2).

Order of 24 February 1953, respecting preliminary and periodical medical examinations of manual and non-manual workers, and respecting the arrangement of work for persons who have been ill.

By virtue of an order of 24 February 1953 all workers and employees are required, on their first entry into employment or on resumption of employment after a six months' interval, to undertake a pre-employment medical examination. Entrants to strenuous and unhealthy work may be admitted to employment only after a preliminary medical examination; and young workers under the age of 18 years may be engaged only on condition that the results of medical examination show that their physical development is such as to enable them to deal adequately with the work they have to perform and to resist the risks and unhealthy conditions they may have to face. Medical examination is carried out in the health centres attached to the undertaking, establishment or organisation in question or, where no such health centre has been established, in the regional preventive service. The examination is given free of charge and a card is issued indicating whether the young worker may or may not undertake the work in view.

Periodical medical examination is obligatory for all workers who have not attained the age of 18 years and who are engaged in strenuous or unhealthy employment or in dangerous processes. A list has been drawn up enumerating the occupations which call for periodical medical examination and indicating the intervals at which re-examination must be carried out. According to the nature of the employment, the intervals at which periodical medical examinations must be undertaken are one, three, six and 12 months. Young workers under the age of 18 years are required to undergo medical examination at intervals of 12 months unless their work calls for re-examination at shorter intervals.

In all cases in which it has been established that a worker cannot undertake the work in view he is assigned to lighter employment in accordance with a ruling of the health agency or he is directed towards a rehabilitation course.

Responsibility for the application of these provisions rests with the bodies entrusted with labour protection and with the local health centres.

#### *Canada.*

See under Convention No. 78.

#### *Ceylon.*

See under Convention No. 78.

#### *Chile.*

See under Convention No. 78.

#### *Colombia.*

See under Convention No. 78.

#### *Cuba.*

Legislative Decree No. 883 of 27 May 1953, to complete and consolidate the laws respecting the employment of young persons (L.S. 1953—Cub. 1).

Legislative Decree No. 883 does not distinguish between industrial and non-industrial employment.

Chapter IV of the decree deals with the medical examination and other conditions which must be fulfilled before a young person under the age of 18 years may enter into a contract of employment in any kind of occupation.

The Ministry of Labour supervises the application of the decree through the Women's and Young Persons' Employment Office and the General Directorate of Health and Social Welfare and the provincial labour offices.

The municipal authorities (*alcaldes municipales*) co-operate with the Ministry in supervising the physical aptitude of the young persons under 18 years of age by requiring the presentation of a medical certificate before issuing an employment certificate.

Article 17 of the decree requires the keeping of a special register of the young persons under 18 years of age, indicating that the medical examination has been carried out and that the other conditions for admission to employment have been fulfilled.

The employment of young persons is not current practice. This is due to the national traditions and, in addition, to the provisions of Chapter III of the decree, which restricts the maximum working hours of young persons outside industry to seven a day, divided into two periods of three-and-a-half hours each, separated by a break of two hours. In industry the working hours must not exceed six a day, divided into two periods of three hours each, separated by a break of two hours.

In accordance with a wide interpretation of article 66 of the Constitution, the seven-hour or six-hour working day is paid as a complete working day on the basis of a 48-hour working week.

The Government states that it would be appropriate to include in the regulations to be issued under the decree some of the more detailed provisions of the Recommendation, especially as regards the provisions concerning medical examinations and the measures for persons unfit or only partially fit for employment.

#### *Denmark.*

The Government states that Danish legislation makes no provision for medical examination of young workers in non-industrial occupations, other than under section 13 of Act No. 145 of 1925 which authorises the issue of by-laws respecting, *inter alia*, the extension of rules concerning medical examination to undertakings other than those specified in the Act.

#### *Dominican Republic.*

See under Convention No. 78.

*Finland.*

See under Convention No. 78.

*France.*

Act No. 46-2195 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, containing provisions for giving effect to the Act of 11 October 1946 (*L.S.* 1952—Fr. 3).

The Government states that the above-cited regulations are applicable only to metropolitan France to the exclusion of overseas departments and Algeria.

A medical examination analogous to that provided for by the Recommendation for children and young persons is compulsory in France for all wage earners. This examination forms part of the measures of protection instituted by the Act of 11 October 1946 and the decree of 26 November 1946 (modified by the decree of 27 November 1952) applied for the benefit of workers employed on the following undertakings and places of work: factories, works, yards, workshops, laboratories, kitchens, cellars and wine stores, warehouses, shops, offices, loading and unloading undertakings, theatres, circuses and other places of entertainment and dependencies thereof, whatever their nature, public or private, secular or religious even when these establishments are of a vocational, educational or charitable character; as well as public and government offices, establishments connected with the liberal professions, non-commercial companies, occupational associations and associations of all kinds.

Undertakings in which only members of the family, under the authority of the father, mother or guardian are employed, are also covered by the law.

The line of division between agriculture on the one hand, and industry and commerce on the other, for the application of the industrial medical regulations, is drawn, according to circumstances, by agreement between the Ministry of Agriculture and the Ministry of Labour, or by jurisprudence.

The decree of 27 November 1952 provides that undertakings subject to the application of the Act of 1946 may not engage workers without their having been previously medically examined. By this examination, which includes a radioscopic inspection of the lungs and, where necessary, supplementary examinations ordered by the doctor, it is possible to determine in particular if the worker is medically fit for the work proposed, as well as the jobs to which, from the medical point of view, he should not be assigned and those for which he is best suited.

At the end of the examination the medical officer makes out a record of the examination, which must be kept by the employer, mentioning the fitness for employment and when necessary the conditions of work from which the worker should profit; a medical record, all the necessary precautions being taken to ensure professional secrecy and the inviolability of the files kept by the medical officer; and a record specially made out for the employee at his request or when he leaves the undertaking.

Standard forms for these records are laid down by order of the Ministry of Labour and

Social Security and of the Ministry of Public Health and Population.

The medical records may be communicated only to the medical inspectors of labour who are bound by professional secrecy with respect to all the entries except those relating to occupational diseases subject to compulsory notification.

The decree of 27 November 1952 provides for a compulsory medical examination of all workers irrespective of age at least once a year.

Employees under 18 years of age, employed in an establishment covered by the law, are obliged to have a medical examination at least every three months. Moreover, after any absence due to an occupational disease, after any absence of more than three weeks due to a non-occupational disease, or in the event of repeated absences, employees must undergo a medical examination on resuming work. In addition, persons exposed to dangerous work of any kind are subject to special supervision, the frequency of the examinations being decided by the medical officer.

The costs resulting from the application of the laws and regulations on the industrial medical services are wholly at the employer's expense.

The employer must produce for the inspector of labour or the medical inspector of labour, for each of his employees, the record on which the doctor has indicated whether the person concerned is fit for the job he is doing.

In addition, young persons who apply to the employment services for work undergo a medical examination by a doctor specialised in the industrial medical service.

The medical examination which persons between 14 and 18 years of age seeking work have to undergo in the young persons' vocational guidance and employment services consists of: a systematic medical examination for discovering lesions and weak points; a positive assessment of the examinee—the best job being that which makes the best use of the particular aptitudes of the young person; the translation of the medical observations into employment terms which can be used by the officials in charge of placing operations: this implies the knowledge by the medical officers of the different jobs, and enables them to recommend or to prohibit the taking up of employment in one post or another.

Young workers recognised as unfit or of only limited fitness as the result of an examination in a manpower centre are directed to the social services which examine, with the parents, the measures to be taken and give them indications on the assistance and help which the social services can render, either in the vocational training or the rehabilitation of the persons concerned.

Social assistants accompany, if necessary, the young persons to the specialised hospital services when the systematic medical examination shows that it is necessary for them to follow an appropriate treatment, or to submit them to further examination for the purpose of making the diagnosis more precise.

The young person can only be placed in employment after the medical service has recognised that he is fit for a specified job.

The various medical examinations made in application of the Act of 11 October 1946 are carried out by the industrial medical officers. These officers are attached either to one

establishment or to an inter-company medical service. They are bound by contract, concluded with the employer or with the chairman of the inter-company service. They can be appointed or discharged only by agreement with the works committee of the undertaking or supervisory body of the inter-company service.

The supervision of the application of the different provisions mentioned above is carried out by the labour inspection service and the industrial medical inspection service.

The industrial medical inspection service includes a medical officer (head of service); medical inspectors (technical); and medical inspectors remunerated by fee.

A technical medical inspector is placed in each divisional labour and manpower inspection area. He is in charge in the district of the functioning of the industrial medical services set up by the Act of 11 October 1946 and, in particular, of the conditions under which the work of the medical officers entrusted with these services is carried on. He is assisted in his work by medical inspectors paid by fee who are given certain duties of inspection.

Breaches of the law and regulations, concerning in particular the medical examinations, are noted and reported on by the labour inspectors.

No inspection report has yet been made on the conditions of application of the Recommendation which, up to the present, have not given rise to any observations on the part of the employers' and workers' organisations concerned.

The Government states that, as medical examination before employment is compulsory for all workers, and the result thereof mentioned on a fitness card and on a medical examination card, as required by the supervisory services, the measures recommended in Part V of the Recommendation do not appear to be called for in French legislation.

The medical services provided by the Act of 11 October 1946 function, when they apply to a single establishment, under the supervision of a works committee whose agreement is necessary for selecting or replacing the medical officer; when they are common to several undertakings, they function under the supervision either of an inter-company committee or of a body in which the workers are represented under conditions appointed by the Minister of Labour or his representative.

The Superior Council of the Industrial Medical Service and of Manpower, which has the duty of elaborating the doctrine for industrial medicine, includes among its members a representative of each of the large central organisations of employers and workers.

#### *Federal Republic of Germany.*

##### *Lower Saxony.*

Labour Protection (Young Persons) Act of 9 December 1948, as amended by the Acts of 6 May 1949 and 21 June 1951 and by the Executive Ordinance of 26 July 1949.

In accordance with article 74 (12) of the Basic Law for the Federal Republic of Germany, competence to enact legislation to apply Recommendation No. 79 is vested in the federal authorities, since the protection of labour is involved.

National practice already meets the requirements of the Recommendation in some respects.

Only the Lower Saxony Labour Protection (Young Persons) Act of 9 December 1948, as

amended, lays down in section 9 that young persons (i.e. persons under 18 years of age) must undergo a free medical examination on entering into an employment contract in order to determine their physical fitness for their occupation and to safeguard their health. This medical examination has to be repeated at yearly intervals. The cost of the pre-employment examination is borne by the employer and that of the re-examinations by the health authorities. Should the medical practitioner's findings reveal the need for precautionary measures, these have to be taken without delay. Sections 19 to 25 of the ordinance of 26 July 1949 regulate the details, providing, *inter alia*, that pre-employment examinations shall be given by the doctor of the undertaking or by a medical practitioner appointed by the employer. The results of the examination shall be communicated to the employer by the examining physician. The employer shall submit the relevant certificate to the industrial inspection office on request. Re-examinations shall form part of the duties of the health offices under the school health service, which also covers pupils of vocational schools. The time and place of the examinations shall be so chosen that as little as possible of the working time is lost and that the young persons are not obliged to travel too far. To this end, the examinations shall be held, where possible, on days of vocational-school attendance, but not during the period of instruction. The employer shall record the date of the examination in a register. If, after the examination, there is any objection to the young person's continuing in his previous employment, the health office shall notify the industrial inspection office and employer accordingly.

Should the findings of the examining physician reveal the need for precautionary measures, the social insurance institution responsible for the young person shall be notified by the physician of the need for such measures to be taken. If the young person is not yet insured, the physician shall notify the competent health office. The social insurance institution or health office shall immediately arrange for the necessary measures to be taken in accordance with the statutory provisions. If measures are required within the undertaking, the competent industrial inspection office shall be notified.

It will be seen from the above that there exists no provision similar to that of the Recommendation making the admission of a young person to employment, or his continued employment, dependent on the medical attestation of his fitness.

The Lower Saxony Act applies not only to children and young persons engaged in non-industrial occupations within the meaning of the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) and Recommendation No. 79 but also to the employment of all children and young persons under an employment or training contract or in the performance of services which may be placed on the same footing as the work done under an employment or training contract. The Act covers public and private undertakings and institutions of all kinds and its scope is therefore comprehensive. No provision is made for exceptions in respect of family undertakings.

The only text which contains provisions mak-

ing the employment of young persons under 18 years of age in specified occupations conditional upon a medical examination and periodical re-examinations as well as on a certificate of fitness is the Glassworks Ordinance of 23 December 1938 (*Reichsgesetzblatt*, I, p. 1961).

The Federal Republic has no laws or regulations specifically prescribing the regular examination of persons up to the age of 21 years. For specified occupations or types of work, however, there are many texts prescribing pre-employment examinations and/or re-examination for all employees, including those under the age of 21, as well as for young persons in so far as such occupations and types of work are not entirely closed to them. The texts which cover the occupations expressly referred to in the Recommendation are : a Police Ordinance respecting medical pre-employment examinations for miners dated 23 May 1940 ; a collective regulation for persons working in hospitals, infirmaries and homes administered by the Reich, the provinces, the communes (federations of communes) and the Reich insurance institutions, dated 2 December 1939 ; a collective regulation for free public hospitals and homes, dated 20 July 1944 ; and a collective regulation for private hospitals dated 19 January 1942.

Almost all children are examined during their last year of elementary school attendance by the school doctor, who records the results of his examination on their school health cards. At the end of the school year, these cards are forwarded to the labour office, which takes account of the entries concerning the vocational guidance of the young persons and their placement in training or employment. Should the labour office have any doubts as to whether a young person is suited for the work in question or wishes to know for what other work he might be suited, it arranges for its own medical officer to examine him. Regular re-examinations are not given by the labour offices.

Should a young person prove to be medically unsuited to the work he has hitherto been doing, he can obtain guidance from the labour office on request—if necessary, after a further examination by its medical officer ; where possible, he is found other training or employment for which he is fit. The cost of the examination is borne by the labour office. The medical examination covers the young person's vocational aptitude and physical fitness for specific types of training and employment. The results of the medical examination are entered on a form, which records the person's previous medical history, his present defects, a detailed account of the medical officer's objective findings and the conclusions he has reached. The report is immediately forwarded to the section of the labour office which requested the examination. This body notes the contents of the report and briefly records the results of the examination—but not the medical practitioner's diagnosis—on the person's work card. The report is then immediately returned to the medical service, where it is kept under lock and key so that there is no possibility of its being seen by outside persons. The employer is not informed of the results of the examination, the only purpose of which is to facilitate correct vocational guidance and placement by the labour office.

Young persons found to be suffering from some physical handicap are directed to the Centre for the Care of the Disabled and those suffering from tuberculosis to the special section of the health office. Where other illnesses or defects are discovered, the young persons or their parents are advised to visit a medical practitioner or dentist. If the young persons or their parents are insured under the statutory sickness insurance scheme, they receive free medical treatment, medicaments and minor medical supplies ; if they themselves are insured, they can also draw a sickness allowance equal to half their basic wages.

No special subsidies are granted to young persons shown by the medical examination to be unfit for certain types of work or to be suffering from physical handicaps or limitations and who are consequently sent for training in another trade. Like all other young persons, however, they can obtain practical training grants from the Federal Institute (*Bundesanstalt*) ; if they are refugee or bombed-out children, they can obtain training grants from the Hardship Compensation Fund (*Lastenausgleich*). If they are needy persons within the meaning of the regulations governing public assistance, they can draw sickness benefits (covering medical treatment, medicaments and minor medical supplies) and rehabilitation benefits from the Public Assistance Fund (*Fürsorgeverband*), as well as a cash subsistence grant, if necessary, as long as they are receiving medical treatment, attending school or receiving vocational training. The regulations issued on 1 December 1924 to govern the conditions, nature and scale of public assistance in the Reich expressly state in section 6 that, in addition to being granted their subsistence (board and lodging, clothing and care), minors are to be given educational assistance to enable them to grow up sound in body, mind and morals and acquire a means of livelihood or receive training in a suitable trade.

The responsibility for applying the Lower Saxony Labour Protection (Young Persons) Act and the ordinance issued under it lies with the Lower Saxony Minister for Social Affairs.

In the forthcoming revision of juvenile labour protection legislation, an attempt will be made to see whether and to what extent account can be taken of the provisions of the Medical Inspection of Young Persons (Industry) Convention, 1946 (No. 77), the Medical Inspection of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), and Recommendation No. 79. A Bill on the protection of juvenile labour is being prepared by the Federal Minister for Labour.

The question of what modifications will have to be made to the Recommendation in adopting or applying it cannot be answered until it is known how far effect will be given in the Federal Republic to Conventions Nos. 77 and 78.

#### Greece.

Act No. 4029 of 24 January-6 February 1912, concerning the work of women and minors (*Bulletin of the International Labour Office* (Basle), 1912, Vol. VII, p. 285).

Royal Decree of 14-27 August 1913, respecting the execution of Act No. 4029 (*Bulletin of the International Labour Office* (Basle), 1914, Vol. IX, p. 219).

Act. No. 199 of 29 September 1936, to amend certain labour Acts (*L.S.* 1936—Gr. 9 C).

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

The Government refers to its report on Convention No. 78. The provisions of Recommendation No. 79 are only applied to a very limited extent in Greece. In the towns of Athens and the Piræus, medical examination, as well as supervision over the health of young workers, is carried out more thoroughly than in the provinces in view of the better organised services made available by the State and social insurance services.

Medical examination, where found necessary, includes special tests which are subject to renewal. The continuing improvement of the health services under the Social Insurance Institute (*I.K.A.*) and the social security programme have set up a system which approaches the standards established in the Recommendation.

The Government adds that when the labour inspection services issue work books to young workers, the information is entered in a special register.

The Government reports that unfavourable economic conditions have hitherto made it impossible to allocate any considerable financial aid or any special assistance to young persons whose health does not permit them to work.

An endeavour has recently been made to increase the personnel of the occupational hygiene service attached to the Ministry of Labour. The success of this measure would enable better organisation of health supervision and more intensive study of the health conditions prevailing in a number of occupations.

Supervision of the application of the law has been entrusted to the occupational hygiene service of the Ministry of Labour and to the general inspection services of this Ministry. Officials of these services are empowered to verify the age of young persons employed in both industrial and commercial undertakings; employers are required to report to the inspection services on the conditions of work and, in particular, the age of the persons employed by them. The personnel of the inspection services are assisted in this task by officials of the Ministry of Social Welfare and Hygiene, by the police authorities, and sometimes by the communal officials.

#### *Iceland.*

See under Convention No. 78.

#### *India.*

See under Convention No. 78.

#### *Ireland.*

See under Convention No. 78.

#### *Italy.*

Royal Decree No. 407 of 18 June 1905.

Ministerial Decree of 22 April 1925.

Ministerial Decree of 20 March 1929.

Regulation No. 994 of 9 June 1929.

Act No. 1239 of 22 June 1929.

Royal Decree No. 1601 of 29 October 1931.

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (*L.S.* 1934—It. 6).

Act No. 1265 of 27 July 1934.

Ministerial Decree of 18 June 1938.

Royal Decree No. 63 of 6 May 1940.

Act No. 455 of 12 April 1943.

Act No. 1305 of 2 August 1952.

Section 5 of Act No. 653 at present in force fixes the age of admission of children to employment at 14 years; section 8 of this Act provides, moreover, that the physical fitness of the young persons must be certified by a medical examination and that the work book is only delivered if the result of this examination is favourable.

At present, however, the Ministry of Labour is considering a Bill which would modify the provisions of the above Act so as to bring them into harmony with those of the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) ratified in 1952. This Bill proposes to extend the scope of the protection of women and children to certain categories which are at present excluded from the application of the Act.

As regards the preliminary medical examination of children with a view to employment, section 10 of the Bill differs from section 8 of the Act in that while the latter is concerned solely with general fitness for employment, section 10 refers to special fitness for given employment to be attested by a medical certificate.

Section 23 of the Bill fixes the standard for the medical examinations to which employers must submit the children and young persons in their employment in order to see if they are physically fit to carry out the work which is already assigned to them in the undertaking. In this connection it should be noted that while the present Act prescribes medical examinations without mentioning their frequency the proposed section provides that these examinations shall take place each year.

Section 24 of the Bill provides that the labour inspectorate could provide for re-examinations and fixes the methods of carrying them out.

Finally, section 25 of the Bill constitutes remarkable progress in favour of young persons in comparison with the present Act, which provides in section 23 that when it appears from the medical examination that a child is not fit for given employment the child cannot continue in this work; this renders the child liable to dismissal. Section 25 of the Bill, on the contrary, proposes to avoid such a situation and provides that the employer must transfer the young persons concerned to other work better adapted to their physical condition or their capacities. Where, however, it would be quite impossible for the young persons to keep their employment in view of their physical unfitness, the Bill provides that they shall enjoy complete priority for admission to employment in other occupations for which they might be fitted.

In application of the general principles for the protection of health and hygiene in Italian legislation and taking into account the proposals given in Recommendation No. 79, the Ministry of Labour, at the end of February 1953, made compulsory the preliminary medical examination of all persons who wish to follow courses in vocational training whether they are unemployed persons or young workers. This provision is applicable to all occupations including industrial work enumerated in the Ministerial



Decree of 20 March 1929 and those occupations for the carrying out of which preliminary medical examination and medical certificates for employment are already compulsory.

Candidates for admission to vocational training courses must undergo these medical examinations, which are carried out in each commune by the health officer, unless they have already undergone a medical examination; where necessary, they may also have to undergo a psychotechnical examination in one of the vocational guidance and selection centres recognised by the Ministry of Labour.

The expenses incurred by the clinical or laboratory examinations which may be necessary to supplement the medical examination are borne by the Ministry of Labour. In order to avoid delays in the starting of these courses, each institution organising a course must pay these expenses in advance and they are subsequently reimbursed by the Ministry.

The provisions of the Recommendation which are not yet covered by national legislation are the following: (a) necessity of a "thorough medical examination" (clinical research, clinical and radiological research, etc.) with a view to determining the fitness or unfitness of young persons for the employment envisaged; and (b) measures to be taken with respect to young persons declared physically unfit for employment (medical treatment to eliminate the disability from which they are suffering, financial aid, etc.).

It should be noted in this respect that the opportunity for putting into practice these standards and other suggestions contained in the Recommendation will be considered when the final text of the Bill already mentioned is prepared.

#### *Japan.*

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

Ministry of Labor Ordinance No. 9 of 31 October 1947 : Labour safety and sanitation.

Ministry of Labor Ordinance No. 12 of 1951 : Regulations for the prevention of danger and injury from tetra-ethyl-lead.

The Government refers to its report on Convention No. 78 for a statement on the applicability of medical examination requirements in Japan.

By virtue of section 50 of the Ordinance on Labor Safety and Sanitation, medical examination at the time of employment, and subsequently during the course of employment, includes the following tests: clinical examination of the sensory organs, the respiratory system, the circulation, the digestive system, the nervous system, etc.; examination of height, weight, vision (including colour vision) and hearing; intracutaneous tuberculin tests; X-ray examination; examination of the red corpuscles; and examination of the sputum.

The Government refers to its report on Convention No. 78 for a statement on the measures in force for persons found by medical examination to be unfit or only partially fit for employment. The Government adds that health supervisors, who are not in all cases qualified doctors, are briefed and trained by the Prefectural Labor Standards Offices and the Labor Standards Office.

The Government states that employers are not required to send to the Labor Standards Inspectorate a notification of the employment of young workers in order to ensure a regular medical examination for fitness for employment. The Government refers to the report on Convention No. 78 for an account of the authorities responsible for the supervision of the application of relevant legislation.

The Government reports that it is not proposed at present to adopt any measures to give effect to those provisions of the Recommendation which are not included in national legislation or practice.

#### *Luxembourg.*

The Government refers to its report on Convention No. 78. Recommendation No. 79 has been communicated to the Medical Adviser of the Ministry of Labour and to the Labour Inspectorate for their guidance. The provisions of the Recommendation have been taken into account in drafting the Bill, now under discussion, concerning occupational health, safety and hygiene and the improvement of the working environment.

#### *Netherlands.*

See under Convention No. 78.

The Government reports that no definite pronouncement can yet be made as to the possibility of adopting measures to give effect to the provisions of the Recommendation, in view of the fact that future action will largely depend upon the development of occupational health services, which at present restrict their activities to industrial undertakings.

#### *New Zealand.*

There is no provision in New Zealand legislation requiring that young persons be medically examined before or during the course of employment.

The Government points out that the problem of pre-employment medical examination does not assume any degree of urgency in New Zealand, owing largely to the work of the State Department of Health in conducting medical examinations of children during their school and pre-school years. As regards the medical examination of children who have not yet attained school age, the Department's policy is to endeavour to carry out such examinations in as many cases as possible between the child's fourth and fifth birthdays. Children proceeding to school undergo a check-up by public health nurses while still in the infant classes, and, where possible, those children who have missed pre-school supervision or who are not responding to treatment receive special examinations. All infant-room children have eyesight and hearing tests. These tests are repeated in Standard 2 and Form 2 (Standard 6), and at such other times as may be necessary in order to ensure follow-up of defects. School teachers are supplied with health information and with details of particular symptoms, complaints, and appearances of eye trouble, in order that they may bring to the attention of the Health Department staff any child who requires medical attention. Special emphasis is being placed on

attendance and educational progress, and on the child's general appearance. Where children are discovered to be tuberculosis contacts, they receive appropriate attention as "contacts", i.e. their progress is followed by specialist attention and such observation as may be necessary.

In addition children are kept under constant observation by the Department's School Dental Service and, with the assistance of private practitioners under the Social Security (Dental Benefits) Regulations, benefit from dental care from the time of entering school until the age of 16 years. It is proposed that the upper age limit be eventually extended to 19 years. The aim is to give complete treatment every six months to every person enrolled in the School Dental Service or with a private practitioner under general dental benefits.

All children over the age of 12 years are offered, through their parents, Mantoux testing with subsequent X-ray of positives, and B.C.G. vaccination of negative reactors. This work is proceeding so satisfactorily that in all probability the secondary school routine examination first undertaken in 1947 and 1948 will be resumed in 1955. This should allow for each child of the age group to be given at least one routine examination during the period of secondary-school attendance. At present contact is maintained with secondary-school principals in order that pupils, particularly those in district high schools, presenting health problems may be specially examined. Health education in post-primary schools is being promoted, and the special examinations referred to above will be augmented this year.

Particulars of the various medical examinations undergone by school children are entered on a special card held for each child. When the child leaves school, the cards are forwarded to the State Vocational Guidance Service which, in addition to making special inquiry into any significant details on the form relating to the child's health, also makes suitable inquiries regarding general health during the child's first interview. The child's medical history and state of health are among the factors taken into account in determining the occupation or occupations for which the child will best be fitted. The medical information provided on the cards is confidential to the parents, teachers and vocational guidance officers.

The Government states that no new legislation designed to secure conformity with the Recommendation is at present under consideration. In the event, however, of a change in the over-all situation, provision has been made in existing administrative arrangements to bring the matter periodically under review.

#### Norway.

See under Convention No. 78.

#### Pakistan.

The Government states that the present Constitution gives concurrent jurisdiction to the Central Government and to the state governments in regard to the question of medical examination of young workers in non-industrial occupations, and adds that a new Constitution is being drafted for Pakistan.

The Government states that no specific legislation or administrative measures have been adopted in respect of the medical examination of young workers in non-industrial occupations, and adds that medical examination even in the case of industrial occupations falls far short of the requirements of the Recommendation. Its application to non-industrial occupations therefore cannot be envisaged in the near future.

#### Philippines.

See under Convention No. 78.

#### El Salvador.

See under Convention No. 78.

#### Sweden.

Act of 9 April 1926, respecting the prohibition of the sale of goods by children in certain cases (*L.S.* 1926—Swe. 2).

Workers' Protection Act of 3 January 1949 (*L.S.* 1949—Swe. 1).

Royal Proclamation No. 208 of 6 May 1949 : Regulations issued under the Workers' Protection Act (*L.S.* 1949—Swe. 4).

Royal Proclamation No. 209 of 6 May 1949, to prohibit the employment of young persons on certain dangerous types of work (*L.S.* 1949—Swe. 3).

Royal Proclamation No. 210 of 6 May 1949, to prohibit, in certain cases, the employment of workers in painting work involving the use of lead paint (*L.S.* 1949—Swe. 5).

Decree No. 213 of 6 May 1949, respecting an initial medical examination and periodical medical examinations for young workers.

Decree No. 214 of 6 May 1949, respecting payment for the medical supervision of young workers.

As regards *Paragraphs 1 and 2* of the Recommendation the Government refers to its report on Convention No. 78.

The provisions of *Paragraphs 3 to 5* correspond, to a considerable degree, to Swedish law and practice. The proviso in *Paragraph 6 (2)* concerning the omission of the confidential medical report from the work book does not appear in Swedish legislation; but the work book is marked as being a personal document and a warning is attached that it should not fall into the hands of unauthorised persons.

The Government refers to its comments respecting Article 4 of Convention No. 78, which are applicable to *Paragraph 7* of the present Recommendation.

In regard to *Paragraph 8*, the Government refers to Royal Proclamation No. 209 of 6 May 1949 and to section 1 of Royal Proclamation No. 210 of the same date.

*Paragraph 9 (a)*. The Government refers to its comments on Article 6 of Convention No. 78. It adds that vocational guidance methods in Sweden probably correspond in some degree to the requirements of *Paragraph 9 (b)* and *(c)* of the Recommendation.

No such lists as are specified in *Paragraph 10* have been prepared by the Swedish Vocational Guidance Service. Indeed, in Sweden it has been considered a mistaken policy to designate certain occupations as "disabled persons' occupations" since this approach would seem to call undue attention to the disability in question and thus create some psychological resistance in the



mind of a prospective candidate. Instead, the policy has been rather to ascertain whether certain occupations or types of work might be appropriate despite the handicap. When the Swedish Employment Market Committee reported on this matter on 27 March 1947, it considered the preparation of such lists to be a less appropriate solution and recommended, instead, that steps should be taken to ascertain which occupations were, from a medical point of view, inappropriate for workers with certain physical handicaps. Lists of this kind were normally used in connection with the medico-vocational guidance offered by the school health service ; they are no longer used in that connection. The Government adds, however, that similar lists are still quoted in the Swedish Occupational Dictionary.

*Paragraphs 11 and 12.* Examining doctors are appointed on a district basis by provincial boards. The nominees are generally medical practitioners in the public service, doctors with special training and experience in occupational hygiene or industrial doctors. No special measures have been adopted to train a body of examining doctors, but they receive some guidance in their work from the medical officers attached to the Labour Protection Board and the Labour Inspection Service.

Medical reports on young persons must be submitted to the district labour inspector by the doctor at each place of employment. These reports are transmitted to the senior medical officer of the Board, who scrutinises them and gives instructions for any appropriate action that may seem necessary. Swedish legislation may thus be said to comply with the standards laid down in Paragraph 12.

Swedish legislation gives effect to *Paragraph 13* by virtue of section 55 of the Labour Protection Proclamation, according to which every employer with one or more young persons in his service is required to notify the labour inspector of the fact in writing. Such notification must be sent within 14 days from the date on which the young person in question began work. The Labour Inspection Service in its turn notifies the competent examining doctor of the fact of the young person's employment.

Labour inspectors are empowered to prohibit the employer from continuing to employ a young worker in any case in which the employer does not have in his possession a duly completed work book and medical certificate in respect of the young worker. This prohibition may be made conditional upon the employer's having a young worker medically examined within a reasonable period of time after his first engagement.

The Government refers to its comments on Article 7 of Convention No. 78, which are applicable also to *Paragraph 14* of the present Recommendation.

#### *Switzerland.*

Order of the Federal Council of 24 February 1940, to issue rules for the application of the federal Act of 24 June 1938, respecting the minimum age for employment (L.S. 1938—Swi. 1).

Federal and cantonal legislation make limited provision in this field.

While some of the provisions of the Recommendation appear in one or more of the laws,

or have been put into practice, medical examination has not been introduced in Switzerland on the wide scale envisaged in the Recommendation. It is nevertheless possible that consideration will be given in the future to the standards established in the Recommendation.

In view of the detailed character of the Recommendation it would appear difficult to apply its provisions in their entirety. The provision contained in *Paragraph 14*, which concerns the medical examination of young workers in itinerant trades, would be difficult to apply. In the case of this Recommendation, indeed, the Government is of the opinion that the detailed provisions on methods of application go beyond the scope of an international Recommendation.

#### *Turkey.*

See under Convention No. 78.

#### *Union of South Africa.*

The Government refers to its report on Convention No. 78, and repeats that the provision of the services which are necessary for the institution of a programme of medical examinations cannot be contemplated for some time to come, and that therefore no indication can be given as to how or when the implementation of the terms of the Recommendation can be effected.

#### *United Kingdom.*

The Government reproduces its report for Convention No. 78 and adds that the statement of law and practice therein may be held to cover the position under Recommendation No. 79 also.

#### *United States.*

The Government considers that the provisions of this Recommendation are appropriate in part for federal action and in part for action by the constituent states of the United States.

There is no provision in federal legislation requiring medical examinations for fitness for employment of children and young persons, with the exception of the regulations applying to federal government employees described in the report for Convention No. 78.

#### *State Legislation and Regulations.*

The Government reports that over two-thirds of the jurisdictions of the United States have laws dealing with medical examinations for children and young persons for fitness for employment in non-industrial occupations.

In the states where medical examinations are required, they are a prerequisite for the issue of employment certificates for young persons going to work. The latter are required for many of the undertakings and services enumerated in Paragraph 1 of the Recommendation. In most states employment certificates are not required for work in domestic service in private households. They are required, however, in about one-fifth of the states and medical examinations are required in most of these. In addition, in so far as employment in street trades and in

theatres is concerned, only a few of the states which provide special theatrical permits or special street-trade permits for employment in these occupations, rather than the regular employment certificates, require medical examinations as a prerequisite to the issue of such special permits. (*Paragraph 1 of the Recommendation.*)

Very few of the states requiring medical examinations as a prerequisite to the issue of employment certificates exempt children employed by their parents from the requirement of obtaining an employment certificate. (*Paragraph 2.*)

In many of the public-school systems there is a school health service, providing medical examinations to children and also such other related services as recommending special medical treatment and referring the child for psychological testing if need is shown. To a varying degree, the cumulative health record of the child, kept by the school health services, is available for use by the vocational guidance services and the authorities responsible for issuing certificates.

In the United States a special service in vocational guidance has been developing as an important part of the school programme, particularly in urban areas. (*Paragraph 3.*)

Details as set forth in *Paragraph 4 (a)* are not generally specified in the laws providing for medical examinations.

Many local offices issuing employment certificates, particularly those located in larger cities, attempt to refer young persons needing medical attention to the appropriate agencies where such attention can be given if the child is not able to pay for such service. (*Paragraph 4 (b).*)

Very few states provide for periodical examinations as laid down in the Recommendation, but do usually require such examinations on each change of job for which the issue of a new certificate is necessary. (*Paragraph 5.*)

The standard set by *Paragraph 6 (1)* is met in many jurisdictions.

The medical certificate is filed with the office issuing the employment certificates, not with the employer. In the states where the employment certificate issued to the employer indicates that there are limitations of fitness, confidential information is not disclosed. However, since the employment certificate is issued for a specific job, it would not be issued unless it was determined that the child could perform the work required for the job. (*Paragraph 6 (2).*)

In the United States the child labour laws do not provide for medical examinations for young persons over 18 years of age employed in non-industrial occupations. (*Paragraph 7.*)

No report is called for under *Paragraph 8*. Where children and young persons are found to have physical handicaps or limitations or are generally unfit for employment, some issuing authorities, depending on the resources available in the community, refer the children for proper medical treatment.

Children are encouraged to return to school or are guided towards suitable occupations, not only when medical examinations disclose that the child is not fit for the work he intended to do but when the issuing officials feel that for other reasons it is in the best interests of the child not to leave school or to work at the specific job he is contemplating.

The problems of physically handicapped young workers are similar to those of physically handicapped older workers and they are eligible for the services of rehabilitation agencies. (*Paragraph 9.*)

No lists of occupations as described in *Paragraph 10* have been developed in the United States. As has been pointed out earlier, in practice physical examinations are given to the child prior to his employment on a specific job.

The doctors giving the medical examination of young workers are approved by the appropriate competent authorities as qualified to deal with the health of children and young persons. (*Paragraph 11.*)

As has been pointed out earlier, in the United States the medical examination for fitness for employment is a prerequisite to the issue of the employment certificates and is a part of a programme involving co-operation of all groups concerned. (*Paragraph 12.*)

In the United States employment certificates are issued prior to the employment of the child. Where the states require the child to pass a physical examination showing he is fit for the intended work, the medical examination is given prior to the issue of the employment certificate. (*Paragraph 13.*)

Only a few of the states laws with special provisions applying to street trades require the minor to have a physical examination. Where badges are issued, they may be numbered; they are generally required to be worn by the minor. Although the permit itself does not generally include the name, address and authorisation of the parents, these details are required by and kept on file in the office issuing the permit. (*Paragraph 14 (a).*)

There is co-operation between the labour inspection services and other authorities with respect to the certificate or badge issued to the young street-trades workers.

Supervision of the employment certificate system is generally effected by the Department of Labor, or by the Department of Education. Sometimes there is a joint responsibility of these two departments. The administration of state labour legislation involves the co-operation and support of employers' and workers' organisations and other community agencies, together with representatives of the general public. (*Paragraph 14 (b) and (c).*)

The Government states that at every session of the state legislature efforts are made to improve child-labour and education standards through new laws or through amendments to existing laws.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952, to promulgate the Labour Code (*L.S. 1952—V.N. 1*).

The legislation in force, though not referring directly to the subject of the Recommendation, contains certain provisions under which the fitness for employment of children under 15 years of age in non-industrial undertakings can be regulated, and in this connection the Government refers to its report on Convention No. 78.

#### *Yugoslavia.*

See under Convention No. 78.

## Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946: C. 79 <sup>1</sup>

### *Afghanistan.*

See under Convention No. 60.

### *Argentina.*

Act No. 11317 of 30 September 1924, respecting the employment of women and young persons (*L.S.* 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of apprenticeship and the employment of young persons, as approved by Act No. 12921 (*L.S.* 1944—Arg. 1), and as amended by Decree No. 6648 of 24 March 1945 (*L.S.* 1945—Arg. 2).

The Government considers that the provisions of the Convention call for federal action, in conformity with the Constitution and in view of the fact that the subject matter of the Convention is dealt with by basic legislation.

Act No. 11317 contains exemptions corresponding to those of the Convention for domestic service and family undertakings. The latter exemption results implicitly from section 2 of the Act, which authorises the employment of children under 14 years of age in family undertakings and which, largely interpreted, covers the exemption provided for in the Convention.

As regards the prohibition of employment at night of children under 14 years of age, and those over 14 years of age subject to compulsory school attendance, the Government states that the legislation prohibits the employment of children under 14 years of age and that the employment of children between 14 and 16 years of age is authorised for four hours a day only. As a general rule the night period is from 8 p.m. to 7 a.m. or 8 p.m. to 6 a.m. according to the season.

Section 6 of Act No. 11317 provides that women and young persons under 16 years of age shall not be employed at night, i.e. between 8 p.m. and 7 a.m. in winter and 8 p.m. and 6 a.m. in summer. Also, section 31 of Decree No. 14538 expressly prohibits the employment of children under 18 years of age between 8 p.m. and 6 a.m. for the period 1 October to 30 April and 8 p.m. and 7 a.m. for the period from 1 May to 30 September.

The Secretary of State for Labour and Welfare is responsible for assuring compliance with the above-mentioned provisions. Registers of children and young persons in employment are kept by the National Apprenticeship and Vocational Guidance Board; moreover, all employers employing children and young persons are

obliged to see that they possess a work book in which the nature of the job and the wage or salary of the young persons are recorded. A list of these particulars must be posted up in a conspicuous place in the undertaking and a copy must be sent to the Director-General of Apprenticeship and Employment of Young Persons.

For young persons engaged in street trading, the Government has set up a register and the Federal Police Service has issued an Ordinance dated 15 June 1952 concerning the registration of children and young persons engaged in occupations in the streets.

As regards penalties, the Government refers to sections 21 to 23 of Act No. 11317 and to sections 63 and 64 of Decree No. 14538.

A Bill for the ratification of various Conventions is at present being examined by the Chamber of Deputies.

### *Austria.*

Federal Act of 3 July 1947, respecting labour inspection (*L.S.* 1947—Aus. 3).

Federal Act No. 146 of 1 July 1948, respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

The night work of children is prohibited by the Federal Act of 1 July 1948. By children are understood boys and girls who have reached 14 years of age before the end of the period of compulsory school attendance. Exemptions are granted only exceptionally by the provincial authorities for concerts, theatres, etc., as well as for the making of cinematographic films and only when these are justified in the interest of art, science and education and by the special character of the work in question. No exemptions are allowed for work in music halls, cabarets, night bars, dancing and similar establishments, nor for circuses. The employment of children is authorised only between 8 a.m. and 10 p.m. and is prohibited in the morning before school hours. Time for travelling to and from work is included in these limits.

The Act also prohibits the employment of young persons under 18 years of age between 8 p.m. and 6 a.m., and of young persons under 16 years of age in cafés and restaurants. In undertakings where work is carried on in shifts, young persons over 16 years of age are authorised to work between 5.30 a.m. and 10 p.m. on alternate weeks. The employment of young persons is permitted up to 10 p.m. in the case of work authorised in concerts, theatres, etc., and in the making of films. In order to appear in performances, an authorisation must be obtained in advance from the labour inspection service. Before this authorisation is given, the

<sup>1</sup> This Convention came into force on 29 December 1950. Eight ratifications have been registered up to 1 December 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 38th Session of the Conference (*Summary of Reports on Ratified Conventions*).

labour inspector's office must obtain the agreement of the local authorities of the district in which the performance is to be held. This office may prohibit the employment of young persons under 16 years of age after 8 p.m., or permit their employment under certain conditions.

Enforcement of the above provisions is carried out by the labour inspection offices in virtue of the federal Act of 3 July 1947 respecting labour inspection.

Section 20, paragraph 4, of this Act prescribes that each labour inspection office must delegate its functions under the Act to a "labour inspector for the protection of the employment of children, young persons and women". The district and communal authorities and the directors of schools are also called upon to ensure the enforcement of the legislative provisions. The chambers of labour also have special services for the protection of youth, which follow closely the development of the regulations in force and see that they are carried out.

The Government states that it has not yet been possible to take the measures necessary for adapting its legislation to the terms of the Convention as regards the period of uninterrupted night rest and the minimum age for the employment of children, exceptionally, in public performances taking place at night. The adoption, in the near future, of measures to harmonise national legislation with the Convention with a view to ratification would seem to be very remote.

### *Belgium.*

Act of 28 February 1919, respecting the employment of women and children (*L.S.* 1919—Bel. 2), as amended by the Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week (*L.S.* 1921—Bel. 1).

Royal Order of 27 April 1927, respecting the employment of women and children (*L.S.* 1927—Bel. 2).

Act of 15 June 1937, to extend the Act of 14 June 1921, respecting the eight-hour day, to the nursing staff of public and private establishments and of nursing homes (*L.S.* 1937—Bel. 5).

Act of 26 January 1951, respecting the simplification of documents required by social legislation.

Belgian legislation on this subject covers (1) undertakings subject to the Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week; (2) establishments classified as dangerous, unhealthy or noxious; (3) water transport; and (4) theatres, music halls, dancing establishments, night bars and similar establishments, and to the selling of articles in these establishments and in the streets, by virtue of the Royal Order of 27 April 1927.

Family undertakings are excluded from the scope of the Acts unless they are classed as dangerous, unhealthy or noxious or unless steam boilers or mechanical power are used.

Children under 14 years of age and those still liable to compulsory school attendance may not be employed in any kind of work. Prohibition of night work applies to all women and to young persons under 18 years of age.

The legislation provides that young persons under 18 years of age and all women shall have a nightly rest period of at least 11 consecutive hours. This period must cover the hours between 8 p.m. and 6 a.m. for undertakings subject to the

Act of 1921, and between 10 p.m. and 6 a.m. for those undertakings excepted from the Act and for undertakings not subject to the Act.

In non-industrial occupations, the law provides that for persons under 18 years of age, authorisation may be granted for women and for young persons over 16 years of age to work after 10 p.m. and before 5 a.m. so long as the nightly rest period is not less than ten hours. These exemptions are applied to all industries and trades in case of *force majeure*, in specially grave cases and when the public interest so requires. There is also an exception for nursing staffs, without distinction of age, employed in alternating shifts.

As regards the employment of children and young persons in public entertainment, Belgian legislation applies the principle of prohibiting night work only for children under 16 years of age. Such children, however, may be employed exceptionally in theatrical establishments only, and only by individual authorisation.

As regards compliance with the legislation, the Act of 26 January 1951 compels each employer to keep a register of his staff and individual records for each worker, and the Act of 1919 on the employment of women and children compels employers to post up the tables necessary for compliance with the Acts. Such measures, however, are not applied in the case of young persons who carry on a trade or occupation in the street or a public place.

The Government states that before ratifying the Convention, it would be necessary to modify the existing legislation by enlarging its scope, by extending the period of nightly rest to 12 consecutive hours, by regulating and fixing a minimum age of 18 years for night work in public entertainments, and by amending the exceptions concerning night work of nurses under 18 years of age.

### *Canada.*

#### *Alberta.*

Child Welfare Act, 1944, as amended.

#### *Manitoba.*

Minimum Wage Order, Reg. 22/521 of 21 June 1952.  
Child Welfare Act, 1953.

#### *Newfoundland.*

Welfare of Children Act, 1952.

#### *Ontario.*

Factory, Shop and Office Building Act, 1950, as amended.  
Child Welfare Act, 1954.

#### *Quebec.*

Industrial and Commercial Establishments Act, 1941.

#### *Saskatchewan.*

Child Welfare Act, 1953.

The provisions of the Convention are regarded as appropriate for action by the provincial legislature, except in the North-West and Yukon territories and except as incidental to certain matters within the exclusive legislative jurisdiction of Parliament.

These provisions apply to the whole field of employment apart from industrial, agricultural and maritime employment. The trend in Canada is for an increasing proportion of boys and girls between 14 and 18 years of age to remain in school with a corresponding decrease in the proportion of that age group in full-time employment.

Where the entry of young persons into employment is conditional upon the issue of a permit, control of night work exists in that working hours detrimental to the child would not be authorised. In addition, some legislation specifically prohibits night work.

Child welfare legislation in four provinces contains a general prohibition of employment of children at night. This prohibition applies in Alberta and Newfoundland to children under 16 years of age and the period is from 9 p.m. to 8 a.m.; in Manitoba, to children under 18 years of age and the period is from 9 p.m. to 6 a.m.; in Saskatchewan, to children under 13 years of age, and the period is from 9 p.m. to 8 a.m.

In Nova Scotia night work of children under 14 years of age is prohibited between 10 p.m. and 6 a.m.

In shops and restaurants in Ontario, work is prohibited for boys under 16 years of age and all girls and women between 7 p.m. and 11 a.m. except with a special permit; no permits were issued to boys or girls under 18 years of age for the year ending March 1953.

In Quebec, in shops in cities with a population of over 10,000 no boy under 18 years of age and no girl or woman may work before 7 a.m. or after 11 p.m. except during Christmas.

An indirect method of limiting night work of young persons is provided by shop-closing regulations, general throughout the country, which require shops to remain closed after 6 p.m.

Child welfare legislation in Alberta, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan authorises municipal councils to issue regulations requiring children to have a licence to engage in street trades, provided that the licences shall be issued subject to certain conditions respecting night work. Legislation for the protection of child performers in Canada is of three different types: labour laws, child welfare legislation and municipal regulations authorised by provincial statute.

In Alberta, British Columbia, Manitoba and Saskatchewan the minimum age requirements apply also to child performers. In Nova Scotia employment of children under 14 years of age in theatres is prohibited and in Quebec children under 14 years may not be employed in a theatre, moving-picture halls or amusement halls.

Under the Child Welfare Act of Alberta, it is an offence for any parent or person to cause a child under 16 years of age to perform at any place where the public is admitted by payment unless a licence has been obtained from the Child Welfare Commission. Similar provisions apply in Newfoundland, and in Saskatchewan it is an offence for any person to cause a child under 16 years of age to perform for profit without a licence. These licences may only be issued with the approval of the local Children's Aid Society.

For provisions relating to the enforcement of the above legislative texts and regulations, see the report on Convention No. 60.

#### *Ceylon.*

Shops Ordinance No. 66 of 21 December 1938.

Children and Young Persons Ordinance No. 48 of 9 November 1939 (*L.S.* 1939—Cey. 1) as amended by Ordinance No. 13 of 1944.

Shop and Office Employees (Regulation of Employment and Remuneration) Act of 13 March 1954 (*L.S.* 1954—Cey. 1).

The Shops Ordinance, 1938, which will be repealed by the Shop and Office Employees Act, 1954, when it comes into force, contains a provision stipulating that no person above the age of 14 years and under the age of 18 years may be employed in or about the business of a shop before 6 a.m. or after 6 p.m. on any day; and that no girl of or above the age of 18 years may be employed in or about the business of a shop before 6 a.m. and after 6 p.m. on any day. An exception is, however, made in respect of young persons employed in or about the business of a hotel or restaurant, these persons being permitted to work until 10 p.m. These provisions are reproduced in the Act of 1954. Girls who have attained the age of 18 years may be employed up to this hour and before 6 a.m., in hotels and restaurants.

The Government refers also to its report on Convention No. 60.

No modifications have been made or are proposed in order to bring existing legislation into conformity with the provisions of the Convention. The absence of conformity prevents the Government from ratifying the Convention.

#### *Chile.*

Legislative Decree No. 178 of 13 May 1931, to ratify the Labour Code (*L.S.* 1931—Chil. 1).

Decree No. 655 of 7 March 1941, to issue regulations on health and safety of workers.

The Government states that no special legislative provisions exist on this subject. It quotes, however, section 48 of the Labour Code which prohibits employment of persons under 18 years of age and of women at night between 8 p.m. and 7 a.m. in industrial establishments with the exception of family undertakings.

The Government states that no changes have been made in law and practice on the subject of night work of children and young persons in non-industrial occupations.

#### *Colombia.*

Decree No. 2663 of 5 August 1950, to promulgate the Labour Code (*L.S.* 1950—Col. 3A).

The Government states that section 172 of the Labour Code prohibits night work of young persons under 16 years of age, with the exception of domestic servants. Section 161 defines night work as work carried on between 6 p.m. and 6 a.m.

#### *Cuba.<sup>1</sup>*

Legislative Decree No. 883 of 27 May 1953, to complete and consolidate the laws respecting the employment of young persons (*L.S.* 1953—Cub. 1).

The Government states that Legislative Decree No. 883 applies to all kinds of work, no distinction being made between industry, commerce, agriculture and sea transport. Section 4 prohibits night work for children under the

<sup>1</sup> Cuba ratified this Convention after the date on which the report was received. The ratification was registered on 7 September 1954.

age of 18 years during the 12 consecutive hours from 8 p.m. to 8 a.m. The employment of young persons under 18 years of age on dangerous or unhealthy work is also prohibited.

The Minister of Labour has made no exception to this general prohibition in conformity with section 5 of the decree, which authorises him to suspend these prohibitions if public policy or serious emergency renders it advisable ; nor does it appear that members of family undertakings have taken advantage of the exception covered by article 6.

The Minister of Labour is responsible for applying the provisions of the decree and he has special powers to make further regulations to assure better application. The Women's and Young Persons' Employment Office, the General Directorate of Health and Social Welfare, and the provincial labour offices, are also responsible for ensuring that the decree is applied.

The Government adds that the above-mentioned decree has been directly influenced by the text of the Convention and that there exist no difficulties for giving effect to its provisions.

#### *Denmark.*

Act No. 145 of 18 April 1925, respecting the employment of children and young persons (*L.S.* 1925—Den. 1). This Act will cease to have effect as from 1 April 1955 when the following legislation will come into force :

Act No. 226 of 11 June 1954, respecting the protection of workers in employment generally.

Act No. 227 of 11 June 1954, respecting the protection of workers in shops and offices.

The provisions of the Act of 1925 apply to commercial undertakings (excluding agriculture, forestry, horticulture, shipping and fishing) and thus substantially cover the non-industrial occupations envisaged by the Convention. Exemptions are made in respect of persons employed in messenger services and domestic service, and of undertakings in which only the nearest relatives of the young worker are employed, unless he is an apprentice.

The Act of 1925 prohibits the employment of children under the age of 14 years and those who have not complied fully with school attendance obligations.

There is no general rule covering all occupations within the scope of the Act but the working day is defined in respect of each of a large number of occupations, by stipulating the hours before which work may not be commenced in the morning and after which young persons may not be employed at night. These occupations cover the majority of non-industrial occupations within the scope of the Act. In general it may be said that young persons may not be employed between the hours of 6 p.m. and 6 a.m. Most of the exceptions to this rule relate to shops, restaurants, hotels, places of public entertainment and offices. On the other hand, it should be noted that almost all young workers have the right to a rest period of not less than 12 consecutive hours daily.

The Act of 1925 provides that the rules regarding night work may be suspended in cases where natural events, accidents or similar occurrences, which could not be foreseen or prevented and are not of a recurring character, have unbalanced the regular working of the undertaking.

The Government refers to its report on Convention No. 60 for the enforcement of the legislation.

A supplementary report was communicated containing the following information respecting the provisions of Acts Nos. 226 and 227, both of 11 June 1954.

The rules concerning night work, as defined in these two Acts, will come into force on 1 April 1955. The Acts do not contain any general prohibition of night work but enumerate certain occupations in which night work is not permissible, in the same manner as the Act of 1925. The list of these occupations is sufficiently extensive to ensure that, in almost all non-industrial occupations, limitations have been imposed on the employment of young workers at night. Both Acts vest in the Minister of Social Affairs the power to extend the restriction of night work to the employment of young workers in fields other than those enumerated in the statutes. Specific exemption is made in the new legislation of domestic service and of work carried out solely by those members of the employer's family who form part of his household.

As provided for in the Act of 1925, section 28 (1) of Act No. 226 and section 17 (1) of Act No. 227 provide that young workers must have attained the age of 14 years and have complied with the legal requirements in regard to school attendance before undertaking employment.

Section 43 (1) of Act No. 226 and section 20 (1) of Act No. 227 specify, in respect of a variety of occupations, the hours between which the employment of young workers is permissible. In this respect the information given above in connection with the Act of 1925 is applicable to the new legislation also.

Section 32 (1) of Act No. 226 and section 13 (2) of Act No. 227 provide that the inspection service may, upon application in writing and for a specified period of time, grant exemption from the rule in section 31 prescribing a minimum rest period of 11 consecutive hours, in cases where natural phenomena, disasters, breakdowns in machinery or other similar and unforeseen events have disturbed or threaten to disturb the regular operation of an undertaking. Section 45 (3) of Act No. 226 and section 22 (3) of Act No. 227 extend the applicability of this provision to young workers over the age of 16 years and would therefore, in the opinion of the Government, presumably permit the night work of young persons over this age, in the event of an emergency.

The Government points out that, presumably, Act No. 226 does not authorise the employment of young workers under the age of 18 years as performers in the making of cinematographic films at night since, by virtue of section 43 (1) (1), young persons under this age cannot be employed in industrial undertakings between the hours of 6 p.m. and 6 a.m.

#### *Finland.*

Ratification is not possible at present as the existing legislation governing the protection of young workers is inadequate, especially as regards non-industrial occupations. The Ministry of Social Affairs has in course of prepara-



tion a Bill which will apply to the employment of young persons in all sectors of the economy except domestic work, mining and industrial home work. Due consideration will be given to the requirements of the Convention in drafting the Bill.

#### *France.*

The Government states that the night work of children and young persons is prohibited in industry, but there are no regulations concerning non-industrial workers except for transport workers. Under paragraph 2, section 21, of Book II of the Labour Code, night work of such persons under 18 years of age is prohibited between 10 p.m. and 5 a.m. with a minimum rest period of 11 hours. The definition of night work is thus in conformity with that of the Night Work of Young Persons (Industry) Convention 1919 (No. 6) but not with that of Convention No. 79.

The question of changing the provisions of Book II of the Labour Code is now under consideration.

#### *Federal Republic of Germany.*

Protection of Young Persons Act of 30 April 1938 (*L.S.* 1938—Ger. 5).

Ordinance issued in application of the Protection of Young Persons Act of 30 April 1938, promulgated on 12 December 1938.

##### *Lower Saxony.*

Labour Protection (Young Persons) Act of 9 December 1948, as amended by the Acts of 6 May 1949 and 21 June 1951 and by the Executive Ordinance of 26 July 1949.

##### *Württemberg-Hohenzollern.*

Act of 6 August 1948, to amend the Protection of Young Persons (Federal) Act, and Ordinance of 19 April 1949, to amend the (Federal) Ordinance of 12 December 1938.

In accordance with section 74 (12) of the Basic Law for the Federal Republic of Germany, competence to enact legislation to apply Convention No. 79 is vested in the federal authorities, since the protection of labour is involved.

The restriction of night work of children and young persons in non-industrial occupations is governed by the Protection of Young Persons Act and by the ordinance issued under the Act.

The Protection of Young Persons Act applies not only to children and young persons engaged in non-industrial occupations within the meaning of the Convention but also to the employment of all children and young persons under a contract of apprenticeship or employment or in the performance of other services which may be placed on the same footing as work performed under a contract of apprenticeship or employment; on the other hand it expressly excludes a number of occupations, including domestic service in private households.

The Act distinguishes between children (i.e. persons under 14 years of age) and young persons (i.e. persons over 14 but not yet 18 years of age). Young persons who are still under an obligation to attend elementary school are subject to the provisions governing the employment of children, while children who are no longer under an obligation to attend elementary school are subject to the provisions governing the night work of young persons.

The employment of children is prohibited in principle, and is permissible as an exception only subject to specified and very strictly limited conditions, e.g. children over 12 years of age who are still under an obligation to attend elementary school may be employed on certain light work. Where this happens, such children may be employed only between 8 a.m. and 7 p.m., and the time required for them to go to and from their work must also be included in these limits.

The employment of children of any age in connection with musical or theatrical performances and other shows or entertainments or in connection with the making of cinematographic films is permissible only if the interests of art or science so require; the industrial inspection office has given express permission in each individual case and has issued detailed provisions respecting the timing and duration of the employment. In the case of children under three years of age, the industrial inspection office has to satisfy itself beforehand that the employment is really necessary in the interests of art or science and that special provision has been made to supervise the children and protect their health.

The employment of young persons during the night from 8 p.m. to 6 a.m. is prohibited in principle. It is further prescribed that young persons are to be granted an uninterrupted rest period of 12 hours after the end of their daily hours of work, which means that young persons are assured a night's rest of 12 hours, which includes the period between 8 p.m. and 6 a.m. There are, however, exceptions to these rules in the case of hotels and restaurants and other branches of the hotel industry, where the industrial inspection office may authorise the employment of young persons over 16 years of age until midnight, and the uninterrupted rest period may be reduced to ten hours, and in undertakings where work is organised in two or more shifts, where young persons under 16 years of age may also be employed from 5 a.m. onwards or not later than 12 midnight.

Young persons may be employed until 12 midnight in connection with musical, theatrical and other performances, entertainments and amusements and also in connection with the taking of cinematographic films; nevertheless, young persons under 16 years of age may not be so employed unless notice is given in advance to the industrial inspection office. The industrial inspection office may prohibit the employment of young persons under 16 years of age after 8 p.m. or may subject such employment to certain conditions.

Young persons employed in family undertakings are subject only to the prohibitions and limitations applying to dangerous employment.

Section 28, paragraph 1 (3) of the Act empowers the Federal Minister of Labour (or, in certain cases, the highest provincial labour authorities) to authorise, for specified periods, the employment of young persons under 16 years of age between 5 a.m. and 12 midnight, and the employment of young persons over 16 years of age at night, where this is urgently necessary in the public interest, in particular to avoid the risk of spoiling raw materials or foodstuffs or for the purpose of training a new generation of skilled workers. This power was often used in the first



years after the Act entered into force, but most of the exceptional regulations issued at that time have since been repealed.

The provisions governing nightly rest and uninterrupted rest periods do not apply to temporary work which must be done at once in cases of emergency.

Compliance with the Act and ordinance is supervised by the industrial inspection offices. As regards children and young persons employed in street trading and hawking, the competent authorities ensure that only persons in possession of an itinerant employment permit engage in itinerant street trading and hawking either on their own account or on the account of an employer (which includes their parents). Persons under 25 years of age are not normally issued with a licence or itinerant employment permit. Should such a licence or permit be issued as an exceptional measure, minors can be prohibited from plying their trade after sunset and women under age can also be prohibited from plying their trade from house to house. Compliance with any such restrictions entered on the licence or permit is also supervised by the competent authorities.

In the Land of Hamburg the labour authorities have set up a committee for the protection of juvenile labour, whose membership includes three employers' and three workers' representatives. The committee is required to advise the labour authorities on all matters involving the protection of juvenile labour: the labour authorities are required to give the committee an opportunity of expressing its opinion on all matters involving questions of principle.

Employers are required to keep a list of the young persons in their employment, giving the day and year of their birth and the date of their entry into the establishment.

Any employer or his representative contravening the provisions of the Act or ordinance is liable to detention or a fine not exceeding 150 DM and, in particularly serious cases, to imprisonment or a fine, or both.

The Government states that national legislation diverges from the Convention on the following points: the concept of a "family undertaking" is larger than in the Convention; the consecutive period of nightly rest for children is fixed at 13 hours instead of 14 hours; the duration and timing of nightly rest for young persons, in order to ensure a consecutive rest of 12 hours is not provided for young persons employed in the hotel industry and, in the case of shift work, young persons may be employed from 5 a.m. in one shift and until midnight in the other; the exceptions for temporary work in the case of emergency go further than the exceptions allowed in the Convention; with respect to public entertainments, there is no provision prohibiting the employment of children and young persons after midnight; there is also no guarantee of a rest period of 14 consecutive hours, and the relevant regulations partially differ from the requirements of the Convention.

Amendments such as those listed above will be considered during the forthcoming revision of the legislation governing the protection of juvenile labour. The German Federal Diet instructed the Federal Government on 26 April 1951 to submit a Bill on the protection of juvenile labour as soon as possible, and this Bill is being prepared by the Federal Minister of Labour.

## Greece.

Act No. 4029 of 24 January-6 February 1912, concerning the work of women and minors (*Bulletin of the International Labour Office* (Basle), 1912, Vol. VII, p. 285.)

Royal Decree of 14-27 August 1913, respecting the application of Act No. 4029 (*Bulletin of the International Labour Office* (Basle), 1914, Vol. IX, p. 285).

The fundamental provisions of Greek legislation are analogous to those of the Convention; the detailed provisions are sometimes more favourable, sometimes less favourable.

The Royal Decree of 1913 provides for a nightly rest period of 11 consecutive hours, including the period from 9 p.m. to 5 a.m., for males under 18 years of age and for females of all ages. These provisions cover also any employment related in any way to the work carried on in the undertaking.

Section 10 of Act No. 4029 prohibits young persons under 16 years of age from selling, or carrying out work of any kind, in the street or in public places after 9 p.m. or before 5 a.m.

These provisions are applied by obliging the employer to post up, in his establishment, lists of his employees giving their ages and the hours of beginning and ending work. The provisions concerning persons working in the street or in public places are applied through the labour inspectors and the police.

The legislation also regulates the hours of opening and closing of commercial establishments.

The Convention has been submitted, with a view to ratification, to the legislative authority which has not yet taken any decision. Its ratification, however, does not present any difficulties of principle.

## Iceland.

See under Convention No. 60.

## India.

The Government states that both the Central Government and the state governments are competent to deal with the subject-matter of the Convention.

Laws regulating the night work of young persons in non-industrial occupations exist in many states in India. These laws generally apply in the first instance to shops and commercial establishments, restaurants and places of amusement in selected urban areas. The state governments are, however, empowered to extend the application of the Acts to other areas and undertakings.

There are a variety of provisions in these laws regulating the night work of young persons. In Bombay, Hyderabad, Madras and Travancore-Cochin young persons are not permitted to work between the hours of 7 p.m. and 6 a.m.; in Madhya Pradesh between the hours of 9 p.m. and 7 a.m.; in Punjab between 7 p.m. and 8 a.m.; and in Bihar between 7 p.m. and 7 a.m. The recently adopted Delhi Act prohibits the employment of young workers between the hours of 8 p.m. and 8 a.m. in winter, and between the hours of 9 p.m. and 7 a.m. in summer.

The age-group to which these provisions are applicable is defined in various ways. In Bombay, Madhya Pradesh and Hyderabad, young

persons are deemed to be between the ages of 12 and 17 years. In Madras and Travancore-Cochin, they are persons between the ages of 14 and 17 years. In the Punjab protection extends to children under the age of 14 years, and in Bihar to those between the ages of 14 and 18 years.

Apart from these restrictions on night work, many enactments prescribe the opening and closing hours of shops and other undertakings, thus automatically restricting employment at night.

The Government enumerates the authorities responsible for supervision of the application of night work provisions in the different states.

The Government adds that it is proposed to enact central legislation on this subject, laying down uniform standards for adoption by the states. The provisions to be included in this legislation are at present under consideration.

One of the principal difficulties in the way of establishing conformity with the Convention concerns the scope of the Convention, Article 8 of which requires application to all territories in respect of which the Indian legislature has jurisdiction to apply them. Hitherto it has not been found practicable to extend the scope of Indian legislation beyond selected urban areas.

#### *Ireland.*

Employment of Children Act, 1903.

Prevention of Cruelty to Children Act, 1904.

Shops (Conditions of Employment) Acts, 1938 (*L.S.* 1938—Ire. 1), and 1942.

Industrial Relations Act, 1946.

The line of division which separates non-industrial occupations from industrial, agricultural or maritime occupations has not been defined.

There is no general prohibition in Irish law on the employment of children and young persons, as required by Articles 2 to 5 of the Convention.

However, the Employment of Children Act, 1903 prohibits the employment of children under the age of 14 years between the hours of 9 p.m. and 6 a.m., but provides that these hours may be varied by the appropriate local authority. It empowers local authorities to make by-laws prescribing, *inter alia*, the hours during which the employment of children in any occupation is illegal, and prohibiting, or permitting subject to conditions, the employment of children in any specified occupation. Particular reference is made to street trading, local authorities being empowered to regulate the employment of children under 16 years of age in such employment, and to make provision for the days and hours during which street trading may be carried on.

The Prevention of Cruelty to Children Act, 1904 prohibits the employment of boys under the age of 14 years and of girls under the age of 16 years in premises which are not licensed by law for public entertainment, during the hours from 9 p.m. to 6 a.m.

The Shops (Conditions of Employment) Act, 1938, as amended, provides that any young person under the age of 18 years who is employed on shop work shall, in every period of 24 hours calculated from midday on one day to midday on the following day, be allowed an interval of

at least 11 consecutive hours' rest including the hours from 10 p.m. to 6 p.m.

This prohibition of night work covers three main classes of young persons : (1) young persons whose employment in refreshment houses (including hotels in the County Borough of Dublin) is in connection with the business carried on therein, and is wholly or mainly performed within, or in the precincts thereof, and is not industrial work or wholly or mainly clerical work or work connected with the management of the shop ; (2) young persons employed in any shop other than a refreshment house whose work is wholly or mainly performed within, or in the precincts of, such a shop, and whose work is wholly or mainly in connection with the serving of customers or with the receipt of orders, despatch of goods or the packing or unpacking of goods, and is not industrial work ; and (3) young persons in hairdressing shops, lending libraries, retail auctioneering businesses, pawnbrokers' offices and any dry-cleaning and laundry depots.

There are two exceptions to this general prohibition of night work : (a) boys 16 years of age or over may be employed between 5 a.m. and 6 a.m. in connection with the collection or delivery of milk, bread or newspapers ; and between 10 p.m. and 12 midnight in connection with the business of serving meals to customers for consumption on the premises ; and (b) young persons who are 16 years of age or over, and are employed in connection with any retail trade or business carried on in a theatre where a performance is taking place, may be employed during the hours of the performance on condition that it commences before 10 p.m. and ends not later than 1 a.m.

With regard to inspection, the Act provides that an inspector may, for the purposes of enforcing the provisions of Parts 1 to 4 of the Act, enter, at all reasonable times, any shop or part thereof and require the proprietor to produce those records which he is required to keep.

There is also provision in the Act by virtue of which the proprietor of a shop must specify in an Hours of Work Notice, drawn up in a prescribed form and posted in a prominent place in the shop, the daily hours to be worked by the staff. In addition the Act provides that it is not lawful for the proprietor of a shop to allow any member of the staff of that shop to carry out shop work for him other than during the hours specified in the notice.

An Employment Regulation Order made by the Labour Court, and effective as from 7 March 1953, provides that messengers between the ages of 14 and 18 years who may be employed in Dublin and in the Dublin district, may not work later than 6 p.m., except on three days a week when they may be allowed to work until 8 p.m. An exception is made in respect of the fortnight preceding Christmas when they may work until 10 p.m. An employer found guilty of an offence against this order is liable on summary conviction to a fine not exceeding £50, and, in addition, he may be ordered to pay compensation to the worker concerned. This order is enforced through an inspection system set up by the Minister for Industry and Commerce under the Industrial Relations Act, 1946.

The Government adds that the Acts mentioned above are enforced by the courts of justice.

The Government states that no modifications have been made in national legislation with a view to giving effect to the provisions of the Convention, and adds that in view of the lack of evidence showing the abuses which the Convention seeks to eliminate it is considered that the introduction of legislation solely to permit ratification of the Convention is not justified.

The Government lists the particular difficulties preventing ratification of the Convention, which relate mainly to the line of division between industrial and non-industrial occupations, to the lack of a general prohibition of employment of young persons and concerning consecutive rest periods and the prohibited hours of work, to the lack of regulations relating to the work of young persons as performers in public entertainment, and finally to the lack of measures relating to the enforcement of the legislative texts.

#### *Japan.*

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

Ministry of Welfare Ordinance No. 23 of 30 August 1947: Enforcement of the Labor Standard Law.

Ministry of Labor Ordinance No. 8 of 31 October 1947: Labour standard for women and minors.

The non-industrial occupations covered by the Convention are included in section 8, paragraphs 8 to 17 of the Labor Standard Law. This Act does not, however, apply to any enterprise or office employing only relatives of the employer who live with him as members of the family or to domestic employees in the household.

Children between the ages of 12 and 15 years may not be employed between the hours of 8 p.m. and 5 a.m. This period may be altered to 9 p.m. and 6 a.m. in accordance with a decision adopted by the Minister of Labor in respect of specified areas and seasons. Young persons between the ages of 15 and 18 years may not be employed between the hours of 10 p.m. and 5 a.m. The Minister of Labor has the power to alter this prohibited period of night work to 11 p.m. and 6 a.m. in respect of particular areas and seasons.

Children under the age of 12 years may obtain permits from the Administrative Office to enable them to participate in the making of motion pictures and in dramatic performances; but in no case may they be employed between the hours of 10 p.m. and 5 a.m. Section 13 of the Ordinance on Labor Standards for Women and Minors and section 56 of the Labor Standard Law enumerate the dangerous occupations in respect of which no such licence may be issued.

Chapter XI of the Labor Standard Law sets out provisions for the inspection and supervision of the application of the Act. Section 57 of the Act stipulates that the employer must maintain a census-register showing the ages of young workers under the age of 18 years employed in his undertaking. Section 107 requires that every employer shall prepare a worker's roster showing the worker's name, date of birth and personal history; and section 109 provides that these records shall be preserved for a period of three years.

Chapter XIII of the Act lays down penalties for breaches of the law.

A full account of the authorities entrusted with the supervision of the application of relevant legislation is given in the Government's report on Convention No. 60.

The Government states that the discrepancies in the definition of the periods of prohibited night work which appear from a comparison between the Convention and Japanese legislation, constitute an obstacle to ratification.

#### *Luxembourg.*

The Government states that there is almost no employment at night of young workers in non-industrial occupations. For this reason there has been little need to adopt legislation specially governing this question. Nevertheless, Convention No. 79 has been included among a number of instruments which were submitted to the Legislature for ratification in Bill No. 473 laid before the Chamber of Deputies on 1 June 1953. Consideration of this Bill has been delayed only by the fact that a number of administrative reforms were given priority on the agenda in view of their immediate urgency.

#### *Netherlands.*

Decree of 17 September 1930, to promulgate the text of the Labour Act, 1919, as last amended by the Act of 14 June 1930 (*L.S.* 1930—Neth. 2B).

Act of 9 May 1935, to amend the Labour Act, 1919 (*L.S.* 1935—Neth. 2).

Young workers under the age of 18 years who are employed in shops, pharmacies, cafés and hotels, are assured a nightly rest of 12 consecutive hours. In all these occupations work is prohibited for young workers between the hours of 8 p.m. and 8 a.m. In offices, work is prohibited between the hours of 6 p.m. and 8 a.m. No provisions have been made in respect of night work in hospitals.

The night work of young persons in non-industrial undertakings other than those mentioned above has been regulated in sections 14 to 21 of the Labour Act. The Government states, however, that these provisions have not yet entered into force and that, consequently, young workers may be found working at night in these occupations.

The labour inspectorate is responsible for the supervision of the application of the Act, while the national and municipal police authorities are responsible for reporting infringements of the law.

The Government reports that, in so far as may prove feasible, the rules respecting night work will be extended to non-industrial occupations which are at present outside the scope of the Act. Thus, consideration is already being given to the possibility of bringing into force Chapter IV, Part 2 of the Act of 1919, concerning employment in places other than factories, workshops, shops, etc. (which prohibits work by young persons between the hours of 7 p.m. and 6 a.m.) and of adopting an amendment establishing a period of 12 hours' uninterrupted rest for all young workers. The Government also reports that a draft amendment to a decree of 1922 concerning hospital services contains a clause prohibiting night work of young persons between the hours of 11 p.m. and 5 a.m.; and a draft decree regulating hours of work in warehouses, now under consideration, seeks to estab-

lish a daily uninterrupted rest period of at least 12 hours, including the interval between 7 p.m. and 6 a.m.

### *New Zealand.*

Infants Act, 1908.

Licensing Amendment Act, 1914.

Shops and Offices Act, 1921-1922.

Child Welfare Act, 1925.

Industrial Conciliation and Arbitration Act of 1 October 1925 (L.S. 1925—N.Z. 1).

Regulations under Industrial Conciliation and Arbitration Act 1925-1927.

Shops and Offices Amendment Act, 1927.

Shops and Offices Amendment Act of 8 June 1936 (L.S. 1936—N.Z. 8).

Education (School Age) Regulation, 1943.

Shops and Offices Amendment Act of 7 December 1945 (L.S. 1945—N.Z. 5).

Shops and Offices Amendment Act of 9 October 1946 (L.S. 1946—N.Z. 5).

While a number of regulations have been adopted governing hours of work in non-industrial occupations, few special provisions have been made for young workers. The employment of children of school age (i.e. from 7 to 15 years) is, however, prohibited at any time within school hours, or at any other time if the employment would prevent or interfere with school attendance.

The following provisions have been adopted in respect of employment in offices, shops, hotels and restaurants and in places of entertainment.

Every office must be closed not later than 12 noon on Saturday and 5 p.m. every other working day. No office assistant may be employed in or about the office or its business for more than half-an-hour after the legal time of closing.

Employment in shops is prohibited after 6 p.m. in some towns and after 7 p.m. in others. Exceptions are made in respect of rural localities; but awards of Courts of Arbitration have had the effect of applying more restricted limits. In bakers', confectioners', fishmongers', fruiterers' and pork-butchers' shops employment is permitted until 9.35 p.m. by virtue of the Shops and Offices Act 1921-1922; but hours are further restricted by virtue of awards of the Court of Arbitration.

Another exception made under the Act of 1921-1922 allows a 9 p.m. closing time on one working day in each week and a 10 p.m. closing time on Christmas Eve or New Year's Eve, or on two substitute days.

The Government states that in shops the weekly and daily hours limitations which call for 40 hours a week and 8 hours a day (and 11 hours on one working day each week) impose adequate rest periods for shop-assistants.

In hotels and restaurants no employment is permitted after 10.30 p.m. for boys under the age of 18 years and for girls and women, irrespective of age.

The Government adds that the practical effect of hours limitations in hotels and restaurants (40 a week and 8 daily), together with wage scales applied to young persons, excludes the greater part of juvenile labour. Licensing laws preclude the employment of juveniles in any bar.

The employment of young persons in places of amusement is extremely infrequent and is

entirely restricted to participation in an occasional "live" show. Evening shows normally end not later than 11 p.m.; and the Court of Arbitration awards are made along these lines.

General protection against the exploitation of children and young persons in entertainments and street trades is ensured by the following provisions:

Section 29 of the Infants Act, 1908 provides that no boy under the age of 14 years and no girl under the age of 16 years may be in any street for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; and that no boy or girl under the ages specified above may be in any street or in any premises licensed for the sale of intoxicating liquors—other than premises licensed by law for public entertainments—for the purpose of singing, playing or performing for profit, or offering anything for sale, between 9 p.m. and 6 a.m. These hours may be restricted or extended by written authorisation of the magistrate. This section also provides that no child under the age of ten years may be in any street or in any premises licensed for the sale of liquor or for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or for offering anything for sale.

By virtue of section 45 (g) of the Child Welfare Act, 1925, the Governor-General may make regulations for the employment of children in street trading and places of public entertainment.

Awards of the Court of Arbitration have been made concerning hours for stage hands, front-of-house personnel, picture theatre staff, night shows, and actors. The Government adds that so far as is known no actors or actresses are employed regularly on a professional basis in New Zealand.

The exceptions envisaged in Article 4 of the Convention are not applicable to New Zealand. No recourse has as yet been had to a suspension of night work rules in the interests of a national emergency.

Section 29 (3) of the Infants Act, 1908 provides that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of amusement, a licence may be issued by a magistrate for employment of children over the age of seven years for such time and during such hours of the day, and subject to such conditions and restrictions as he sees fit. The magistrate must first ascertain that the child's fitness is such that he will suffer no ill effects from his employment, and also that proper provision has been made to secure the health and kind treatment of the children to be employed. The licence may be varied, added to or rescinded at any time by the same or any other magistrate on sufficient cause being shown.

There is nothing in New Zealand law which guarantees that a child employed in entertainment shall be allowed a rest period of at least 14 hours; and there are probably occasions when children participate in public entertainments until a late hour and, by reason of having to attend school the following day, do not obtain

a continuous rest period of the duration required by the Convention. The Government adds that this does not imply that such children are exploited, and that in most cases of children taking part in public entertainments until a late hour it would be found that children were acting voluntarily without payment for their own as well as others' entertainment.

Section 29 (4) of the Infants Act, 1908 provides that a magistrate may assign to any inspector appointed under the Factories Act, 1908 the duty of seeing whether the restrictions and conditions of any licence duly issued are fulfilled.

Shops and offices are subject to inspection and supervision by inspectors of health of the Health Department, and inspectors of shops and offices attached to the Department of Labour and Employment. Rights of entry and examination are conferred upon inspectors by virtue of section 66 of the Shops and Offices Act.

The employer's obligation to maintain records in conformity with Article 6 (1) (b) of the Convention is contained in section 12 of the Shops and Offices Act which provides that the occupier of any shop in which one or more shop assistants are employed must maintain a wages and time book showing in the case of each assistant : the name of the assistant, together with his age if he is under 21 years of age, the kind of work on which he is usually employed, the hours which he has actually worked every day, and the wages paid on every pay-day.

A wages and time book must also be maintained by every employer bound by an award or industrial agreement concerning places of amusement.

No special means for ensuring identification other than the issue of licences (see above) is required by New Zealand law.

Contraventions against section 29 of the Infants Act, 1908 are punished by conviction in a summary way by a fine of not more than £25, or by fine and imprisonment of not more than three months. Contraventions against the Shops and Offices Act 1921-1922 are punished by a fine not exceeding £10, or, if the breach is a continuing one, to a further fine not exceeding £5 for each day on which the breach continues.

The Government adds that all New Zealand legislation on non-industrial night work of young persons ante-dates the Convention ; while legislation permits employment of young persons outside the hours established in the Convention, the number of persons so employed is in practice relatively small.

There are under consideration no immediate proposals for the introduction of measures to give effect to the provisions of the Convention. The Government, however, keeps the position under continuous review and would, where expedient, introduce any legislation required to meet a change in position.

#### Norway.

Workers' Protection Act No. 8 of 19 June 1936 (*L.S.* 1936—Nor. 1), as amended.

The Workers' Protection Act, 1936, has a more restricted coverage than the scope of the Convention. The most important omissions are forestry, the measuring and floating of timber, salvaging and diving operations, theatres and similar establishments, hostels and similar estab-

lishments, and training and educational institutions. The Ministry of Local Government and Labour is, however, empowered under the Act to decide to what extent and under what conditions children may be employed in the excepted occupations.

Young persons between the ages of 15 and 18 years working in non-industrial occupations are not covered by any special prohibition against night work. The Workers' Protection Act, however, empowers the Crown even to extend general prohibition against night work to the non-industrial occupations covered by the Convention.

The supervision of the application of the Act has been entrusted to the Ministry of Local Government and Labour and its executive agency, the Directorate of Labour Inspection.

The Government is of the opinion that the amendments which would be required to bring national legislation into line with the Convention are not of a far-reaching character.

The question of amending the Act of 1936 in accordance with Convention No. 79 was discussed in the Committee for the Revision of the Workers' Protection Act. As regards the provisions of the Convention relating to children's work, the Committee's report assumes that, under the Act as it now stands, the Ministry of Local Government and Labour has authority to issue regulations which would remove the obstacles to ratification. The findings of the Committee are, *inter alia*, that there is no essential need for introducing special provisions concerning night work for young persons in non-industrial occupations, and the Committee has therefore not made any recommendations to this effect. The report of the Committee is at present under consideration by the Ministry of Local Government and Labour.

#### Pakistan.

Punjab Trade Employees Act, 1940.  
East Bengal Shops and Establishments Act, 1951.

The Government states that the present Constitution gives concurrent jurisdiction to the Central Government and to the state governments in regard to the question of night work of young persons in non-industrial occupations, and adds that a new Constitution is being drafted for Pakistan.

The Government reports that no specific central legislation or administrative measures, on the lines set out in the Convention, have been adopted with a view to restricting the night work of young workers in non-industrial occupations. The Government adds, however, that the Punjab Trade Employees Act, 1950 restricts employment of children under the age of 14 years to the hours between 8 a.m. and 7 p.m.; and the East Bengal Shops and Establishments Act prohibits the employment of children under the age of 15 years after 8.30 p.m. The Government states that regulation of the work of children and young persons during the night in non-industrial occupations is not feasible under present conditions in the country.

#### Philippines.

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violation of the Act, and for other purposes (*L.S.* 1952—Phi. 1).

Children below 14 years of age may be employed only to perform light work ; no child below this age shall be employed or permitted to work on school days in any shop, factory, commercial or agricultural establishment, or any other place of labour, unless such child knows how to read and write. No young person under 16 years of age shall be employed, or permitted, or suffered to work in quarries, mines, shipbuilding, building and civil engineering works, or as elevator boys, motormen or firemen, etc. No woman under 18 years of age shall be employed or permitted to work in any bar, night club or dance hall.

Under section 5 of the Act No. 679, no child below 16 years of age shall be employed, or permitted, or suffered to work in any shop, factory, commercial or industrial establishment or any other place of labour, for more than seven hours daily (or 42 hours weekly), and only between 6 a.m. and 6 p.m. No child who has attained the age of 16 years, but is below the age of 18 years shall be employed in one of the above-mentioned occupations between 10 p.m. and 6 a.m. Children employed at night under this provision shall be granted a rest period of at least 13 consecutive hours.

The enforcement of the Act No. 679 is entrusted to the Women's and Children's Section of the Labor Inspection Division of the Bureau of Labor.

Every employer shall also keep a list of the women and children employed by him, a copy of which is sent to the Director of Labor, in which is filed the birth, educational and medical certificates and special work permits, etc. The Director of Labor or his authorised representative shall have the right to enter any place of employment and require production of these documents.

Any contravention of any provision of this Act is punished by a fine or by imprisonment.

In the past two years during which Republic Act No. 679 has been operating, a total of 4,800 establishments were inspected involving 55,134 workers, of whom 3,131 were minors. A number of contraventions were noted, due mainly to the unfamiliarity of the employers with the provisions of the law.

#### *Sweden.*

Workers' Protection Act of 3 January 1949 (*L.S.* 1949—*Swe.* 1).

The Government states that the Convention was submitted to Parliament which adopted the view that the final decision regarding ratification should be deferred until the Bill to amend the Workers' Protection Act had come before Parliament. The scope of the Convention and the provisions regarding the length and the time of night rest are the principal obstacles to ratification.

As regards the scope, the provisions respecting night work for young persons do not apply to agricultural work, work in co-operative activities by pupils of vocational training establishments, work by inmates of corrective establishments and work by members of the employer's family. The provisions of the Act of 1949 apply to industrial and to non-industrial work.

The provisions regarding night work stipulate that young workers shall have a nightly rest of at least 11 consecutive hours which must include

the periods between 7 p.m. and 6 a.m. if the young person has not completed his 16th year, or the period between 10 p.m. and 5 a.m., or some other period of seven hours falling between 10 p.m. and 7 a.m. if the Labour Protection Board authorises, in respect of a specified place, type of work, or establishment. The employers' and workers' organisations concerned are consulted before it is decided whether to authorise a special arrangement in this respect. The representatives of the employers and workers take part in all the proceedings of the Labour Protection Board regarding night work.

In the case of emergency work, young persons of 16 years may be employed at night provided a notice to that effect is sent to the Labour Protection Board.

The Labour Protection Board may permit lads over the age of 16 to be employed at night and this is probably used as a rule in order to enable lads to be employed on shift work at night, where this is absolutely necessary. Exemptions from the provisions regarding the time of the nightly rest may also be granted by the Labour Protection Board when this appears necessary in the case of young persons under 16 years of age ; these exemptions relate only to the time between 7 p.m. and 10 p.m. Even in these cases the nightly rest must still include at least 11 consecutive hours.

#### *Switzerland.*

Order of the Federal Council of 24 February 1940, to issue rules for the application of the federal Act of 24 June 1938, respecting the minimum age for employment (*L.S.* 1938—*Swi.* 1).

Only in very rare cases are children employed at night in non-industrial occupations, with the exception of agriculture and domestic service in private homes. In the latter, no abuses have been reported.

While legislation concerning night work in non-industrial occupations has been passed in a number of cantons, it should be noted that provisions in this field are almost totally lacking in federal legislation except inasmuch as, by an Order of 24 February 1940, the Federal Council has in general terms limited to the period between 7 a.m. and 7 p.m. the employment of young persons under the age of 15 years who have obtained special authorisation to work.

Cantonal authorities are responsible for supervising the application of the order of 1940, while the Federal Council exercises supreme supervision.

No modifications have been made in national legislation and practice with a view to giving effect to the provisions of the Convention. While appreciating the aims of this Convention, the Government points out that the division of competence between the Confederation on the one hand, and the cantons on the other hand, prevents complete conformity with the Convention. The Government also points out that the detailed character of the Convention, particularly in regard to methods of application, makes ratification difficult.

The Government expresses its willingness to adopt measures to give effect to those provisions of the Convention not yet covered by national legislation or practice, in so far as possible, when a general Labour Act is drawn up. The 1950 draft of such an Act already takes



into account, to a considerable degree, the principles laid down in the Convention.

#### *Turkey.*

Public Health Act of 24 April 1930 (*L.S.* 1930—*Tur.* 1).

Labour Act No. 3008 of 8 June 1936 (*L.S.* 1936—*Tur.* 2).

Section 173 of the Public Health Act provides that children between the ages of 12 and 16 years may not be employed after 8 p.m.

The term "night" is defined in the Labour Act, 1936, to cover a part of the day beginning not later than 8 p.m., ending not earlier than 6 a.m. and lasting not more than 11 hours. Both this Act and the Public Health Act provide that no person may work for more than eight hours at night.

The Labour Act also provides that regulations shall be issued on the recommendation of the Ministry of Labour to state the manner in which the restriction of night work may be applied for the purposes of the labour laws, according to the nature and requirements of the work, or the differences of climate and custom among the various regions of the country, by making distinction between summer time and winter time, or by fixing the beginning and end of the period to be regarded as "night" in the case of men, of women and of children in different kinds of work, or to prohibit the employment of any persons at night on operations where night work is not an economic necessity. The Government notes, however, that no regulations to this effect have as yet been issued.

Section 51 of the Labour Act provides that every employer shall draw up lists of the persons employed in his undertaking, showing, *inter alia*: (a) children aged between 12 and 16 years; and (b) young persons aged more than 16 but less than 18 years. These lists must contain the name and date of birth of each employee, and must note the hours at which his daily work begins and ends. They must be submitted to the competent local official upon request.

The Ministry of Labour is responsible for the administration of the Labour Act; and the Ministry of Public Health and Social Welfare is responsible for the administration of the Public Health Act. Sections 110 and 137 of the Labour Act provide for penalties for infringements of the law.

The Government states that no modifications have been made in national legislation or practice with a view to giving effect to the provisions of the Convention. It adds that ratification cannot be envisaged in the immediate future, in view of the fact that the coverage of the Convention is wider than that of Turkish legislation, and that a definition of the line of division between non-industrial employment, and industrial, agricultural and maritime occupations would require the introduction of new legislative measures based on an extensive survey of the non-industrial sector.

#### *Union of South Africa.*

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), as amended.

Shops and Offices Act No. 41 of 1939.

The Shops and Offices Act, No. 41 of 1939, contains provisions regarding the night work of young persons in some employments, and power is given under the Wage Act of 1937, as amended, and the Industrial Conciliation Act of 1937, to the Wage Board Industrial Councils, etc., to regulate such matters in the instruments which they draw up.

The Department of Labour is charged with the administration of all the Acts, but where an industrial council exists it can be, and usually is, empowered to administer any agreements which it concludes.

The Government states that practical difficulties regarding enforcement do not permit, at present, the promulgation of any new law restricting night work for children and young persons in non-industrial occupations, but that progress is achieved whenever an occupation is brought within the terms of a new wage determination or industrial agreement. Until the machinery for enforcement of industrial legislation can be improved to the point where country-wide enforcement is possible, no rapid development of the situation can be expected, but control of such matters does increase with the extension of control regarding other conditions of employment and the position, therefore, does not remain static.

#### *United Kingdom.*

Children and Young Persons Act, 1933 (*L.S.* 1933—*G.B.* 1).

Young Persons (Employment) Act, 1938 (*L.S.* 1938—*G.B.* 6).

Education Act, 1944 (Extracts, *L.S.* 1944—*G.B.* 5).

Shops Act, 1950 (*L.S.* 1950—*U.K.* 1).

Children and Young Persons (Scotland) Act, 1937.

Education (Scotland) Acts, 1946-49.

Education Acts (Northern Ireland), 1923 and 1947.

Shops Act (Northern Ireland), 1946.

Children and Young Persons Act (Northern Ireland), 1950.

Section 18 of the Children and Young Persons Act, 1933, as amended by the Education Act, 1944 (in Scotland, section 28 of the Children and Young Persons (Scotland) Act, 1937, and in Northern Ireland, section 36 of the Education Act (Northern Ireland), 1923, as amended by the Education Act (Northern Ireland), 1947), prohibits employment of children between 8 p.m. and 6 a.m. (this time is varied to 7 p.m. from 1 October to 31 March in Scotland, and is between 8 p.m. and 7 a.m. in Northern Ireland) and in most areas it is prohibited by by-law between 7 p.m. and 7 a.m.

The latest time for employing children in entertainments at night is not laid down by statute, but it is a standard condition of licences for such employment that the child must leave the place of entertainment not later than 10 p.m. or in exceptional circumstances not later than 11 p.m. These restrictions do not apply to persons over compulsory school-leaving age.

Under section 59 (1) of the Education Act, 1944 (section 55 of the Education Act (Northern Ireland), 1947, which applies to any school) local education authorities are empowered to prohibit or restrict the employment of any child who is a pupil at a school maintained by them, or at a special school, if they are of the opinion that he is being employed in such manner as to be prejudicial to his health, or otherwise to



render him unfit to obtain the full benefit of the education provided for him.

Information with respect to records, identification and penalties relating to the employment of children and of persons under 18 years of age in street trading is given in the report on Convention No. 60.

Under the Young Persons (Employment) Act, 1938, the Shops Act, 1950 and the Shops Act (Northern Ireland), 1946, there must be an 11-hour night interval, including the hours between 10 p.m. and 6 a.m., for young persons under 18 employed as shop assistants, messengers, theatre attendants, etc. Young persons over 16 and under 18 may, however, be employed (a) until midnight in cafés and restaurants (except in Northern Ireland); (b) until the end of the performance in theatres and cinemas; and (c) from 5 a.m. in the collection or delivery of milk, bread and newspapers. Employers are required to keep records of the names and addresses, daily working hours and intervals for rest and meals of young persons so employed.

Local education authorities are responsible for enforcing the law. There is no special machinery for securing co-operation of organisations of employers and workers in the application of the law, but they are consulted when new or amending legislation is under consideration.

A committee was appointed in January 1946 to report, *inter alia*, on the hours of employment of young persons. Its recommendations for further legislation have been considered, but the Government came to the conclusion that they did not command a sufficient measure of general support and the practical need for fresh legislation was not sufficiently urgent to justify taking the recommendations further in present circumstances.

Amending legislation with regard to the general question of the employment of children is under consideration. The provisions of the Convention will be taken into account in this connection, but it is not yet possible to say how far it will be practicable to give effect to them.

#### United States.

Fair Labor Standards Act of 25 June 1938 (L.S. 1938—U.S.A. 1), as amended.

The provisions of this Convention are considered to be appropriate in part for federal action and in part for action by the constituent states of the United States.

Federal legislative action in this field is limited to the provisions of the Fair Labor Standards Act of 1938 as amended.

In so far as employment for the federal Government is concerned, the U.S. Civil Service Commission has prescribed an 18-year minimum age for entrance to most competitive examinations. When the interests of sound administration so require, a minimum age of 16 or 17 years may occasionally be prescribed for employment in non-hazardous occupations. Where the Civil Service Commission permits federal agencies to lower their minimum age, the Commission recommends that the young persons should not be permitted to work before 7 a.m. or after 7 p.m. The Civil Service Commission regulations also prescribe for employment by the federal Government the application of such

federal and state labour standards as are applicable to private employment.

*Article 1 of the Convention.* The child labour provisions of the Fair Labor Standards Act of 1938, as amended, and regulations issued thereunder, apply to any employer who employs any minor in inter-state or foreign commerce or in the production of goods for such commerce, and to any producer, manufacturer or dealer who ships goods or delivers goods for shipment in inter-state or foreign commerce. The Act does not distinguish between non-industrial occupations and industrial, agricultural or maritime occupations as such.

Domestic service in private households is not covered under the Act, nor are children under 16 years working for their parents in occupations other than manufacturing or mining, or in occupations considered by the Secretary of Labor to be particularly hazardous.

*Article 2.* Employment of children under 14 years is not permitted in occupations covered by federal law. The Act of 1938 makes no distinction between children subject and those not subject to full-time school attendance.

*Article 3.* Child Labor Regulation No. 3, issued pursuant to the Act of 1938 prohibits employment of minors between 14 and 15 years of age from 7 p.m. to 7 a.m., that is, a span of 12 night hours. There is no regulation of night work for minors 16 years and over in the federal law.

*Article 4.* The provisions relating to the exceptions allowed in countries where the climate renders work particularly trying are not applicable in the United States. Exceptions relating to the suspension of night work for young persons of 16 years of age and over, in case of serious emergency involving the national interest or in case of special needs of vocational training, are not authorised in the state laws.

*Article 5.* The employment of children as actors or performers in motion pictures, theatres or radio or television projects is specifically exempt from the child labour provisions of the Act of 1938.

*Article 6.* Regulations issued by the Secretary of Labor, pursuant to the Act, require every employer to maintain records, including the name and the date of birth of persons under 19 years of age.

The child labour provisions of the Act do not apply to the employment of children engaged in the delivery of newspapers to the consumer. Employment in street trade occupations, where covered by the Act, is treated in the same way as employment in other occupations.

For breaches of the child labour provisions the employer may be subject to a fine, imprisonment or both, and may be enjoined by civil action from further contraventions of the Act.

The administration and enforcement of the Act comes under the jurisdiction of the U.S. Department of Labor. The Secretary of Labor has assigned to the administrator of the Wage and Hours and Public Contracts Division the enforcement of the Act, subject to the general direction and control of the Secretary. The

office of the Solicitor of the Department of Labor and the U.S. Department of Justice co-operate in the handling of legal actions arising under the Act.

The administration of the Act is carried on with the co-operation of the employers' and workers' organisations and of groups and representatives of the general public.

The Government adds that no specific modification has been made in the Act of 1938 with a view to giving effect to the provisions of the Convention ; in its present form this Act substantially meets the basic standards of the Convention.

#### *State Legislation and Regulations.*

All but two of the states<sup>1</sup> in the United States (Maine and Montana) have laws regulating, to some extent, the night work of children and young persons in non-industrial employment.

*Article 1.* Under state child labour laws, night work standards are applied to minors of a certain age "in normal occupations" with enumerated exceptions, or to such minors as may be employed in a specific industry or occupation. Most state laws also exempt domestic service, while the exceptions relating to work in family undertakings are found in only a few of the state laws.

*Article 2.* The regulation of night work of minors is one provision of the state child labour laws which regulates conditions of employment. It is important in considering standards for the regulation of night work also to take into account the minimum age for employment, which by prohibiting employment below a certain age, makes night work regulation in employment considered in this Article unnecessary.

In three-fourths of the states (including the District of Columbia, and the three Territories) there is at least a 14-year minimum age for non-industrial employment at all times or outside school hours, in all or in a substantial number of occupations.

The standards outlined in this Article are not met in any of the states where children under 14 years may work in non-industrial occupations. Also, the requirements as to school attendance do not, as a rule, affect night-work prohibitions. In the few states where school attendance does make a difference in the prohibited hours, only minors between 16 and 18 years of age are affected.

*Article 3.* Most of the states apply different night-work standards to minors under 16 years and to minors between 16 and 18 years of age, though in some states the same standards apply to all minors under 18 years of age.

The following table relating to the group of minors under 16 years of age shows the 26 states which meet the standards set in this Article on night-work prohibition in most non-industrial occupations :

- (a) 12 hours : Alabama (prohibited for children under 16 after 7 p.m., and during regular school term before 7 a.m.), Ari-

zona, Illinois, Maryland, Minnesota, Missouri, New Mexico, North Dakota, Pennsylvania, Rhode Island, Tennessee, Wyoming, District of Columbia ;

- (b) 12 1/2 hours : Massachusetts ;

- (c) 13 hours : Iowa, Kansas, New Jersey, North Carolina, Ohio, Oregon, Utah, Virginia, Wisconsin, Hawaii ;

- (d) 14 hours : New York, Puerto Rico.

The interval between 10 p.m. and 6 a.m. is generally included in the prohibited hours. New York and Puerto Rico prohibit employment from 6 p.m. to 8 a.m. ; the states prohibiting employment for 13 hours prohibit the hours from 6 p.m. to 7 a.m. ; Massachusetts from 6 p.m. to 6.30 a.m. ; and in the remaining states the prohibition is generally between 7 p.m. and 7 a.m.

Oklahoma prohibits employment of children under 16 from 6 p.m. to 7 a.m. (13 hours) in a limited number of non-industrial occupations ; Kentucky prohibits night work of children under 15 years of age from 6 p.m. to 7 a.m. (13 hours) and of children 15 years of age from 8 p.m. to 7 a.m. (11 hours). In Connecticut, the minimum-age law completely prohibits the employment of children under 16 years of age in practically all non-industrial occupations.

Arkansas, Delaware, Florida, Indiana, Louisiana, Michigan, Nebraska, New Hampshire, Vermont, Washington and Alaska prohibit the employment of children under 16 years of age during a period varying from 10 to 11 1/2 hours at night, the most common interval being from 7 p.m. to 6 a.m. In Mississippi, where there is an 11-hour night work prohibition (7 p.m. to 6 a.m.) for children under 16 years, its application to non-industrial employment is very limited. Colorado prohibits the employment of children under 14 years from 8 p.m. to 7 a.m. (11 hours) ; the employment of children between 14 and 16 years is prohibited after 8 p.m.

In Georgia, Idaho, South Carolina and West Virginia, night work of minors under 16 years of age is prohibited for 9 hours (9 p.m. to 6 a.m. or 8 p.m. to 5 a.m.). California prohibits night work of children under 16 years of age and Texas of children under 15 years of age from 10 p.m. to 5 a.m. (7 hours).

The remaining four states provide either very limited or no night-work standards. Nevada has a 10 p.m. to 5 a.m. (7 hours) prohibition for certain messengers under 16 years of age. South Dakota prohibits night work after 7 p.m. for children under 14 years of age in mercantile establishments. Maine and Montana do not have night-work regulations. However, there is a 15-year or 16-year minimum age in Maine for most non-industrial employment.

Many jurisdictions also have laws specifically applying to children engaged in street trades. These laws usually prohibit the employment of girls under 16 or under 18 years of age in street trades. Work of boys under 16 years of age is usually prohibited during specified night hours. There is wide variation in the beginning and ending of the prohibited night hours, the beginning of the prohibited interval ranging from 7 p.m. to 10 p.m. and the ending from 4 a.m. to 7 a.m.

State legislation for the group from 16 to 18 years of age is not as widespread or as high

<sup>1</sup> Wherever the term "state" is used in this report, it includes the District of Columbia, Alaska, Hawaii and Puerto Rico.

in standard as for the group under the age of 16 years. Almost three-fourths of the states have some night work legislation for minors between 16 and 18 years of age in non-industrial occupations ; some of these laws, however, have very limited occupational coverage, and some apply only to girls.

In 19 states where the standards apply to both boys and girls and cover most employments, work during 7 to 9 night hours is generally prohibited, usually including the interval between 10 p.m. and 6 a.m. States which prohibit night work for 8 hours (10 p.m. to 6 a.m.) for both boys and girls, or set a better standard for girls, are : Arkansas (girls : 10 hours, 9 p.m. to 7 a.m.), Connecticut, District of Columbia (girls : 12 hours, 7 p.m. to 7 a.m.), Florida, Kentucky, Louisiana (girls : 11 hours, 7 p.m. to 6 a.m.), Maryland (if minors are attending school ; otherwise no prohibition), Massachusetts, Michigan (if minors are attending school ; otherwise 11 p.m. to 6 a.m.), New Hampshire (8 night hours prohibited, but hours not specified), New Jersey, Ohio (girls : 10 hours, 9 p.m. to 7 a.m.), Tennessee, Puerto Rico. States which prohibit night work for 6 or 7 hours for boys and girls, or set a better standard for girls, are : California (boys and girls : 9 hours, 10 p.m. to 7 a.m.), New York (boys : 6 hours, 12 midnight to 6 a.m. ; girls : 8 or 9 hours, 10 p.m. to 6 a.m., or 7 a.m., depending upon occupation), North Carolina (boys : 6 hours, 12 midnight to 6 a.m. ; girls 9 hours, 9 p.m. to 6 a.m.), Virginia (boys : 7 hours, 12 midnight to 7 a.m. ; girls attending school : 9 hours, 10 p.m. to 7 a.m. ; girls not attending school : 8 hours, 11 p.m. to 7 a.m.).

In five other states (Kansas, Oregon, Washington, West Virginia and Wisconsin) night work is prohibited for from 7 to 9 hours for both boys and girls 16 and 17 years of age, but only in a few occupations.

In nine additional states (Arizona, Delaware, Indiana, Nebraska, Oklahoma, Pennsylvania, South Carolina, Utah, and Wyoming) night work is prohibited for 5 to 11 hours for girls only. In all but two of these the laws apply to most occupations.

A number of states have special provisions covering employment of minors as messengers ; usually these include a prohibition of work between 10 p.m. and 6 a.m. Many of these provisions apply to boys only, as the employment of girls under 18 is generally prohibited. In four states (Alabama, Iowa, Minnesota and Nevada), the prohibition for messenger work is the only night-work prohibition for minors between 16 and 18 years of age. In the laws of the remaining 15 states there is no night work prohibition for minors of these ages.

In eight states (Florida, Michigan, Nebraska, Oregon, Washington, West Virginia, Wisconsin and Hawaii) the Department of Labor has authority to make a change in the prohibited hours where such change will not be detrimental to the health or well-being of such minors.

*Article 4.* The provisions relating to the exceptions allowed in countries where the climate renders work particularly trying are not applicable in the United States.

The laws of eight states (Connecticut, Maryland, Massachusetts, New Mexico, New York, North Carolina, Wyoming and Hawaii) specific-

ally authorise an emergency suspension of some or all of the night-work prohibitions, which would be applicable in national emergencies. In only two of these states (Maryland and New Mexico) are standards for children under 16 years of age directly affected, although they may also be affected in North Carolina. General authority is given in Oregon, Washington and Wisconsin to change the night work provisions for all minors ; this authority applies in times of national emergency, as well as at other times.

Exceptions regarding the night work of young persons over 16 years of age when the special needs of vocational training so require are not authorised in state laws.

*Article 5.* The child labour laws in 17 states contain special provisions permitting the appearance of children in theatrical performances and concerts on obtaining a special permit issued in certain conditions. Under these laws, children may appear until 11 p.m. or midnight or later. The permit is required for minors under 18 years of age in California, Michigan, Ohio and the District of Columbia, and for boys under 16 and girls under 18 years of age in Maryland and in Virginia, and for minors under 16 years of age in Colorado, Delaware, Illinois, Louisiana, Massachusetts, Minnesota, New Mexico, New York, North Dakota, Oregon and Rhode Island. In some of these 17 states, certain types of performances, such as singing, dancing or acrobatic exhibitions, are usually prohibited outright for minors under 16 years of age.

In the remaining 35 states there is no authority for granting special permission for theatrical appearances. The laws in about two-thirds of these states contain provisions expressly applicable to theatrical performances or to certain types of performances, such as dancing or acrobatics, prohibiting such employment for minors under 14 or 16 or sometimes under 18 years of age. Other provisions in most of these 35 states, while not mentioning public performances specifically, are sufficiently broad in coverage to apply to such employment. These may set a minimum age, require employment certificates, or prohibit night work for minors under 16 or 18 years of age.

Of the states providing for special licences, only Louisiana, Minnesota, New York and the District of Columbia set minimum-age standards, from 7 to 14 years of age.

Seven other states (Alaska, Arizona, Arkansas, Indiana, Kansas, Nebraska and New Hampshire) expressly set a minimum age of either 14 or 16 years for employment in theatres. Also, in Iowa there is a minimum age of 14 years for employment in places of amusement ; in Maine there is a 16-year minimum age in commercial places of amusement, including travelling shows. In Oklahoma a 14-year minimum applies for minors, with an exception for a non-resident whose parent accompanies him and remains on the stage during the performance.

In seven additional states (Florida, Kentucky, New Jersey, Pennsylvania, Tennessee, Utah and Alaska), where the minimum-age provision is sufficiently broad in coverage to apply to theatrical performances, the minimum age ranges from 10 to 16 years.

In 13 of the 17 states requiring special individual theatrical permits, the law provides that

certain conditions must be met before the permit is issued. All of the 13 laws require the issuing officer to be satisfied that the conditions of employment are not detrimental to the health of the child.

Of the 17 states granting special theatrical permits, six (California, Illinois, Louisiana, Maryland, Ohio and the District of Columbia) prohibit employment after 11 p.m., 11.30 p.m. or midnight.

In 22 other states night work of minors under 16 or 18 years of age is prohibited. The beginning hour of the prohibited interval for minors under 16 ranges from 6 p.m. or 7 p.m. in 12 states to 11 p.m. in one state. For those 16 or 17 years of age, the prohibited hours usually start at 10 p.m., 11 p.m. or midnight.

In addition, most of the 13 laws specify that the employment must not interfere with the child's education or that his education must not be neglected. Six of the laws (Illinois, Louisiana, Massachusetts, Michigan, Ohio and the District of Columbia) require that the child's "supervision" be adequate. Eight of the laws (Colorado, Illinois, Louisiana, Maryland, Michigan, Minnesota, North Dakota and Virginia) specifically require that the conditions of employment must not be detrimental to the morals of the child. Various other protective standards are also provided in many of the laws.

Rest-period standards are not specifically provided in any of the state child-labour laws. However, the effect of the maximum daily hours prescribed in virtually all the child labour laws for minors under 16 years of age and in many states for minors under 18 years is to allow generally for a consecutive time-off period of at least 14 hours.

Systems of inspection have been established under the various state laws. In general, supervision and inspection of night-work laws for minors are carried on primarily by the labour departments.

Employment certificates are required in all but four states (Indiana, Mississippi, South Carolina, Texas) for children under 16 years of age; in 22 states for young persons between 16 and 18 years; and in one state for young persons 16 to 17 years old. They are granted only after the minor has submitted documentary proof of his age and a statement from the employer showing the type of work he is to do and the hours he will work. Five additional states require a certificate showing the age of the minor who is between 16 and 18 years of age. Most of the other states provide for the issue of such age certificates upon request.

In addition, many states require the employer to keep records which include names and ages of all minors under 16 or under 18 years of age employed by him.

Most of the 26 jurisdictions which have laws (or orders, as in Alaska) specifically applying to children engaged in street trades provide suitable means for assuring identification of the young persons. The majority of these laws require work permits or badges for children up to 16 years of age engaged in street trades, though a few states have this requirement for young persons up to 18 years of age. Such a permit or badge must be carried by the child at all times when he is at work and must be shown to persons enforcing the law.

Administration of the street trades laws is

usually carried on by the same officials who enforce the general child labour laws.

The laws of the various states provide penalties (fines and/or imprisonment) for employers or other responsible adults (or both) for breaches of the laws or regulations.

The state departments of labour, with very few exceptions, have responsibility for the administration of the child labour laws. The administration of state labour legislation involves the co-operation and support of employers' and workers' organisations, together with representatives of the general public.

The state authorities and labour and citizen groups are continually seeking to improve their child labour standards. Every year Bills raising child labour standards are introduced in the state legislatures. Each year some of these are enacted into law, so there is continuous progress.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952, to promulgate the Labour Code.

The legislation in force does not contain any provisions prohibiting generally night work of children and young persons in non-industrial occupations. Prohibition is confined to certain definite cases where night work is obviously dangerous for young persons under 18 years of age such as work in yards and workshops of whatever kind, in transport undertakings, in loading and unloading, and in theatres except when the child is authorised by the labour inspector to take part in a defined play.

There are few non-industrial undertakings which employ children at night and the inspector has large powers of intervention in virtue of article 210 of the above ordinance. Where the work of the child is considered too dangerous, as shown by medical examination, the inspector may insist on the transfer of the child to other employment, or, if this is not possible, on his dismissal. The Ministry of Labour, Youth and Sports and the Chief Labour Inspector are entrusted with the enforcement of the regulations.

Collaboration of employers' and workers' organisations is assured by means of regional commissions set up under the above ordinance. This collaboration, moreover, is assured in all undertakings of more than 100 workers.

The importance of the Convention has not escaped the attention of the Viet-Nam authorities who will not fail to take all the necessary measures necessitated by the economic development of the country.

#### *Yugoslavia.*

Decree of 22 July 1952, respecting apprentices (L.S. 1952—Yug. 8A).

Various decrees concerning employment in hotels, road transport, etc.

No provision prohibiting night work of young workers under 18 years of age has been specially made; nor has any line of division been drawn between industry and commerce, agricultural, maritime and other occupations. The provisions relating to labour legislation apply to all branches of economic activity.

Section 11 of the decree of 1952 prohibits the employment of apprentices at night regardless of the kind of work they perform and of

whether the enterprises are state-owned or in private hands ; employment at night may be exceptionally authorised in occupations in which apprenticeship cannot be carried out during the day.

In view of the fact that the majority of young workers between the ages of 14 and 16 years are employed as apprentices, most young workers in this age group may be said to come within the protection guaranteed by the decree.

The period of night is deemed to be the interval from 10 p.m. to 6 a.m. In view of the provisions in the Decree of 1952, which limits the working week of apprentices to 42 or 48 hours, a minimum rest period of 12 consecutive hours is, however, assured. In addition, the

night work of young persons under 16 years of age has been prohibited in a number of occupations designed by decree.

No provision whatsoever exists for young workers under 18 years of age who are not apprentices.

The labour inspectorate is responsible for the supervision of the application of these legal provisions.

A labour Bill is now in course of preparation. The competent committees responsible for drawing up the Bill have taken note of the requirements of the International Labour Code with a view to enabling the Government in due course to ratify a certain number of Conventions, including those relating to the protection of young workers.

## Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946: R. 80

### *Afghanistan.*

See under Convention No. 60.

### *Argentina.*

Act. No. 11317 of 30 September 1924, respecting the employment of women and young persons (*L.S.* 1924—Arg. 1).

Decree No. 14538 of 3 June 1944, respecting the organisation of apprenticeship and the employment of young persons, as approved by Act No. 12921 (*L.S.* 1944—Arg. 1) and as amended by Decree No. 6648 of 24 March 1945 (*L.S.* 1945—Arg. 2).

The Government refers to its report on Convention No. 79 and considers that, in conformity with its Constitution, the provisions of the Recommendation call for federal action, in view of the fact that the subject matter of the Convention is dealt with by the basic legislation.

### *Austria.*

Federal Act of 3 July 1947, respecting labour inspection (*L.S.* 1947—Aus. 3).

Federal Act of 1 July 1948, respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

Information concerning matters dealt with in the Recommendation is given in the report on Convention No. 79.

The Government, when it prepares new social legislation, will endeavour to apply, as far as possible, the principles and standards laid down in the Conventions and Recommendations of the International Labour Conference. Account will certainly be taken of the suggestions made in the Recommendation when modifications to be made in the present legislative provisions are considered.

The reasons which prevent ratification of Convention No. 79 are the same as those which prevent application of Recommendation No. 80 and explain why Austria has not been able up to the present to adopt this Recommendation.

### *Belgium.*

Act of 28 February 1919, respecting the employment of women and children (*L.S.* 1919—Bel. 2), as amended by the Act of 14 June 1921, to provide for an eight-hour day and a 48-hour week (*L.S.* 1921—Bel. 1).

Royal Order of 27 April 1927, respecting the employment of women and children (*L.S.* 1927—Bel. 2).

Act of 15 June 1937, to extend the Act of 14 June 1921, respecting the eight-hour day, to the nursing staff of public and private establishments and of nursing homes (*L.S.* 1937—Bel. 5).

Act of 26 January 1951, respecting the simplification of documents required by social legislation.

The prohibition of night work of women and children is established by sections 7 and 8 of

the Act respecting the employment of women and children. Section 7 provides that night-work is prohibited for all women irrespective of age and for boys under 18 years of age; section 8 provides that the rest period during the night shall be at least 11 consecutive hours. These 11 hours must include the period from 10 p.m. and 5 a.m., without prejudice to section 8 of the Act which limits working hours to eight a day.

The Act on the employment of women and children applies:

(a) to commercial undertakings covered by the Act of 14 June 1921, to tourist agencies, banks, exchange brokers, insurance companies, hotels, restaurants and public-houses, retail shops, butchers' shops, confectioners, to the technical staff of cinemas, and to hospitals, clinics and similar establishments both public and private;

(b) to theatres, music-halls, night clubs and similar establishments in respect of children under 16 years of age (Royal Order of 27 April 1927);

(c) to the sale, for purposes of gain, of articles in the establishments covered by (b) above, in all public establishments and in the street in respect of children under 16 years of age (Royal Order of 27 April 1927);

(d) to all commercial undertakings which are classified as dangerous, unhealthy or noxious, such as places of entertainment (e.g. circuses, theatres, cycle-racing tracks, etc.); and

(e) to water-transport undertakings.

The labour inspection service is responsible for the application of the regulations concerning the employment of women and children.

*Paragraph 1 (a) of the Recommendation.* Belgian legislation does not apply to all these establishments without distinction.

*Paragraph 1 (i).* The legislation is not applicable to all jobs, occupations or services which are not industrial, agricultural or maritime. It applies to the commercial establishments already mentioned and to those considered as dangerous, unhealthy or noxious. The liberal professions are not covered.

*Paragraph 2 (a).* No legislative measures have been taken to limit the night work of children under 18 years of age in domestic service.

*Paragraph 2 (b).* Under section 1, last paragraph, of the Act on the employment of women and children, family undertakings are excluded from the scope of the Act unless they are considered as dangerous, unhealthy or noxious, or unless the work is carried on by means of steam boilers or mechanical power. However the Royal Decree of 27 April 1927 prohibiting the employment of children under 16 years of age in public entertainments, does not exclude family undertakings.

*Paragraphs 3, 4 and 5.* In principle, children under 16 years of age may not be employed in theatres, night-clubs and bars, music halls and similar establishments (Royal Order of 27 April 1927). The Minister of Labour and Social Welfare may, however, make exceptions to these prohibitions. These exceptions are made only for theatres and are granted only when the presence of children is essential and when all measures are taken to safeguard the health and morals of the children (heated premises, presence of parents, etc.).

*Paragraphs 6 and 9.* Belgian legislation provides for all workers irrespective of age, the keeping of a work book (abrogation of section 16 of the Act on the employment of women and children, by the Act of 26 January 1951 concerning the simplification of documents required by social legislation).

The work book indicates (1) the beginning and end of each pay period ; (2) the number under which the person is inscribed in the staff list ; (3) surnames and Christian names of the worker ; (4) name of the insurance institution (for old-age pension or premature decease) of the worker, if insured, as well as his membership number ; (5) address and marital status ; (6) name and address of the employer ; (7) number of days worked during each pay period ; (8) days on which work was interrupted and reasons therefor, for each pay period.

The work book must be completed by other particulars, according to the legal institution to which the employer is affiliated (see text of the Royal Decree of 12 November 1952 modified by that of 14 October 1953) under the following Acts : (1) Act on hours of work ; (2) Acts on employment of women and children ; (3) Consolidated Acts on family allowances for workers ; (4) Legislative decree of 28 December 1944 on social security ; (5) Act on compensation for industrial injuries ; (6) Acts respecting annual holidays for workers.

Employers are also required to keep a register of employees, containing for each employee : (1) registration number ; (2) surnames and Christian names ; (3) date and place of birth ; (4) sex ; (5) domicile ; (6) number of identity card ; (7) for minors, name and address of parent or guardian ; (8) nature of work ; (9) number of pension account ; (10) for clerical workers, the name of the insurance institution for old-age pension or premature decease and their registration numbers ; (11) for foreigners, nationality, number, date and duration of authorisation delivered to the employer and number and date of labour permit delivered to the worker ; (12) date of entry into service ; and (13) date of termination of contract.

Employers are also obliged to post up the tables considered necessary for supervision purposes. Employers, directors, managers, etc., who have employed children and young persons contrary to the laws and regulations in force are liable to fine or imprisonment as fixed by the Act on the employment of women and children.

The supervision of, and compliance with, the provisions of this Act are the responsibility of the inspection service. The service includes a certain number of inspectors whose function is not solely to supervise the legislation protecting young persons. There is a tendency at present towards setting up an inspection service especially for young persons, women and children. Parents are responsible when they employ their children or allow them to be employed contrary to the provisions of the Act on the employment of women and children.

### *Bulgaria.*

Ukase No. 544 of 13 November 1951, to promulgate the Labour Code (L.S. 1951—Bul. 2).

The scope of the Labour Code extends to all undertakings, establishments and organisations whether they are industrial, commercial or maritime in character and irrespective of whether they are state-owned, public or private.

Night work is defined as work which is performed between the hours of 10 p.m. and 5 a.m. or 6 a.m., according to the season of the year ; and every worker is guaranteed a rest period of 16 hours between two working days. The Labour Code stipulates that no young worker between the ages of 14 and 16 years may be employed on night duties ; but makes no provision prohibiting such employment for young persons between the ages of 16 and 18 years.

Responsibility for supervision of the application of the provisions cited above rests with the bodies responsible for labour protection.

### *Canada.*

See under Convention No. 79.

### *Ceylon.*

See under Convention No. 79.

### *Chile.*

Labour Code.

Decree No. 655 of 7 March 1941, to issue regulations on health and safety of workers.

The Government states that there are no legal provisions on this subject. It refers, however, to section 48 of the Labour Code which prohibits night work of persons under 18 years of age and of women in industrial undertakings between 8 p.m. and 7 a.m., with the exception of family undertakings.

The exception provided in paragraph 2 of the same section, by which night work of young persons over 16 years of age is authorised in industries specified in the regulations, is not in practice applied except in the cases provided for in section 228 of the above Decree No. 655 of 7 March 1941. According to this section, night work is authorised only when the persons concerned are employed in work which must be carried on continuously.



The Government states that it has made no changes in law and practice on the subject of night work of children and young persons in non-industrial undertakings.

#### *Colombia.*

Decree No. 2663 of 5 August 1950, to promulgate the Labour Code (L.S. 1950—Col. 3A).

The Government states that night work of persons under 16 years of age is prohibited, except in the case of persons employed in domestic service, by section 172 of the above Code.

#### *Cuba.*

Legislative Decree No. 883 of 27 May 1953, to complete and consolidate the laws respecting the employment of children and young persons (L.S. 1953—Cub. 1).

The Government states that the above-mentioned decree does not distinguish between industrial and non-industrial occupations but applies to children and young persons in all economic activities. Chapter II of the decree provides that children under 18 years of age cannot engage in work of any kind during a period of 12 consecutive hours between 8 p.m. and 8 a.m. The exceptions provided for in articles 5 and 6 have never been applied. The Ministry of Labour, and its provincial offices, Women's and Young Persons' Employment Office and the General Directorate of Health and Social Welfare are responsible for the execution of the Act.

The Government is of opinion that the law and practice are in conformity with the text of the Recommendation.

#### *Denmark.*

The Government refers to the information submitted in its report on Convention No. 79.

#### *Dominican Republic.*

Act No. 2920 of 11 June 1951, to promulgate the Trujillo Labour Code (L.S. 1951—Dom. 1).

The Government states that there are no legal provisions referring expressly to the Recommendation.

As regards the scope of the Recommendation, the Government cites sections 222 to 243 of the Labour Code which apply generally to all children and young persons employed in work other than agricultural, maritime and domestic. As regards domestic service the use and practice are that minors carry out light work only during the day; even for adults domestic work is carried out during the day and ceases generally at 8 p.m.

Sections 228 and 229 of the Labour Code provide that the employment of young persons under 18 years of age in public performances is authorised up to 12 midnight and on condition that it is neither dangerous nor unhealthy. It may be added that the cinematograph industry does not exist in the Republic.

Young persons between 14 and 18 years of age are authorised to work at night under section 228 only with the previous authorisation of the competent Labour Department; prohibition is absolute for children under 14 years of age.

As regards supervision, reference is made to sections 385 et seq. of the Labour Code. Compliance with the regulations is enforced by the Labour Department and its local inspectors and representatives as well as by means of notices which employers must post up in their premises. There also exists in the Labour Department, a Women's and Children's Employment Section (Health and Safety), whose functions are to see that the regulations concerning the work of women and young persons are observed and to make inquiries at the places of work so as to study working conditions of women and to try and improve them.

The Government adds that the Legislature concerns itself more and more with the conditions of children and will without any doubt take measures in furtherance of the objects of the Recommendation.

#### *Finland.*

Application is not possible at present, as the existing legislation governing the protection of young workers is inadequate, especially as regards non-industrial occupations. The Ministry of Social Affairs has in course of preparation a Bill which will apply to the employment of young persons in all sectors of the economy except domestic work, mining and work done by young persons in their own homes or elsewhere where it is impossible for the employer to supervise the organisation of the work. Due consideration will be given to the requirements of the Recommendation in drafting the Bill.

#### *France.*

The Government refers to its report on Convention No. 79.

French legislation contains no provisions concerning the granting of licences to children and young persons authorising them to take part, at night, as actors in the production of cinema films. This is because the legal provisions on this subject apply only to industrial occupations.

As regards the employment of children under 14 years of age in public entertainments, only theatres and itinerant trading are covered (sections 58 to 61 of Book II of the Labour Code).

It should be noted, however, that individual licences which may be granted to children under 14 years of age authorising them to appear in a theatrical performance are the subject of two circulars of the Ministry of National Education, which state that "except for plays of a classical nature, permits will never be granted from 1 October to 1 July for days other than Wednesdays and Saturdays for evening performances and Thursdays and Sundays for matinées", and which recommend Prefects to ensure that the provisions of Book II of the Labour Code are strictly applied and to limit to the utmost the number of authorisations granted.

The Ministry of National Education does not grant any permit for a child under 14 years of age to take part in a performance except when the child regularly attends the special theatrical school. If this condition is fulfilled, the Ministry of National Education raises no opposition to the employment.

*Federal Republic of Germany.*

Protection of Young Persons Act of 30 April 1938 (*L.S.* 1938—Ger. 5).

Ordinance issued in application of the Protection of Young Persons Act of 30 April 1938, promulgated on 12 December 1938.

*Lower Saxony.*

Labour Protection (Young Persons) Act of 9 December 1948, as amended by the Acts of 6 May 1949 and 21 June 1951 and by the Executive Ordinance of 26 July 1949.

*Württemberg-Hohenzollern.*

Act of 6 August 1948, to amend the (federal) Protection of Young Persons Act and Ordinance of 19 April 1949 to amend the (federal) Ordinance of 12 December 1938.

In accordance with section 74 (12) of the Basic Law for the Federal Republic of Germany, competence to enact legislation to apply Recommendation No. 80 is vested in the federal authorities, since the protection of labour is involved.

Provisions in regard to some of the matters dealt with in the Recommendation already exist in the Federal Republic of Germany.

The restriction of night work of children and young persons in non-industrial occupations is governed by the Protection of Young Persons Act and by the ordinance issued under the Act.

The Protection of Young Persons Act applies not only to children and young persons engaged in non-industrial occupations within the meaning of the Recommendation but also to the employment of all children and young persons engaged under a contract of apprenticeship or employment or in the performance of other services analogous to those of work performed under a contract of apprenticeship or employment. The scope of the Act is therefore comprehensive; however, it excludes a number of occupations, including domestic service in private households (cf. sections 1 and 2 of the Act). It further excludes children and young persons working on their own account. Here, there is no subordinate relationship and consequently there is no person employing the children or young persons to whom the prohibitions and limitations could apply. Should the work be dangerous to the mental or physical welfare of the child, appropriate measures are taken by the Court of Wards (*Vormundschaftsgericht*).

Work in family undertakings is only partly covered by the Act. Its provisions on night work admittedly extend to children (i.e. persons under 14 years of age) employed in family undertakings, but for young persons (i.e. persons over 14 but not yet 18 years of age) employed in undertakings of this type, these provisions are intended merely as a guide, except where the industrial inspection office finds it necessary to enforce them in certain undertakings.

Children may be employed in connection with musical and theatrical performances and other shows and entertainments where their presence is necessary in the interests of art or science, and also in connection with the making of cinematographic films, only if a special permit has been issued by the industrial inspection office. This permit has to indicate the type, hours and duration of the employment, and is issued subject to such conditions as are necessary to protect the children against accidents and safeguard their health and morals. As a rule, arrangements have to be made for the children to be

kept under regular supervision. In addition, detailed provision must be made to deal with rest-periods and Sunday work (if any). Should the employer not agree to the conditions stipulated in the permit, he may appeal to the higher administrative authority. Permits are usually issued for a stipulated period of time; where, in exceptional cases, they are issued for an unlimited period, they can be withdrawn at any time if the protection of the child or young person so requires, and must be withdrawn if the employer seriously contravenes the provisions of the Act or the conditions of issue of the permit (section 25 of the Act and sections 20 to 28 of the ordinance).

No special permit is required for the employment of young persons in connection with musical, theatrical or other performances, entertainments or amusements, or in connection with the making of cinematographic films in so far as the work in question has not been expressly prohibited on account of the danger it involves. The industrial inspection office may, however, prohibit the employment of young persons under the age of 16 years after 8 p.m., or may subject such employment to certain conditions. Should it do so, the employer can appeal against its decision to the higher administrative authority (sections 16(4) and 25 of the Act).

Supplementary provisions on itinerant performances appear in section 33 (b) of the Industrial Code. This requires prior permission from the competent authority to be obtained by any person wishing, for gain, to present musical or theatrical performances, shows or other entertainments from house to house, on the public highway, or in public places. Permission is granted at the discretion of the authority concerned, which also decides what family relations, assistants, etc., may be employed in such performances.

Compliance with the Act and ordinance is supervised by the industrial inspection offices (section 26 of the Act). These offices have the necessary inspection staff, including a number of women who are more particularly responsible for supervising the provisions concerned with the protection of young persons. The offices inspect all undertakings at regular intervals. If any alleged contraventions of the protective provisions are reported to an industrial inspection office, it immediately investigates them without waiting for its periodical inspection.

Employment cards are required only for the employment of children who are under an obligation to attend elementary school (section 5 of the Act). These cards must show the holder's date of birth and the conditions, hours and duration of his employment. Every time the holder of a card changes his employment or employer, the card must be handed in at the industrial inspection office and the appropriate new entries made (sections 12 to 14 of the ordinance). Every employer of young persons is required to keep a list giving, for each person, date of birth, and date of entry into the establishment, and must submit this list to the industrial inspection office on request (section 23 of the Act).

The itinerant employment of children and young persons is regulated as follows: the employment of children on street trading and hawking, even by their parents, is prohibited (section 4 of the ordinance, schedule 2). As regards the employment of young persons the

report refers to various provisions in the Industrial Code concerning the issue of employment cards or licences to persons engaged in certain forms of itinerant employment. As a general rule these licences or permits are refused to applicants under 25 years of age and if, as an exceptional measure, such a person is issued with a licence, minors can be prohibited from plying their trade after sunset and women under age can also be prohibited from plying their trade from house to house (sections 42 (b), 57 (a) and 60 (b)). These licences and itinerant employment permits are signed by the holder and contain his photograph, a description of his person (age, build, eyes, hair and distinguishing marks) and an indication of his domicile and nationality. The documents must always be kept on the bearer's person and produced for inspection by the authorities on request. The documents are issued not by the industrial inspection offices but by lower (public) administrative or communal authorities.

Compliance with the Act and ordinance is supervised by the industrial inspection offices (section 26 of the Act), and with the Industrial Code by the lower (public) administrative and communal authorities. Administrative rules and practice ensure co-operation among these different authorities as well as with the educational authorities and youth offices.

In the Land of Hamburg, the labour authorities have set up a committee for the protection of juvenile labour, whose membership includes three employers' and three workers' representatives (ordinance of 22 March 1949). The committee is required to advise the labour authorities on all matters involving the protection of juvenile labour; the labour authorities are required to give the committee an opportunity of expressing its opinion on all matters involving questions of principle.

Under section 58 of the Act concerning the organisation of industrial undertakings, dated 11 October 1952, one of the duties of a works council is to help implement provisions relating to the protection of labour, including juvenile labour. Any employer or his representative contravening the Act, the ordinance or the Industrial Code is liable to punishment (section 24 of the Act; section 148, paragraph 1 (5) to (7) (c) and section 149, paragraph 1 (1) to (5) of the Industrial Code).

In the forthcoming revision of legislation for the protection of juvenile labour, an attempt will be made to see whether and to what extent account can be taken of the provisions of Recommendation No. 80, where they are not yet covered by national legislation. A Bill on the protection of juvenile labour is being prepared by the Federal Minister for Labour.

The following are the main changes to be contemplated in national legislation:

(1) the extension of the new Act to children and young persons employed in private households, and in particular the limitation of their night work;

(2) the unlimited application of the provisions of the new Act, including those on night work, even to young persons employed in family undertakings;

(3) permission for children under 14 years

of age to be employed on night work in connection with public entertainments only where justified by the needs of the child's vocational training or its precocious talents; limitation of this permission to children attending dramatic and music schools; limitation of night work, as far as possible, to an average of three evenings a week; cessation of employment by 10 p.m., or a rest period of 16 consecutive hours in lieu;

(4) the introduction of a work card or individual permit for all young persons engaged in itinerant employment and the issue of these documents by an industrial inspection office.

The following provisions of the Recommendation, on the other hand, are difficult to incorporate, and appropriate modifications to the Recommendation are therefore considered necessary:

(1) It seems impossible to issue all young persons with an official work permit or work book needing to be reissued or officially stamped on every change of employment or employer, since this would involve too much clerical work for the authorities.

(2) The wearing of a badge by young itinerant workers to facilitate their identification would hardly be compatible with German views and customs. The possession of an official document (such as a work card, itinerant employment permit, etc.) bearing the young person's photograph and signature and to be produced at the request of an inspection officer is considered adequate.

(3) What are the implications of the statement that the employer and the parents should be held "legally responsible" for violations of the laws and regulations (section III, Paragraph 9, subparagraphs (6) and (7) of the Recommendation)? Does this mean that they should be punished for any failure to comply with provisions prescribing or prohibiting a specific line of conduct on their part?

#### Greece.

Act No. 4029 of 24 January-6 February 1912, concerning the work of women and minors (*Bulletin of the International Labour Office* (Basle), 1912, Vol. VII, p. 285).

Royal Decree of 14-27 August 1913, respecting the application of Act No. 4029 (*Bulletin of the International Labour Office* (Basle), 1914, Vol. IX, p. 219).

The Government refers to its report on Convention No. 79 and adds that the above-mentioned legislative texts prohibit the employment of young persons under 18 years of age between 9 p.m. and 5 a.m. The Greek legislation concerning the protection of young persons applies to all branches of economic activity and consequently to all commercial undertakings, offices of all kinds, as well as to establishments such as cafés, restaurants, etc. The persons protected by Convention No. 79 are not authorised to work in establishments such as postal and similar services, hospitals (which function as a rule as public establishments) and nursing homes. In the case of public entertainments, the prohibition of work applies only to children under 14 years of age.

The report states that the methods of supervision provided for in Greek legislation are satisfactory. The employer is required to post up

notices showing the names of the employees and their ages, as well as the hours at which work begins and ends. These notices are subject to the supervision and approval of the competent labour inspection bureau. This same procedure is also followed with regard to the issue of authorisations to work for young persons; the latter must be in possession of documents proving their age, etc. Itinerant trading in streets or public places is subject to certain police regulations which provide that the persons in question must have special licences issued by the police authorities. These licences contain all the information required for the identification of these persons.

#### *Iceland.*

See under Convention No. 60.

#### *India.*

See under Convention No. 79.

#### *Ireland.*

Dangerous Performances Act, 1879 and 1897.  
Employment of Children Act, 1903.  
Prevention of Cruelty to Children Act, 1904.  
Street Trading Act, 1926.  
School Attendance Act, 1926 (*L.S.* 1926—I.F.S. 1).  
Shops (Conditions of Employment) Acts, 1938 (*L.S.* 1938—Ire. 1) and 1942.  
Industrial Relations Act, 1946.

With respect to legislation, the Government refers to its report on Convention No. 79.

Legislation governing night work has been adopted in respect of all the categories enumerated in Paragraph 1 of the Recommendation with the exception of (a) establishments and administrative services in which the persons employed are mainly engaged in clerical work; (b) establishments for the treatment or hospitalisation of the sick, orphaned, etc...; and (c) postal and telecommunications services, including delivery services. In respect of the last-mentioned category, however, the Government points out that in practice the hours of attendance of young persons under the age of 18 years, in the employment of the Department of Posts and Telegraphs, conform to the requirements of the Recommendation. The Government also states that it is the policy of the Department of Health to discourage the allocation of continuous night duty for long periods to staff members of hospitals.

With the exception of the Employment of Children Act, 1903—which is relevant only in the case of children under the age of 14 years—there is no Irish legislation restricting the night work of children and young persons under the age of 18 years engaged in domestic service.

In the case of family undertakings the restrictions on the night employment of young persons between the ages of 14 and 18 years—provided for in the Shops (Conditions of Employment) Act, 1938—apply equally to any young person who performs shop duties regularly for the proprietor of the shop even though he is a relative of the proprietor. The Government adds that family undertakings are not specifically excluded from any of the other legislation mentioned in the report.

There is provision in the Prevention of Cruelty to Children Act, 1904, for the granting of a licence by the district court for any child over 10 years of age to take part in public entertainment. Where such a licence is granted, it is issued for such time and during such hours of the day and subject to such restrictions and conditions as the court thinks fit. A licence will not be granted, however, unless provision has been made to secure the health and kind treatment of the child.

If an application for such a licence is refused by the district court, an appeal against the refusal may be made to the circuit court.

Some of the members of the Inspectorate charged with the enforcement of the Shops (Conditions of Employment) Acts, 1938 and 1942, and the Industrial Relations Act, 1946, are women, and they have the same powers and duties and exercise the same authority as their male colleagues. The majority of the Acts cited, however, are enforced by the *Garda Síochána* (Civic Guards) none of whom are women. In the case of inspections of hotels in the city of Dublin and shops, restaurants, clubs, cafés, etc., complaints of alleged violations of the Shops (Conditions of Employment) Acts, 1938 and 1942, are immediately investigated. The same applies in the case of messenger boys employed in Dublin and districts covered by regulations made under the Industrial Relations Act, 1946.

Irish law does not provide for the work permit or work book as is suggested by the Recommendation.

The Employment of Children Act, 1903, provides for the granting and revoking of licences by the local authority in the regulation of the employment of children under 16 years of age in street trading. The local authority may also require children employed in this kind of work to wear badges for identification purposes.

In addition, the Street Trading Act, 1926, provides that any person engaged in street trading in the city of Dublin must hold a street trader's certificate granted to him under the Act.

In the case of breaches of any relevant legislation, the employer and, in some cases, the parents as well as the child involved, are liable to prosecution before the courts.

As is shown in the report, many of the provisions of the Recommendation are not applied to any appreciable extent in Ireland and no measures have been taken to implement it in full. There is no evidence to show that it is necessary to take the measures envisaged in the Recommendation to ensure the welfare of persons in non-industrial employment. In the absence of such evidence, there would be no justification for the introduction of the legislation which would be necessary to give effect to the provisions of the Recommendation.

#### *Italy.*

Act No. 653 of 26 April 1934, to safeguard the employment of women and children (*L.S.* 1934—It. 6).

The legislative provisions in force on the subject of the Recommendation are as follows:

Section 12, third paragraph, of the Act of 26 April 1934, which prohibits night work of persons under 18 years of age in industrial

undertakings and provides that the prohibition may be extended by Presidential Decree to other classes of undertakings and employments ; and section 6, paragraph (d), of the same Act, which prohibits the employment of children under 16 years of age in cinemas, in acting for cinematographic films or similar entertainments.

The regulation of night work of children and young persons in non-industrial occupations is being at present thoroughly studied by the competent services of the Ministry of Labour which proposes to draw up the necessary legislation in order to give full effect to the standards drawn up by Convention No. 79, which Italy has ratified. The competent services have at the same time taken into consideration the suggestions of Recommendation No. 80 in order to apply them, either completely or partially. The preparation of such measures, however, cannot be completed without a preliminary inquiry among the local competent services (labour inspectorates), which are in a position to supply all the necessary elements for a thorough examination of the question, especially as regards the determination of the limits and conditions to which the legislation must be subordinated.

At present, there is no prohibition in Italy of night work of children in non-industrial occupations. The possibility of extending this prohibition (which exists for industrial undertakings and their dependencies) provided for in section 12 of the above-mentioned Act has not yet been put into effect in any legal enactment.

As regards the prohibition of the employment of children under 16 in cinemas, in acting for films or in performances given in any public place or any place exposed to the public, it should be mentioned that the prefect, with the consent in writing of the parent or guardian, may authorise the employment of a child even if under 12 years of age, in acting for specified cinematographic films when this is not done late at night or in an unhealthy or dangerous place, and make such authorisation conditional on the observance of the conditions requisite for safeguarding the health and morality of the child.

#### *Japan.*

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

Ministry of Welfare Ordinance No. 23 of 30 August 1947 : Enforcement of the Labor Standard Law.

Ministry of Labour Ordinance No. 8 of 31 October 1947 : Labor standard for women and minors.

The Government refers to its report on Convention No. 79 for a summary of the scope of national legislation on night work in non-industrial occupations.

The Government states that none of the standards contained in Part II of the Recommendation (Employment in Public Entertainment) is reflected in Japanese legislation or practice, and adds, with reference to Part III (Methods of Supervision) that the appointment of labour standard inspectors in Japan is not influenced by any distinction based on sex, special care being taken to appoint a certain number of women inspectors. Machinery for the lodging of complaints at the administrative office or before a labour standard inspector has been provided in the Labor Standard Law, and the inspectorate gives priority to the investigation of such complaints.

The Labor Standard Law also requires employers to maintain in the place of work a census-register of workers, showing the age of every young worker under the age of 18 years ; as well as a worker's roster in which are inscribed details concerning the worker's name, date of birth, job description, date of employment, etc.

#### *Luxembourg.*

The Government refers to its report on Convention No. 79 and adds that Recommendation No. 80 has been submitted to the labour inspectorate for guidance in its supervision of the employment of children and young workers. It follows from the absence of any complaints on this subject that night work of children and young persons in non-industrial undertakings is practically non-existent.

#### *Netherlands.*

The suggestion made in Paragraph 6 of the Recommendation is already put into practice to a certain extent since a certain number of women inspectors have already been attached to the labour inspection service with the duty of looking after the interests of young workers and women.

The Government intends, when its legislation is modified, to examine the possibility of applying it in accordance with Convention No. 79, which is not yet ratified. The provisions of the Recommendation do not call for any remarks.

#### *New Zealand.*

Infants Act, 1908.

Licensing Amendment Act, 1914.

Shops and Offices Act, 1921-1922.

Child Welfare Act, 1925.

Shops and Offices Amendment Act, 1927.

Shops and Offices Amendment Act of 8 June 1936 (*L.S.* 1936—N.Z. 8).

Education (School Age) Regulation, 1943.

Shops and Offices Amendment Act of 7 December 1945 (*L.S.* 1945—N.Z. 5).

The Government refers to its report on Convention No. 79, and adds that while New Zealand legislation includes prohibitions on the night work of children and young persons, which correspond to some of the provisions of Convention No. 79 and Recommendation No. 80, conditions have not so far necessitated the application of age limits coinciding with those prescribed in these instruments. There is therefore no proposal at present under consideration for the introduction of legislation to modify the present position, but the situation is nevertheless kept under close review.

The Departments of Education and Labour and Employment are responsible for the application of the legislation.

#### *Norway.*

Workers' Protection Act No. 8 of 19 June 1936 (*L.S.* 1936—Nor. 1), as amended.

The Government states that the provisions of the Workers' Protection Act dealing with night work are much more restricted in scope than those of the Recommendation, especially in view of the fact that the Norwegian Act exempts

expressly from the prohibition of night work a certain number of occupations which are enumerated in the Recommendation.

The methods of supervision provided by the Act are less effective than those in the Recommendation, especially as regards the methods of identifying the young worker, badges, etc. In virtue of the above-mentioned Acts, regulations have been issued obliging the employer to keep a list of all the children and young persons in his employ. These regulations, however, apply only to industry, artisans, building and construction, storage and transport work.

The enforcement of the Act is entrusted to the Ministry of Local Government and Labour and its executive organ, the State Labour Inspectorate.

#### *Pakistan.*

See under Convention No. 79.

#### *Philippines.*

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violation of the Act, and for other purposes (*L.S.* 1952—Phi. 1).

The Government reports that sections 3, 7 and 12 of the above-mentioned Act cover the subject-matter of this Recommendation. The text of the Act is appended to the Government's report.

#### *Sweden.*

Act of 9 April 1926, respecting the prohibition of sale of goods by children in certain cases (*L.S.* 1926—Swe. 2), as amended by Act No. 476 of 1947.

Workers' Protection Act of 3 January 1949 (*L.S.* 1949—Swe. 1).

Instruction No. 429 of 18 June 1949, concerning labour inspection.

Swedish legislation contains provisions concerning all the points covered by the Recommendation. The scope of the legislation is, however, more restricted as it excludes domestic service, industrial homework and family undertakings.

As regards public entertainments, the authorities responsible for issuing licences (with the exception of the Stockholm police department) are under the direct responsibility of the Crown ; there is consequently no supervision of the granting of these licences. Complaints, however, made concerning decisions on this subject may be addressed to the Crown.

In each inspection department there is a "social inspector" (usually a woman) to supervise the conditions of work of women, children and young persons. When an inspector is seized of a complaint, he must take immediately all the necessary steps but not without giving the employer an opportunity of presenting his views on the subject of the complaints.

#### *Switzerland.*

Order of the Federal Council of 24 February 1940, to issue rules for the application of the federal Act of 24 June 1938, respecting the minimum age for employment (*L.S.* 1938—Swi. 1).

The Government refers to its report on Convention No. 79 and states that a number of provisions exist concerning the night work of

young persons. Generally speaking, they apply to the undertakings enumerated in Paragraph 1 of the Recommendation. In regard to domestic service, a number of model contracts of service (*contrats-types de travail*) drawn up by the cantonal authorities on the basis of section 324 of the *Code suisse des obligations*, impose limits on the night work of young persons.

The Government is not of the opinion that children and young persons are called upon in Switzerland to work at night in the capacity of actors in the making of cinematographic films. In such a contingency, however, suitable measures would be adopted to ensure that this form of work had no harmful effects on young workers. The provisions of Part II of the Recommendation concerning employment in public entertainment would in that event serve as a useful basis for establishing suitable safeguards.

While a number of the provisions in Part III are reflected in Swiss legislation, other requirements have been framed to meet conditions which do not exist in Switzerland. The Government refers in this connection to its comments made in respect of Convention No. 79.

While no measures have as yet been taken to give effect to the provisions of the Recommendation, the question may become relevant in the course of drafting general labour legislation. The numerous details contained in the Recommendation, however, are in themselves an impediment to the full application of the Recommendation.

#### *Turkey.*

See under Convention No. 79.

#### *Union of South Africa.*

See under Convention No. 79.

#### *United Kingdom.*

The Government refers to its report on Convention No. 79. It adds that, as regards Paragraph 4 of the Recommendation, under the rules made by the national authorities (in Scotland : Employment of Young Persons in Entertainments (Scotland) Rules, 1947 ; and in Northern Ireland : Employment of Children in Entertainments Regulations (Northern Ireland), 1952), a licence may be issued for a maximum period of six months only and must be subject to conditions necessary for the protection of the child.

#### *United States.*

Fair Labor Standards Act, 25 June 1938 (*L.S.* 1938—U. S. A. 1), as amended.

The Government considers that the provisions of the Recommendation are appropriate in part for federal action and in part for action by the constituent states.

Federal legislative action in respect of night work is limited to the Fair Labor Standards Act of 1938, as amended, and to regulations relating to federal employees (see report on Convention No. 79).

*Paragraph 1 of the Recommendation.* The provisions of the Fair Labor Standards Act apply to any employer who employs any minor in interstate or foreign commerce or in the pro-



duction of goods for such commerce, and to any manufacturer, or dealer who transports goods or delivers goods for such commerce. There are three exemptions from the child labour provisions of the Act, in so far as non-industrial occupations are concerned—

(1) Employment of children under 16 years of age by their parents in occupations found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of 16 and 18 years.

(2) Employment of children as actors or performers in motion-picture, theatrical, radio or television productions.

(3) Employment of children engaged in the delivery of newspapers.

The child labour provisions of the Fair Labor Standards Act can, therefore, be applied to some employment in most of the categories enumerated in this paragraph. The exemptions would affect, in particular, some undertakings enumerated in clauses (d) and (g); and many of the undertakings enumerated in clauses (e) and (f) are not connected with interstate commerce.

*Paragraph 2 (a).* This is not within the scope of federal jurisdiction.

*Paragraph 2 (b).* See exemption (1) enumerated above.

*Paragraphs 3, 4 and 5.* These are not applicable. See exemption (2) enumerated above.

*Paragraph 6.* Both men and women perform inspection services.

*Paragraph 7.* Regular inspections, especially of types of establishments in which children are likely to be working, are made to ensure compliance with the law and regulations. Inspections are also made in response to complaints of breaches of the Act; and re-inspections are made to ensure compliance by an employer who previously has been found to have violated the Act.

*Paragraph 8.* The certificates accepted as proof of age serve to protect the employer from unintentional violation of the minimum-age provisions of the Act and help to protect a young person between 14 and 15 years of age from being placed in an occupation requiring his employment during the prohibited hours.

The regulations issued under the Act also require record-keeping, including hours of work and date of birth of employees under 19 years of age.

*Paragraph 9.* Young workers designated as "itinerant" would, in general, be minors employed in messenger work or in street trades, some of whom are exempt from coverage under the Act.

Documents and badges of identification are not required under the Act, and the regulations require that employment and age certificates be issued to the employer and not to the minor. The Department of Labor accepts certificates issued under the state child labour laws. As a rule, the certificates include the name, age,

address, and signature of the child or young person, and the name and address of the employer; hours of work are generally included in certificates for children of 14 and 15 years of age, but not commonly on those for young persons between 16 and 18. Parental consent is not required under the Act, but some states require the name and address of the parents and their authorisation. (*Subparagraphs (1) and (2).*)

Employment and age certificates are generally issued under the supervision of the Labor Departments, although in some states the supervision is by the Department of Education. (*Subparagraph (3).*)

Badges are not required under the Act. (*Subparagraph (4).*)

In the enforcement of the provisions of the Act and particularly of the child labour provisions, the federal Government utilises the services of state and local agencies, generally those charged with the administration of labour laws which necessitate inspection of places of employment. (*Subparagraph (5).*)

The employer is held legally responsible for breaches of laws and regulations. (*Subparagraph (6).*)

The provisions of *subparagraph (7)* are not applicable under the Act.

The Fair Labor Standards Act comes under the jurisdiction of the Department of Labor, and its enforcement has been assigned to the Administrator of the Wage and Hour and Public Contracts Divisions.

The administration of the Act is carried on with the co-operation of both employers' and workers' organisations.

No changes in the Act are being sponsored by the Department at present but the Department of Labor strives continually to improve both standards and administration.

#### *State Legislation and Regulations.*

All but two of the states of the United States (Maine and Montana) have legislative or administrative provisions in regard to all or some of the matters dealt with in Recommendation No. 80.

*Paragraph 1.* The majority of the laws setting night work standards do not specify "industrial" and "non-industrial"; rather, they cover all or a very substantial number of occupations. Some states which enumerate occupations to which their night work standards apply may not cover all of the undertakings listed in Paragraph 1, but they include many of them.

*Paragraph 2.* Of the non-industrial occupations, the most common exemption from coverage in the state child labour laws is domestic service in private homes. In a few states night work standards are broad enough to apply to young persons employed in domestic service, but there has been little attempt to do so. (*Clause (a).*)

Some state laws specifically exempt non-industrial employment by parents. In general, however, the standards of the law are applied where the employment relationship exists between child and parents. (*Clause (b).*)



*Paragraph 3.* Special theatrical permits are customarily issued by the school authorities or by the Labour Departments under specific safeguards which are clearly laid down by law or regulation.

*Paragraph 4.* Licences are issued for the appearance of a minor in a particular theatrical production, concert, entertainment, or other performance for which the permit is required.

*Paragraph 5.* Special licences are required for minors up to 16 years, or up to 18 years in 17 states. The laws in these states do not provide for granting licences to children under 14 years "only in exceptional cases".

The conditions outlined under (a), (b) and (c) are not found in any states issuing theatrical permits. Some of the laws limit performances to two a day or eight or nine a week. Some set maximum daily or weekly hours at four or six hours daily and 24 hours weekly.

*Paragraph 6.* Some states have women inspectors ; many other states have both women and men. About one-third have separate divisions in their Labour Departments with special responsibilities for women and minor workers.

*Paragraph 7.* In all states, emphasis in inspections is usually given to investigations as alleged breaches of the laws. Complaints are lodged more often by the school authorities and by representatives of the public than by parents.

*Paragraph 8.* State child labour laws usually require employers to keep records of hours worked by minors, which in addition to the employment certificate on file at the place of employment, furnish the inspector with the means of determining whether a minor is employed during prohibited hours.

*Paragraph 9.* The permits or badges required by most of the states which have special street-trade laws are supposed to be carried by the child at all times when he is at work. (*Subparagraph (1) (a).*)

Generally no distinction is made in the laws between minors working for wages and minors working as "independent contractors". (*Subparagraph (1) (b).*)

In 26 states there are laws specifically applying to children engaged in street trades. Many require a permit or badge up to 16 years of age, and a few require it up to 18 years ; less than one-third do not require permits or badges. These permits usually include the name, age, address and signature of child or young person ; but very rarely a photograph. Although the permit does not generally include name, address,

and authorisation of parents, these are required by and kept on file in the office issuing the permit. (*Subparagraph (2).*)

The work permit is issued under the supervision of the labour or education department. (*Subparagraph (3).*)

In states where street-trades workers are required to obtain badges, they are generally required to wear them. (*Subparagraph (4).*)

Local authorities, particularly educational and police authorities, co-operate with labour departments in order to ensure supervision of the working hours of young itinerant workers and the enforcement of the laws and regulations relating to night work. (*Subparagraph (5).*)

The employer is held legally responsible for breaches of laws and regulations, where an employer-employee relationship exists. (*Subparagraph (6).*)

Some of the laws make the parent legally responsible for breaches of the laws or regulations. (*Subparagraph (7).*)

Supervision of the states' child labour laws is generally vested in the Labour Departments. Thus administration involves the co-operation and support of employers' and workers' organisations, together with representatives of the general public.

As has been pointed out in connection with Paragraph 9 under federal legislation, there is close co-operation between the federal Government and state governments in the issue of employment certificates under the federal Act. There is also a good working relationship in mutual reporting of breaches of the law and in other matters of mutual interest in the maintenance of good labour standards.

At every session of the state legislature efforts are made to improve child labour standards through new laws or through amendments to existing laws.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952, to promulgate the Labour Code. (*L.S. 1952—V.N. 1.*)

The Government refers to its report on Convention No. 79 which states that no legislation exists prohibiting the night work of children and young persons in non-industrial occupations except in certain limited cases.

The provisions of the Recommendation, and those of the Convention, will be taken into consideration by the competent authorities if the situation of young persons employed in non-industrial occupations is such as to justify a change in the present law.

#### *Yugoslavia.*

See under Convention No. 79.

## Communication of Copies of the Reports to Representative Organisations

*(Article 23, paragraph 2, of the Constitution)*

The Governments of the following States have indicated that copies of the reports supplied have been communicated to the representative organisations of employers and workers :

Argentina	Greece	Pakistan
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Canada	Ireland	Turkey
Ceylon	Italy	Union of South Africa
Chile	Japan	United Kingdom
Cuba	Luxembourg	United States
Dominican Republic	Netherlands	Viet-Nam
France	New Zealand	Yugoslavia.
Federal Republic of Germany	Norway	

In addition the Government of El Salvador has indicated that article 23, paragraph 2, of the Constitution of the International Labour Organisation has not so far been fully complied with in respect of the reports which it has supplied.

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# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-EIGHTH SESSION**  
**GENEVA, 1955**

**Third Item on the Agenda:**

## **INFORMATION AND REPORTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS**

**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)**



**INTERNATIONAL LABOUR OFFICE**  
**GENEVA, 1955**

**Price: 10 cents; 6d.**

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## INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the Conference before the competent authorities within a specified 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 Recommendations adopted by the Conference at its 36th Session, held in Geneva from 4 to 25 June 1953.

As the closing date of the 36th Session of the Conference was 25 June 1953, the period of one year provided for the submission to the competent authorities came to an end on 25 June 1954, and the period of 18 months on 25 December 1954.

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, 34th and 35th 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, from 6 to 29 June 1951 and from 4 to 28 June 1952. 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 37th 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 21 March to 2 April 1955, 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).

#### *36th Session (1953).*

Minimum Age (Coal Mines) Recommendation (No. 96).  
Protection of Workers' Health Recommendation (No. 97).



**Summary of Information relating to the Submission to the Competent Authorities of the Recommendations Adopted by the International Labour Conference at Its 36th Session (Geneva, 1953) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st, 32nd, 33rd, 34th and 35th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951 and 1952)**

*Afghanistan*

Recommendations Nos. 96 and 97 have been submitted to the Government authorities who are competent to give effect to these texts by means of national legislation or otherwise.

*Austria*

A report proposing that Recommendations Nos. 96 and 97 should be followed up was submitted for examination to the Council of Ministers and approved by the latter at its sitting of 14 December 1954. This report will be submitted by the Government to the Austrian National Council for its final decision.

*Belgium*

Recommendations Nos. 96 and 97 were communicated to Parliament on 12 January 1954 together with a statement by the Government, the text of which has been forwarded to the Office.

This statement shows the attitude which the Belgian Government may adopt with regard to these international instruments: the Government is now completing preparations for raising the school-leaving age. Since this problem is closely connected with that dealt with in Recommendation No. 96, the Government is unable to take any decision at present with regard to this international text. As regards Recommendation No. 97, the provisions concerning the notification of occupational diseases are the only ones whose application will necessitate the drafting of special regulations; the Government proposes to draw up such regulations.

*Burma*

The texts of Recommendations Nos. 96 and 97 have been brought to the attention of the competent authorities and information as to the measures taken to give effect to these Recommendations will be communicated in due course.

*Canada*

The texts of Recommendations Nos. 96 and 97, together with a letter setting forth the opinion of the Deputy Minister of Justice, were laid before the House of Commons and the Senate of Canada on 25 November 1953. In the opinion of the Deputy Minister of Justice, the provisions of these Recommendations are partly within the authority of Parliament and partly within the authority of the legislatures of the provinces. The texts of these Recommendations, together with the accompanying letter, were communicated on 30 November 1953 to the principal employers' and workers' organisations and on 3 December 1953 to the Lieutenant-Governors of the provinces.

*Ceylon*

The texts of Recommendations Nos. 96 and 97 were brought before the House of Representatives on 4 January 1954 and before the Senate on 19 January 1954. This submission was not accompanied by any proposals. The Government adds that it is examining these Recommendations with a view to deciding what action should be taken with regard to each of them.

*Chile*

The Government has submitted to Congress a considerable number of Conventions and Recommendations, including Conventions Nos. 88, 89, 94, 95, 96, 98, 99 and 102 and Recommendations Nos. 83, 87, 90, 92, 96 and 97. A copy of the statement laid before Congress has been forwarded to the I.L.O.

*Colombia*

The Government has forwarded detailed information on the various texts which regulate the questions dealt with in Recommendations Nos. 96 and 97.

*Denmark*

The report of the Danish delegation to the 36th Session of the Conference, containing the texts of Recommendations Nos. 96 and 97, was submitted to the Danish Parliament on 4 March 1953, accompanied by a brief oral statement by the Minister of Social Affairs. The report has also been communicated to the representative employers' and workers' organisations.

As regards Recommendation No. 96, the Government states that this has no reference to conditions in Denmark since there are no mines in the country.

With regard to the implementation of Recommendation No. 97, the competent authorities are partly the legislative and administrative authorities and partly the employers' and workers' organisations. A Bill to revise the Danish legislation respecting the protection of workers is at present being considered by Parliament and account will be taken of the provisions of the Recommendation in connection with the revision of the legislation and the subsequent promulgation of administrative regulations in this field. In communicating the text of the Recommendation to the employers' and workers' organisations, the Ministry of Social Affairs requested these organisations to forward to the Ministry any observations to which the Recommendation might give rise.

*Ecuador*

The measures necessary to give effect to Recommendations Nos. 96 and 97 have been taken. The obligation to submit these texts to Parliament

is at present being examined, particularly as regards the extent of such obligation, the nature of the competent authority, the method and timing of submission, and communication to the representative organisations. As regards Recommendation No. 96, the Government states that there are no mines in Ecuador, and that the Labour Code prohibits the employment of women and of boys under 18 years of age in industries or in work considered as dangerous or unhealthy, which is covered by special regulations governing work underground and in quarries.

As regards Recommendation No. 97, Chapter V (4) of the Labour Code deals with the prevention of risks, safety and health measures and the protection of the health of workers.

#### *Finland*

Recommendations Nos. 96 and 97 were submitted to Parliament on 16 July 1954. Finnish and Swedish copies of the document containing the proposals of the Government were forwarded with the Government's letter giving this information.

#### *France*

Conventions Nos. 102 and 103 and Recommendations Nos. 94, 95, 96 and 97 were communicated to Parliament on 18 August 1954. At this juncture, the Government inaugurated a new procedure of submission which consists in communicating the texts of Conventions and Recommendations adopted by the Conference to the Chairman of the Labour Committee of the National Assembly and requesting him to bring these texts before Parliament. A copy of the forwarding letter sent on 18 August 1954 by the Minister of Labour to the Chairman of the Labour Committee of the National Assembly was attached to the Government's letter giving this information. The Government indicated that the ratification of Conventions Nos. 102 and 103 did not appear possible at present. The Government stated that Recommendations Nos. 96 and 97 had also been communicated to the competent authorities of Morocco and Tunisia on 11 October 1954.

#### *Federal Republic of Germany*

Recommendations Nos. 96 and 97 were submitted on 13 December 1954 to the federal Cabinet for its decision, and for communication to the competent legislative authorities. These Recommendations, together with the Government's proposals, were tabled on 22 December 1954 before the Bundestag and the Bundesrat.

The Federal Republic of Germany has ratified Conventions Nos. 88 and 96.

#### *Haiti*

The texts of the Conventions adopted by the Conference are brought before and studied by the competent services of the Labour Bureau of the Institute of Social Insurance and by the Office for the Administration of Workmen's Garden Cities, which are technical bodies attached to the Department of Labour. This Department is the authority to be considered as the competent authority under the terms of article 19 of the Constitution of the International Labour Organisation.

#### *India*

The texts of Recommendations Nos. 96 and 97 were placed before Parliament in September 1953 as part of the report of the Indian Government delegation to the 36th Session of the Conference. A statement indicating the action taken or proposed to be taken by the Government on these two Recommendations was placed before Parliament on 23 December 1954. A copy of the document containing these proposals made by the Government was attached to the Government's letter giving this information.

#### *Iran*

The Ministry of Labour has taken the necessary measures with a view to submitting to the competent legislative authorities Recommendations Nos. 96 and 97. Supplementary information on the measures taken and the decisions made in this respect will be communicated in due course.

#### *Ireland*

Recommendations Nos. 96 and 97 have been submitted to Parliament and brought to the notice of the Government departments primarily responsible for the promotion of legislation in respect of the matters to which these Recommendations relate.

#### *Japan*

The Government states that Recommendations Nos. 96 and 97 were laid before the Diet on 26 December 1953 together with written explanations. So far the Diet has not taken any action as regards these Recommendations.

#### *Luxembourg*

Recommendations Nos. 96 and 97 have been submitted to the competent authority and to the occupational organisations. As regards Recommendation No. 96 the Government states that the minimum age for admission to employment is 16 years in the case of iron mines. In addition, young persons between 16 and 18 years may be employed on easy work only or on apprenticeship work subject to permanent supervision. Thus the provisions of the Recommendation as regards coal mines are applied in iron mines in Luxembourg. Consequently the Government would like to see Recommendation No. 96 made applicable to metallurgical mines in general.

As regards Recommendation No. 97, the Inspectorate of Labour and Mines has recently prepared draft regulations concerning health, hygiene and safety. These regulations contain specific provisions which coincide on the whole with the principles contained in the Recommendation.

#### *Mexico*

Recommendations Nos. 96 and 97 have been forwarded to the Secretary of Labour and Social Welfare and the I.L.O. will be kept informed of any steps which may be taken with regard to these Recommendations by the competent authorities of Mexico.

#### *Netherlands*

Recommendations Nos. 96 and 97 were laid before the States-General in a note of 5 October 1954 which indicated the Government's point of view

relating to these Recommendations. Copies of this document have been forwarded to the I.L.O.

#### *Norway*

Recommendations Nos. 96 and 97 were submitted to Parliament in a document dated 2 April 1954, a copy of which was forwarded to the I.L.O. On the basis of consultation with the Norwegian Joint Committee on International Social Policy and on the basis of written observations from the government departments concerned and following consultation with the employers' and workers' organisations, the Government recommended that Norway should declare its adherence to the principles contained in the two Recommendations. This proposal was adopted by Parliament and the Government has informed the Office that it accepts the principles contained in the two Recommendations.

#### *Pakistan*

Conventions Nos. 101, 102 and 103 and Recommendations Nos. 93, 94 and 95 were placed before the competent authority (the Constituent Assembly) on 21 July 1954. A statement was laid on the table of the legislature on this occasion giving the views of the Pakistan Labour Conference together with the Government's proposals. According to this statement Recommendation No. 94 alone could be accepted by Pakistan.

Recommendations Nos. 96 and 97 have been communicated to the Standing Labour Committee and will be submitted as soon as possible to the competent authority.

#### *Peru*

The Government communicated a note drawn up by the Ministry of Labour and Indigenous Affairs. This note enumerates the texts which regulate the questions dealt with in Recommendations Nos. 96 and 97.

#### *Philippines*

Recommendations Nos. 96 and 97 have been forwarded to the President of the Philippines for submission to Congress for its decision.

#### *Poland*

The application of the provisions of Recommendations Nos. 96 and 97 does not call for any legislative or other action, since the legislation and practice with regard to the matters dealt with in these Recommendations correspond fully with their provisions and even go further than these provisions on a certain number of important points.

#### *Sweden*

Recommendations Nos. 96 and 97 were brought before Parliament on 4 January 1954. As regards Recommendation No. 96, the competent Minister expressed the opinion that the existing Swedish legislation in the matter already met with the requirements of the Recommendation and that consequently no action was called for. As regards Recommendation No. 97, the Swedish legislation in this field provides workers, in all essentials, with the same protection as does the Recommendation. There are certain discrepancies on a few points between the Recommendation

and the corresponding legislation but they do not seem to be sufficiently important to call for any revision of the legislation. However, the Government proposes to examine in due time the possibility of providing that the medical examinations to which workers employed on work where there is a substantial risk to their health must submit, should not entail any expenditure for these workers. On 13 March 1954 Parliament accepted the Government's proposals. Copies of the various parliamentary documents have been forwarded to the I.L.O.

#### *Switzerland*

The Government has forwarded to the I.L.O. copies of a report presented by the Federal Council to the Federal Assembly with regard to the 36th Session of the Conference. The texts of Recommendations Nos. 96 and 97 were reproduced in the report, which also contained sufficiently detailed information on the legislation and practice respecting the questions dealt with in these two Recommendations.

On 14 March 1955 the National Council took note of the Federal Council's report, which will be communicated to the Council of States at the June session of the Federal Chambers.

#### *Turkey*

Recommendations Nos. 96 and 97 were to be submitted to the Grand National Assembly of Turkey in the course of the budgetary discussions for 1955.

#### *Union of South Africa*

Recommendations Nos. 96 and 97 were laid before the Executive Council, which declared on 16 November 1954 that the law and practice in the Union with regard to Recommendation No. 96 were in conformity with the provisions of this text and that the law and practice with regard to Recommendation No. 97 were not in full conformity with the provisions of this text but that the enactment of further legislation in regard to the subject matter of the Recommendation was not contemplated at this stage. The two Recommendations, together with a list of all Recommendations adopted to date, showing those accepted by the Union, were laid on the tables of both Houses of Parliament on 11 June 1954.

#### *United Kingdom*

Recommendations Nos. 96 and 97 were submitted to Parliament and published in December 1953 in a White Paper as part of the report of the delegates of the United Kingdom to the 36th Session of the Conference. The Government's proposals will, as usual, be laid before Parliament in a special parliamentary document, copies of which will be forwarded to the I.L.O.

#### *Uruguay*

In conformity with the provisions of article 19 of the Constitution of the I.L.O., the Ministry of Industry and Labour has tabled in the General Assembly a message recommending the acceptance of Recommendation No. 97.

Recommendation No. 96 deals with a question which is of no concern to Uruguay, since there are no coal mines in the country.

*Viet-Nam*

Conventions Nos. 101, 102 and 103 and Recommendations Nos. 93, 94 and 95 have been submitted for examination to the President of the Government, who holds and exercises the legislative power. Recommendations Nos. 96 and 97 were also submitted on 3 December 1954.

This information was supplemented by detailed data on the provisions of the legislation by which effect is given to these Conventions and Recommendations. As a rule, when revising legislation, the Government makes a point of basing itself on the provisions of these texts.

*Yugoslavia*

Recommendations Nos. 96 and 97 were submitted to the Executive Federal Council on 11 November 1954. The submission of these Recommendations was accompanied by proposals put forward by the National Yugoslav Committee for the International Labour Organisation proposing the acceptance of the Recommendations in question. The Council's decision will be communicated to the I.L.O. in due course.

# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-EIGHTH SESSION**  
**GENEVA, 1955**

**Third Item on the Agenda :**

## **INFORMATION AND REPORTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS**

**Report of the Committee of Experts on the Application  
of Conventions and Recommendations  
(Articles 19, 22 and 35 of the Constitution)**



**INTERNATIONAL LABOUR OFFICE**  
**GENEVA, 1955**

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**Price : \$2 ; 12s.**





# **INTERNATIONAL LABOUR CONFERENCE**

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**GENEVA, 1955**

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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 by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by Members of the International Labour Organisation upon the application by them of Conventions and Recommendations and to report thereon to the Governing Body met for its 25th Session in Geneva from 21 March to 2 April 1955.

2. The Committee noted with pleasure the decision of the Governing Body at its 127th Session (November 1954) to add two new members to the Committee by appointing Begum Liaquat Ali KHAN and Mr. Max SØRENSEN. Begum Liaquat Ali KHAN, who is Ambassador of Pakistan to the Netherlands, was formerly Professor of Economics at the Inderprastha College, Delhi University. Mr. SØRENSEN is Professor of International Law at Aarhus University.

3. The composition of the Committee is now as follows :

Mr. Grantley ADAMS, Q.C. (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 ; Member of the Permanent Court of Arbitration ; 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 ; President of the International Labour Conference, 1936 (21st Session) ;

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 (10th Session) ;

Dr. E. GARCÍA SAYÁN (Peru),

Assistant Secretary-General of the Inter-American Bar Association ; former Professor of Civil Law at the University of Lima ; former Minister of External Relations ;

Begum Liaquat Ali KHAN (Pakistan),

Ambassador to the Netherlands ; former delegate to the United Nations Assembly ; former Professor of Economics at the Inderprastha College, Delhi University ; Member of the Syndicate and Senate of Karachi University ;

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; Government member of the German Delegation to the sessions of the International Labour Conference till 1933; Chief of Division in the International Labour Office, 1933-34;

Mr. Max SØRENSEN (Denmark),

Professor of International Law at Aarhus University; Member of the European Commission on Human Rights; former member of the Human Rights Commission of the Economic and Social Council;

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 16 members the following were present at the session :

Mr. Grantley ADAMS,  
Baron Frederik M. VAN ASBECK,  
Mr. Paal BERG,  
Sir Atul CHATTERJEE,  
Mr. E. GARCÍA SAYÁN,  
Begum Liaquat Ali KHAN,  
Mr. H. S. KIRKALDY,  
Mr. Helio LOBO,  
Mr. Tomaso PERASSI,  
Mr. William RAPPARD,  
Mr. Friedrich SITZLER,  
Mr. Max SØRENSEN,  
Miss G. J. STEMBERG,  
Mr. Paul TSCHOFFEN,  
Mr. Charles E. WYZANSKI, Jr.

5. The Committee learned with regret that Mr. SCELLE was prevented by indisposition from attending the session.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Baron VAN ASBECK and Mr. ADAMS acted as Reporters on questions affecting non-metropolitan territories. Mr. SØRENSEN 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 and report to the Governing Body on 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 articles 22 and 35 of the Constitution on the application of Conventions to non-metropolitan territories;
- (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 three unratified Conventions and on two Recommendations selected by the Governing Body.

8. The volume of work assigned to the Committee continues to grow with the adoption and coming into force of additional Conventions, the registration of new ratifications and the receipt of further declarations concerning the application of Conventions to non-metropolitan territories. The number of Conventions now in force is 81. Ninety-six new ratifications were registered in 1954 and by the time of the meeting of the Committee the total number of ratifications had risen to 1,484. The number of new declarations affecting non-metropolitan territories received during 1954 was 130.

9. The Committee this year had before it a total number of some 3,700 reports and other items of information, submitted by governments under the various provisions of the Constitution referred to in paragraph 7 above. The reports on ratified Conventions included an unusually large number of first reports submitted by governments since ratification by them of

various Conventions. In accordance with previous decisions of the Committee, the International Labour Office submits to it particularly detailed analyses of these reports and documentation in relation thereto. As mentioned below, the Committee this year also undertook the second of its detailed five-yearly reviews of the effect given to Conventions in non-metropolitan territories. The resulting volume of work has severely taxed the available resources of the International Labour Office and in some measure delayed the preparations it has been able to make for the work of the Committee. Nevertheless, as in previous years, the Committee has been largely dependent for the fulfilment of the tasks assigned to it on the excellent work done by the Office in preparation for its meeting.

10. In its examination of the impact which decisions of the International Labour Conference have had on national law and practice, the first task of the Committee concerns the action taken by governments to submit Conference decisions to the competent national authorities. This matter is dealt with in detail in a later section of this report and in one of the appendices. The work of the Committee relates in the second place to examining the extent of conformity of national legislation with the terms of ratified Conventions. This has for many years been the main concern of the Committee and it also is dealt with in detail later in this report and in the appendices. Related thereto, however, is a task which, from the point of view of the realisation in practice of the objects of the International Labour Organisation, is of equal importance. This is the question of the extent of practical application in the various countries of the decisions of the International Labour Conference.

11. Examination of the extent of practical application of ratified Conventions would be greatly assisted if all governments would reply in detail to the questions on this subject which are contained in the report forms. These questions ask both for a general appreciation of the manner in which the Convention is applied and for detailed statistical and other information on its application. Governments are also requested to supply the texts of legal decisions on matters of principle relating to the application of the Convention. Too many governments fail to reply to these questions at all; an even larger number limit their replies to a mere statement that there has been no change since the date of the previous report. Such a reply is clearly unsatisfactory in relation to matters some of which by their very nature must change from year to year. When such a reply is repeated for many successive years it

deprives the Committee of all possibility of examining the extent of practical application at the present time. The Committee would therefore draw the attention of governments to the real importance of giving detailed, accurate and up-to-date information in reply to the questions in the report forms relating to practical application of ratified Conventions. The Committee hopes thereby to be able at future sessions to devote even greater attention to this fundamental aspect of its work.

12. The Committee has long held the view that one of the surest guarantees of effective enforcement of labour legislation lies in the existence of an efficient labour inspection service. It therefore welcomed the decision of the International Labour Conference in 1947 to adopt the Labour Inspection Convention. It has noted with interest the increasing number of ratifications of this Convention, which have now reached the figure of 21 and include ratifications from every part of the world. The number of States which have ratified, however, still represents less than one-third of the membership of the International Labour Organisation. A number of others may of course be prevented by constitutional or other reasons, rather than by a lack of efficient labour inspection services, from ratifying the Convention. The Committee hopes in any event that all governments which have not already done so will find it possible in the near future so to organise their labour inspection services as to provide guarantees of the practical application of the Conventions that they have ratified.

13. Governments are required by article 23, paragraph 2 of the Constitution to communicate to the representative organisations of employers and workers in their countries copies of the reports and information supplied to the International Labour Office in conformity with articles 19 and 22 of the Constitution. The great majority of governments clearly state in their reports that they have complied with this obligation and give the names of the organisations in question. Five Governments (Egypt, Hungary, Indonesia, Syria, Uruguay), however, do not indicate that they have communicated copies of their annual reports under article 22 to the representative organisations. One Government (Iraq) states that such organisations as exist in that country are not yet truly representative. Three Governments (Burma, Ceylon, Yugoslavia) do not indicate, in the case of certain of their reports under article 22, that they have communicated them to the representative organisations. Five Governments (Afghanistan, Colombia, Denmark, Finland, the Philippines) do not indicate that they have

communicated their reports under article 19 to the representative organisations. One Government (El Salvador) states that it has not yet been possible to comply fully with this obligation in respect of its reports under article 19. The Committee would draw the attention of the governments to the fundamental importance of the constitutional obligation to communicate the reports to the representative organisations.

14. Governments are also requested in their annual reports on ratified Conventions to state whether they have received any observations from employers' and workers' organisations on the practical application of the Conventions. The governments are invited to supply to the International Labour Office a summary of any such observations together with any comments which the government itself wishes to make regarding these observations. Three Governments (France: Conventions Nos. 87 and 98; Pakistan: Convention No. 87; United Kingdom: Convention No. 98) supply information on observations so made by trade unions. Most governments, however, state that they have received no such observations. The Committee finds it difficult in these circumstances to know whether this situation results from the fact that the great majority of employers' and workers' organisations throughout the world are entirely satisfied with the practical application within their countries of the Conventions which their governments have ratified, or whether they are unaware of or uninterested in the opportunity afforded to them of supplying information on the subject. It would be helpful to the Committee in arriving at a conclusion on that question if organisations which have no observations to submit did not merely remain silent but specifically so informed their governments and if the latter in turn were to transmit that information to the International Labour Office. Meanwhile, the Committee again noted with interest the statement in the reports of one Government (Australia) that it had specifically invited the representative organisations of employers and workers to submit comments or observations on the reports and had drawn their attention to the opportunity thereby afforded them "of participating in the supervision of the implementation of the relevant constitutional obligations". The Committee ventures to suggest that other governments may feel it appropriate to take similar action.

15. The examination of the impact which decisions of the International Labour Conference have had on national law and practice does not, however, end with the question of conformity of law and practice with ratified

Conventions. At each of its annual sessions since 1950 the Committee has been called upon to examine reports on a number of unratified Conventions and a number of Recommendations selected by the Governing Body. The purpose of these reports and of the examination of them by the Committee is twofold. They are intended to assess the effect which Conventions, even though not ratified, and Recommendations have had on national law and practice and so to gauge in some measure the effectiveness of the work of the International Labour Conference. They are also intended to assist in bringing to light difficulties which have prevented or delayed ratification of Conventions and acceptance of Recommendations and so to provide a guide for future action by the Conference. The Committee's conclusions resulting from its examination of the reports submitted to it this year are to be found later in this report.

16. In connection with the texts on which such reports will be called for in future the Committee has noted that the appropriate Committee of the Governing Body has decided to recommend the selection of two important Conventions (Labour Inspection Convention, 1947, and Freedom of Association and Protection of the Right to Organise Convention, 1948) on which reports have previously been requested. If the Governing Body approves this recommendation governments will be requested to report on these texts in 1956 and the reports will come before this Committee at its session in 1957. In the past a single standard form has been used in requesting reports on unratified Conventions whereas a special form containing questions specially adapted to the particular text has been used for ratified Conventions. The Committee suggests that the Governing Body in calling for second reports on these important texts might consider whether it would not better serve the purpose they are designed to achieve if special forms of report (not necessarily as detailed as would be appropriate for a ratified Convention) were prepared as a basis for the governments' replies.

### III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

#### (a) *Supply of Annual Reports*

17. The reports which came before the Committee this year related to the period 1 July 1953 to 30 June 1954. 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 1953-54 the governments were called upon to



supply a total of 1,175 annual reports in respect of the application of 78 Conventions then in force for 58 States. Up to the date of the present session of the Committee the Office had received 1,077 reports (i.e. 91.7 per cent.). A list showing the reports received, classified according to countries and Conventions, is given in Appendix I.C. There is also attached Appendix I.D, a table showing for each year since 1933 in which the Committee has met the number and percentage of reports requested 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.

18. The Committee is pleased to note that the proportion of reports received this year has again increased and is the highest ever received except for the year 1934-35. It should also be noted that this is a higher proportion of a much increased total number of reports requested. The Committee was disappointed, however, to note that up to 15 October 1954, the date by which reports had been requested, only 268 reports had been received. While many reports came to hand within a comparatively short time after the due date, the Committee would urge governments to make every endeavour to supply reports by the dates requested. Any long delay in their receipt can seriously impede preparations for the Committee's work.

19. Of the 58 countries called upon to supply reports 46 have submitted all those requested. On the other hand, no reports at all for the period 1953-54 have so far been received from five Members (Afghanistan, Albania, China, Guatemala, Liberia). For the first time since it withdrew from membership in 1938 reports have been submitted by Nicaragua on the Conventions it had ratified.

20. First reports due since ratification of the relevant Conventions were received from Belgium (Nos. 32, 69, 89, 94, 100); Brazil (No. 98); Bulgaria (Nos. 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 60, 62, 69, 77, 78, 79, 81, 88); Canada (No. 69); Ceylon (No. 63); Cuba (Nos. 14, 87, 88, 89, 90, 92, 94, 95, 97, 98); Czechoslovakia (Nos. 26, 34, 44, 45, 48, 52, 63, 88, 89, 90); Denmark (No. 92); Finland (No. 92); France (Nos. 69, 88, 92, 95); Greece (Nos. 29, 42, 52); Haiti (Nos. 30, 81); Iceland (No. 98); Ireland (Nos. 69, 89, 92); Israel (Nos. 5, 10); Italy (Nos. 39, 40, 42, 44, 45, 48, 52, 53, 55, 58, 59, 60, 69, 77, 78, 79, 81, 88, 89, 90, 94, 95, 97); Netherlands (Nos. 69, 94, 95, 96, 97); New Zealand (Nos. 84, 99); Norway (Nos. 69, 92); Pakistan (Nos. 96, 98);

Portugal (Nos. 69, 74, 92); Sweden (No. 92); Switzerland (No. 88); Turkey (Nos. 96, 98); Union of South Africa (No. 42); United Kingdom (Nos. 69, 74, 84, 86); Viet-Nam (Nos. 4, 5, 6, 13); and Yugoslavia (Nos. 45, 100). In view of the particular importance which it attaches to examination of the first reports submitted after ratification, the Committee particularly regretted that a number of first reports due since ratification have not been received from Guatemala and Mexico.

21. Voluntary reports (reports on Conventions which are not in force for the country concerned) were submitted by Argentina (Nos. 20, 35, 36, 53, 58, 71, 73, 77, 78, 79, 81); Belgium (Nos. 54, 57); Bulgaria (Nos. 54, 57, 71, 72, 73, 75); Mexico (Nos. 46, 54); New Zealand (Nos. 47, 61, 101); and Nicaragua (No. 20).

#### (b) *Examination of Reports by the Committee*

22. 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. As previously mentioned, the number of such reports which came before the Committee this year was particularly large, i.e. 123, and was almost three times as great as that received in any previous year. The Committee is grateful to the majority of the governments concerned for the care with which they have drafted these reports and for the detailed information which, as specially requested, they have supplied. The Committee has been able in most cases, as a result of its examination of these reports and of the analyses of them prepared by the Office, to satisfy itself that the national legislation is in substantial conformity with the ratified Conventions. Where necessary, however, the Committee has drawn attention to any discrepancies which appear to exist or has asked for further information where doubt arises in regard to compliance.

23. In making its detailed examination of the reports submitted by governments on ratified Conventions, the Committee continued its previous practice under which, in accordance with the scheme of 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 IN NON-METROPOLITAN TERRITORIES

##### *Introduction*

24. In 1954 the Committee had requested complete and detailed reports on the application of the Conventions in the non-metropolitan territories for the period 1953-54. On that occasion it had put forward a number of suggestions as to the information which the government reports should contain. These suggestions were intended, on the one hand, to simplify the task of the governments from whom it had requested these reports and, on the other, to enable the Committee to appraise more accurately the present position in the non-metropolitan territories and the progress achieved during the five-year period which has just ended.

25. Generally speaking, these reports had to deal with the application to all non-metropolitan territories of all Conventions ratified by the member States. They were also supposed to be drawn up, as far as possible, in accordance with the report forms adopted by the Governing Body, and when the Conventions were not applied or were applied subject to modifications made necessary by local conditions, the governments were also requested to state the nature of the local conditions which delay or render impossible the full or partial application of the Conventions in question.

26. Finally, the Committee had requested the governments to be good enough to indicate whether, during the period under review, it had been possible to carry out a new examination, taking account of any changes which might have occurred in local conditions, in order to determine (a) in cases where the Conventions had not yet begun to be applied, whether they could be applied at least partially; (b) in cases where the Conventions were already partially applied, whether they could be applied more fully.

##### *Presentation of Reports*

27. The Committee has noted with much satisfaction that, for the majority of the non-metropolitan territories, the way in which the reports have been presented has considerably improved over the past five years. Many reports contain not only all the information requested in the report forms drawn up by the Governing Body but also detailed information on the position in the territory. The Committee wishes to thank the governments which have been good enough to supply this information and have thus enabled the Committee to

have a better understanding of the problems arising at the local level which face the administrations in their efforts to secure more efficient protection for the workers by applying international labour Conventions. In this respect certain reports (Nyasaland, Tanganyika, Zanzibar) may be considered as models.

##### *Number of Reports Received*

28. Of the 3,314 reports requested for the five-yearly review of the position in the non-metropolitan territories, 2,419 reports, that is 73 per cent., were received in time for examination by the Committee, which hopes that the governments concerned will be good enough to supply, for the period 1954-55, the 895 reports which were not received this year, so that the Committee will also be able to assess the degree of application in the non-metropolitan territories of the Conventions to which these reports refer.

##### *Evolution of Non-Metropolitan Territories*

29. A study of the local conditions described in the reports and the analysis of the social legislation contained in them shows that the economic and political evolution undergone by the non-metropolitan territories since the end of the last war is manifested at the social level by concrete achievements the magnitude of which is astonishing. Naturally this evolution by no means takes place everywhere at the same pace: demographic, economic and climatic conditions vary so much from one territory to another that uniform results cannot reasonably be expected. Even within a single territory the possibilities of administration and supervision, and hence of the protection of the workers, vary greatly between the urban centres which are more or less industrialised and the rural districts in which the sparse population, being less developed, is more difficult to protect and is moreover less in need of protection than the individual who has been transplanted from his traditional environment.

##### *Variety in Status of Non-Metropolitan Territories*

30. The variety which is to be found in the evolution of social and economic development of the territories is also to be observed in their constitutional status, although the two movements do not automatically coincide. The conception of non-metropolitan territory as defined in article 35 of the Constitution of the International Labour Organisation is sufficiently

wide and flexible to embrace categories of territories of widely divergent constitutional status and for which it is impossible to determine accurately their degree of internal self-government. In this connection it is sufficient to mention, among the territories which can no longer be considered as non-self-governing, territories which, on the one hand, by virtue of the national constitution of the member State, form an integral part of the national territory of that State but to which the metropolitan legislation is not always automatically applicable; and, on the other, territories which enjoy complete internal self-government, including that of accepting or refusing the obligations laid down in an international labour Convention ratified by the Metropolis.

#### *Progress Achieved*

31. Whatever may be the respective state of the non-metropolitan territories as regards their economic, political or constitutional evolution, examination of their reports by the Committee reveals unquestionable progress in social legislation. If one excludes certain small isolated islands where economic development is still in its infancy but where nevertheless the elementary principles of social protection are assured, one realises that the social legislation in force in the great majority of territories is in no way behind that of certain States Members of the Organisation.

32. In 1948 the Committee had noted that the legislation mentioned in some reports did not apply to the indigenous populations of the territories under consideration and it had suggested to governments that they study the possibility of applying to the indigenous populations of these territories legislation which they did not enjoy at that time. This year the Committee has been particularly happy to see the progressive disappearance from local legislation of the special provisions limiting the protection of the indigenous populations and the adoption of measures applied without distinction to all the workers of the territories whatever their origin. It hopes that this tendency will continue and will be strengthened by the application of the standards and suggestions contained in the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which is due to come into force in a few months' time and upon which the governments concerned will be called upon to supply reports for the period 1955-56.

#### *Diversity in the Application of Conventions*

33. The diversity which can be observed in the economic and social development of terri-

tories is also of course to be found in the application of the international labour Conventions. Nevertheless, the difficulties of evaluation which the Committee naturally had to face in view of the extent of the research work involved were further accentuated by the limits imposed upon it by its terms of reference. In fact, the only source of information placed at its disposal was the various reports supplied by governments and the limits of the evaluation were naturally fixed by the number of reports and by the quality of these reports. Finally, the examination of the application of international labour Conventions cannot be effected in respect of non-metropolitan territories without emphasising that the Conventions on which reports may have been supplied by the different governments do not have the same importance and interest for all these territories. Thus, for example, Conventions such as the Sheet-Glass Works Convention, 1934 (No. 43), or the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49), which may have been ratified by the Metropolis and applied to the industries of this kind which existed there, can scarcely be applied to all non-metropolitan territories. Other Conventions, such as the maritime Conventions, cannot be applied to territories which have no access to the sea. Others again, such as the Conventions relating to social insurance, require for their application a sufficient economic development to ensure a solid financial basis, and a highly developed administrative organisation (in particular the existence of some means of registration of births and deaths established over a sufficiently long period) to assure their normal functioning.<sup>1</sup> But if one concentrates attention on the Conventions which may be considered as basic for the non-metropolitan territories, considerable progress can be recognised.

#### *Application of Basic Conventions*

34. The Conventions adopted by the International Labour Conference which may in general be considered as basic Conventions, more particularly as far as the non-metropolitan territories are concerned, may be split up into seven groups, as follows: (1) Conventions relating to forced labour, penal sanctions, recruiting, and long-term labour contracts; (2) Conventions concerning the protection of women and child-

<sup>1</sup> It should moreover be pointed out in this connection that these Conventions have received up to the present only a relatively small number of ratifications by member States. On the other hand, it appeared to the Committee that the acceptance of the Social Security (Minimum Standards) Convention, 1952 (No. 102), might perhaps be considered for certain territories.

ren; (3) Conventions concerning workmen's compensation for industrial accidents and occupational diseases, as well as equality of treatment for foreign workers in respect of compensation for accidents; (4) Conventions concerning hours of work, weekly rest and holidays with pay; (5) Conventions concerning minimum wage fixing machinery in industry and agriculture, and the protection of wages; (6) Conventions concerning the right of association of employers and workers and the settlement of labour disputes; and (7) Conventions concerning labour inspection.

(1) The first group consists of the Conventions which contain special conditions relating to the conditions of work which prevailed in the territories at the time when these Conventions were adopted: *forced labour, penal sanctions for breach of contracts of employment, recruiting, long-term labour contracts*. The social evolution which has taken place in the majority of territories has reached and even surpassed most of the provisions of the Conventions. Thus, forced or compulsory labour, as authorised under certain conditions by the Forced Labour Convention, 1930 (No. 29), has almost completely disappeared in the great majority of territories for which reports have been supplied. Only in the following territories is there still provision for forced labour for portage, cultivation of crops or public works as permitted under the Convention: New Guinea<sup>1 2</sup> and Papua<sup>1 2</sup> (Australia); Congo<sup>1 2 3</sup> and Ruanda-Urundi<sup>1 2 3</sup> (Belgium); Bechuanaland<sup>2 3</sup>, Fiji<sup>2</sup>, Gambia<sup>2</sup>, Kenya<sup>2</sup>, Nigeria<sup>1</sup>, Sarawak<sup>1</sup>, Sierra Leone<sup>1 2</sup>, Tanganyika<sup>1 2 3</sup>, Uganda<sup>1 2</sup> (United Kingdom). Finally in the following territories use is no longer made of provisions which provide for exaction of forced labour and these provisions will shortly be repealed: Federation of Malaya, Seychelles, Singapore, Zanzibar. With regard to penal sanctions, the progressive abolition of which is required by the Penal Sanctions Convention, 1939 (No. 65), in the great majority of territories for which reports have been supplied the provisions permitting the imposition of such sanctions in the case of breaches of contract of employment are no longer used, and the local administrations are determined to abolish them when the legislation and regulations at present in force are revised. Furthermore, save in a few exceptional cases, all penal sanctions for breach of contract by non-adult indigenous workers have been abolished as prescribed by Article 2 (2) of the Convention. The most striking illustration of the social evolution of

the great majority of non-metropolitan territories is undoubtedly given by the fact that all forms of recruitment in the sense in which this term is used in Convention No. 50 are progressively disappearing and at the same time the manpower of these territories is less and less ready to be bound by long-term contracts.

(2) The second group of Conventions which may be considered as basic consists of the Conventions ensuring the *protection of children and women*. Generally speaking the minimum ages fixed by the Conventions for admission to industrial and non-industrial employment have been laid down in the local legislation, which in certain cases even provides for a higher age of admission. In agriculture the minimum age prescribed is in some cases more than 14 years, but most of the reports indicate that the strict application of this rule is bound up with the problem of school attendance. Generally speaking it seems that the obligation imposed upon the employer by certain Conventions to keep a register containing the names of children below a certain age in his employment comes up against certain difficulties and often has not been incorporated in the local regulations. Finally in many cases the employment of young persons below the age of 18 years, when it is not completely forbidden, is subject to a preliminary compulsory medical examination. With regard to the protection of women, the prohibition of night work is becoming more and more general. As for the prohibition of underground work, in practically all territories where mines exist there is legislation to this effect. Finally, provisions for maternity protection as provided in the Convention of 1919 have made substantial progress and if, for the time being, in the majority of cases the allowance which has to be paid to the woman during her absence is still charged to the employer, most of the reports state that this is only a transitory measure pending the organisation of a system of pooling of contributions or insurance.

(3) *Workmen's compensation for industrial accidents and occupational diseases, as well as equality of treatment for foreign workers in respect of compensation for accidents*, constitute the third group of questions covered by the Conventions which may be considered as basic Conventions for non-metropolitan territories. In this field if, in the course of the period which has now terminated, little progress has been achieved, it is in general, and in British territories more particularly, because the legislation came into force before 1949. The efforts of the governments have thus consisted in ensuring a more complete application of these standards and in some measure in extending

<sup>1</sup> Portage.

<sup>2</sup> Cultivation of crops.

<sup>3</sup> Public works.

their application to agricultural labour, at least when it is employed in undertakings in which machinery is used. As for equality of treatment for foreign workers, progress has also been achieved in all the other territories and it should enable the governments responsible for the international relations of these territories to accept immediately or very shortly the obligations of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19). With regard to the Conventions concerning compensation for occupational diseases, the way in which their standards are applied naturally varies considerably according to the degree of industrialisation of each territory and according to the nature of their industries. It may however be noted with satisfaction that in nearly all cases in which workers are liable to become victims of these diseases, the local legislation and regulations ensure compensation equivalent to that provided in case of industrial accidents.

(4) A fourth group of basic Conventions consists of the Conventions dealing with *hours of work, weekly rest and holidays with pay*. An examination of the data available in respect of hours of work and a study of the legislative texts or regulations concerned, as well as extracts from labour department reports and collective agreements, copies of which were appended to some reports, have enabled the Committee to note that in nearly all non-metropolitan territories hours of work are being progressively reduced and that, while the application of the standards laid down by hours of work Conventions is not provided for by local regulations, it is nevertheless assured within the framework of collective agreements. With regard to weekly rest, the Committee has been able to satisfy itself that it is generally applied in all the territories which have submitted reports on this question and that, if the adoption of certain measures of application and methods of control still appear necessary, the situation is on the whole comparable to that which exists in the member States which have ratified the Weekly Rest (Industry) Convention, 1921 (No. 14). Finally, in nearly all the territories the legislation in force, or collective agreements, contain clauses providing for a certain number of days of holiday with pay, which varies according to the length of service of the worker, and the provisions in this connection closely resemble those established by the Holidays with Pay Convention, 1936 (No. 52).

(5) The Conventions concerning *minimum wage fixing machinery in industry and agriculture*, and the *protection of wages*, constitute the fifth group of international labour Conventions which may be considered as basic. With regard to

the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), it appears from the reports which have been supplied for nearly all of the non-metropolitan territories that the local administrations have at their disposal effective machinery for the fixing of wages in which, in conformity with the Convention, employers and workers participate in the fixing of wages. Very often also these methods are not limited to the fixing of wages in industry as provided by the Convention, but extend to the fixing of wages of all categories of wage earners, including agricultural wage earners. With regard to the Protection of Wages Convention, 1949 (No. 95), the reports received concern French non-metropolitan territories only, and these have enabled the Committee to note that in the majority of cases the application of all the provisions of this Convention is assured by the local legislation. The Committee has reason to believe that if more reports on the application of this Convention had been communicated to the International Labour Office in time, it would have had the satisfaction of finding that the standards laid down by the Convention with regard to the protection of wages were incorporated in the local legislation of nearly all the non-metropolitan territories; this would appear, from the reports on other Conventions, to be the case.

(6) This year for the first time the Committee has been able to examine the information supplied by the governments on the Conventions concerning the *right of association* of employers and workers and the *settlement of labour disputes* in non-metropolitan territories. In fact, the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) having come into force at the beginning of the period 1953-54, reports on the application of this Convention were supplied for all British and New Zealand non-metropolitan territories. Moreover the Danish and French Governments had communicated reports on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) which has been declared applicable to the majority of the non-metropolitan territories of these States, and the French Government has also communicated reports on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Committee has already had occasion several times to draw the attention of governments to the fundamental importance which it attaches to these Conventions. It feels that what it already has had occasion to emphasise with regard to member States is equally valid for non-metropolitan territories and it has had the great satisfaction of finding

that, subject to certain adjustments which may appear necessary in some cases, the standards established by the International Labour Organisation for guaranteeing to employers and workers the right of association, for ensuring the representation of the economic interests of both groups in collective bargaining and their collaboration in the settlement of labour disputes, are incorporated in the legislation of all non-metropolitan territories whose reports the Committee has been able to examine.

(7) Finally, it was also the first occasion granted to the Committee to have before it a picture of the whole organisation of *labour inspection* services in non-metropolitan territories. In view of the fundamental importance which must be attached to the organisation of these services, without which labour legislation often runs the risk of remaining a dead letter, the Committee has not limited itself to examining the information supplied by governments on the application of the Labour Inspection Convention, 1947 (No. 81), but has also set out to find, in the different reports supplied on the application of other Conventions, indications given by the governments, in conformity with the report form adopted by the Governing Body, on the organisation of inspection and supervisory services. Here again, the Committee is convinced that the organisation of labour inspection services, in the great majority of territories, is in harmony with the provisions of the different Conventions adopted by the Conference and it feels sure that an examination of the reports which will be submitted in coming years as a result of the coming into force of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), will confirm this first impression.

#### *Reports on the Application of Maritime Conventions*

35. The reports on the application of the maritime Conventions indicate that in most territories the metropolitan legislation is applicable but that in fact it is not susceptible of practical application in all the territories where up to the present time there are no vessels registered locally. The Committee would be grateful if the governments concerned would state in their reports: (1) whether the existing legislation is sufficient to apply the provisions of the maritime Conventions concerning minimum age or medical examination, for example in cases where vessels registered in the metropolitan country concerned were to recruit part of their crew in the territory; (2) whether, in the event of a vessel being registered in the territory, the existing legislation would be

applicable to it and would be sufficient to ensure the application of the standards laid down in the Convention.

#### *Information on Practical Application*

36. This rapid review of the results which have been achieved during the last five years with regard to the conformity of local legislation and regulations with the standards laid down in the Conventions would not be complete without some reference to the problem of their practical application. In this field also the Committee has in many cases observed great progress and it has noted with satisfaction that, to an ever increasing extent, the reports supplied contain statistical or other information which enable it to see that the regulations are in fact applied. Nevertheless, the Committee considers that great progress can still be achieved in this field. It hopes that, now that labour inspection services have been set up, governments will henceforth be able to supply more numerous and more exact details in this connection. For that reason it appeals to all governments responsible for non-metropolitan territories to ensure that the period of adoption of legislation and of organisation of services shall be followed by a period in which the governments will endeavour in particular to ensure more complete practical application of the legislative measures which they have adopted. The Committee hopes that, during the coming years, governments will be good enough to respond to this appeal and will endeavour to supply in all their reports all the data on practical application (statistics, extracts of inspection reports, legal decisions, etc.) which are requested in the report forms established by the Governing Body.

#### *Communication of Reports to the Local Organisations*

37. On this point also the Committee is pleased to note the progress which has been achieved. More territories than in the past have in fact appreciated the importance which the communication of the annual reports of the governments has for the organisations of employers and workers of the territory. The Committee hopes not only that this practice will be continued, but that it will become universal, and that the territories in which there are no organisations which are sufficiently representative will adopt the practice followed in some territories where, in the absence of representative organisations, the reports are communicated to local tripartite bodies which are consulted by the administrations with regard to all labour questions. Finally, the Committee

notes with interest that some reports take account of the observations made by employers' and workers' organisations with regard to the legislation and regulations giving effect to the Conventions. The Committee sincerely thanks the governments which have communicated this information and hopes that whenever the manner in which the Convention is applied gives rise to observations on the part of the local employers' and workers' organisations concerned, the governments will be good enough to mention these in their reports, adding any comments which they consider necessary.

*Chart on the Application of Conventions  
in Non-Metropolitan Territories*

38. In 1953 the Committee had appended to its report a document prepared by the International Labour Office giving a summary of all the formal declarations communicated by governments on the application of Conventions to non-metropolitan territories, and of the extent of the obligations assumed by the member States for or on behalf of non-metropolitan territories (Appendix VII of the Committee's 1953 report).

39. As a result of the publication of this document some members of the Conference Committee on the Application of Conventions and Recommendations (36th Session, 1953) had 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 I.L.O. in non-metropolitan territories".<sup>1</sup> It was with a view to avoiding any erroneous interpretation that the Committee in 1954 had declared its intention of preparing a document which would indicate how the Conventions were in fact applied in the non-metropolitan territories.

40. Thus the Committee has this year presented a chart (Appendix V) in which are shown, side by side for each territory and for each Convention, the formal declarations which have been communicated and the degree of application of the Convention as far as the Committee has been able to ascertain it from the reports supplied by the governments during the last five years.

41. The Committee has already emphasised the considerable progress which it has noted in the application of Conventions in the different

non-metropolitan territories. With regard to this progress the chart in question only shows where it has been most substantial. It is self-evident that the preparation of such a document has demanded a considerable amount of work from the reporters on non-metropolitan territories and from the Office and that it is possible that some errors may have slipped in. The Committee therefore urgently requests the governments of member States responsible for the international relations of non-metropolitan territories to be good enough to check the indications which appear in the chart and to mention, when communicating the reports for the next period, any corrections which they consider necessary, at the same time taking care to supply all available information which will enable the Committee to take account of these suggestions.

42. When drawing up the chart the Committee made every effort to include as much information as possible. It is, however, evident that such a chart cannot, without losing its practical value, contain all indications which might appear desirable. Thus, for example, the same typographical symbol has been used every time that the governments themselves indicated that no provision giving effect to the Convention exists in the local legislation. This occurs in widely divergent situations—

because the Convention is inapplicable for geographical reasons (as in the case of maritime Conventions in territories which have no sea coast)<sup>1</sup>;

because the work or undertakings covered by the Convention in question do not exist in the territory (Conventions concerning agricultural workers in territories where there is no agricultural undertaking, the Convention concerning underground work by women in the many territories where no mines exist, the Conventions concerning hours of work in sheet-glass and glass-bottle works);

because the government feels that the degree of economic and social development of the territories does not yet admit of the Convention being applied (this is the case of the social insurance Conventions in many territories);

finally, because the degree of social development reached by the territory renders the majority of the provisions contained in the Convention unnecessary (the case of Conventions concerning recruiting of indigenous labour in the territories where "recruiting" no longer exists).

<sup>1</sup> Cf. International Labour Conference, 36th Session, Geneva, 1953: *Record of Proceedings* (Geneva, I.L.O., 1954), Appendix VI, p. 366.

<sup>1</sup> In this case, however, an asterisk appears beside the name of the territories which have no sea coast.



43. It is obvious that all these indications could not be recorded in the chart. The Committee therefore wishes to emphasise the fact that this document should always be interpreted with caution and as far as possible in conjunction with the summaries of reports supplied by the governments which are published each year by the International Labour Office and laid before the Conference. Finally, the Committee wishes to emphasise the special position of non-metropolitan territories for whose international relations federal States are responsible.

#### *Information Used*

44. Information used in the preparation of this document comes exclusively from the reports supplied *since 1949* by the different governments responsible for non-metropolitan territories, that is to say—

(1) reports supplied by the governments under article 22 of the Constitution on the application of *ratified* Conventions to non-metropolitan territories where the subject-matter of the Conventions is not within the self-governing powers of the territory (article 35, paragraph 1 of the Constitution);

(2) reports supplied by the governments under paragraph 6 of article 35 of the Constitution on the application of Conventions, *whether ratified or not*, which have been the subject of a declaration of acceptance as provided in paragraphs 4 and 5 of article 35 as well as reports supplied under paragraph 8 of article 35 on *ratified* Conventions;

(3) reports supplied by the governments on *unratified* Conventions in respect of which, during the five-year period which has just terminated, the Governing Body requested member States to report under article 19 of the Constitution, in so far as the information supplied in these reports was sufficiently detailed to enable the Committee to obtain a sufficiently accurate idea of the way in which the legislation of the territories in question gives effect to these Conventions.

#### *Ratifications and Declarations Registered since the Last Session of the Committee*

45. The Committee also notes that two of the Conventions adopted by the Conference in 1947 concerning non-metropolitan territories will shortly come into force: the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) has so far been ratified by Belgium, France, New Zealand and the United Kingdom;

the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) has been ratified by Australia, Belgium, France and the United Kingdom. In addition, the Committee notes the ratification by Belgium and by France of the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), which had been ratified previously by New Zealand and the United Kingdom.

46. Furthermore, the Committee notes the constant and regular increase in the number of declarations of application or acceptance communicated to the Director-General of the International Labour Office: during the period under review, Australia has declared the Underground Work (Women) Convention, 1935 (No. 45) to be applicable without modification to New Guinea and Papua, and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) to be applicable, subject to certain modifications, to the above-mentioned two territories, and inapplicable to Norfolk Island, while the Government reserved its position as regards the application of the last-named Convention to Nauru; Belgium has declared the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27), and the Night Work (Women) Convention (Revised), 1948 (No. 89) applicable without modification in the Belgian Congo and Ruanda-Urundi, and the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) applicable, subject to certain modifications, to the same territories; Denmark declared Conventions Nos. 6, 11, 14, 15, 16, 19 and 87 applicable without modification, and Conventions Nos. 5 and 6 applicable subject to certain modifications, to Greenland; France declared the Forced Labour Convention, 1930 (No. 29) now applicable without modification to its territories, as well as Conventions Nos. 84 and 85 to its overseas territories, and Convention No. 82 was also declared applicable, subject to certain modifications, to the same territories; Italy has communicated a declaration accepting, on behalf of the Trust Territory of Somaliland, the obligation contained in Conventions Nos. 4 and 45 without modification, and Nos. 3 and 42 with modification; finally, New Zealand declared the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) applicable, subject to certain modifications, to the Cook Islands and Tokelau, while the Government reserved its position as regards the application of this Convention in Western Samoa.

47. The Committee thanks the governments which were good enough to communicate these declarations of application. It hopes that further progress in this connection will be made



and that the governments concerned will communicate to the Director-General of the International Labour Office declarations which will bring obligations assumed into line with actual law and practice.

48. Finally, as it had already done in 1953, the Committee wishes to draw the attention of the governments to the importance as far as the application of the Conventions to non-metropolitan territories is concerned, of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83), as modified by the Instrument of Amendment of 1948, which as yet has been ratified by the United Kingdom only and which is not yet in force. As the Committee had already pointed out, this Convention does not itself contain any substantive provision and in fact constitutes an instrument of declaration of application or acceptance for non-metropolitan territories of the Conventions which are reproduced in the Schedule thereto. It should therefore enable the member States which are not in a position to ratify these Conventions, either because of their constitutional position (federal State), or because in their national territory the application of equally advanced social standards is already assured by collective agreements, to undertake nevertheless, for their non-metropolitan territories, the obligations contained in these Conventions.

#### V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

49. As it has done each year since this question was included in its mandate by the Governing Body, the Committee examined the information supplied by the member States in application of article 19 of the Constitution on the measures taken to bring before the competent authorities the Conventions and Recommendations adopted by the Conference. The new information requested this year related to the submission of the Recommendations adopted by the Conference at its 36th Session (1953), for which the maximum period of 18 months laid down by article 19 of the Constitution has expired. In addition, the Committee noted supplementary information supplied by the member States on the measures they have taken to bring before the competent authorities the Conventions and Recommendations adopted by the Conference at previous sessions, namely the 31st Session (1948) up to and including the 35th Session (1952); finally, the Committee noted the replies and supplementary informa-

tion which member States communicated in response to individual observations which it made in its previous report.

50. Between the end of the last session of the Committee and the beginning of its present session, of the 66 member States which constituted the International Labour Organisation in 1953, 54 States supplied information on these questions. These are: Afghanistan, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, the Federal Republic of Germany, Greece, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Libya, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Poland, Portugal, El Salvador, Sweden, Switzerland, Syria, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States of America, Uruguay, Venezuela, Viet-Nam and Yugoslavia.

51. The Committee wishes to thank these Governments for the information which they have supplied. It has noted with satisfaction that, generally speaking, the information is presented much more clearly than in the past and that some governments have already based the presentation of the information on the special Memorandum relating to submission adopted by the Governing Body. The Committee expresses the hope that in future the other member States will also base the presentation of information on this Memorandum.

52. The Committee has also been happy to note that a larger number of States than in the past have communicated to the Office, in order to supplement the information which they supplied, either the report of their national delegation to the Conference, or parliamentary documents containing proposals submitted by the government to the competent authorities concerning the measures which it proposes to take in respect of each Convention and Recommendation. The Committee is sincerely grateful to these governments which, in response to its appeal, have thus added to the information at its disposal and expresses the hope that the other governments will likewise supplement the information by communicating these documents.

53. While the Committee has noted with satisfaction that undoubted progress has been made in the manner of presenting information, there is, nevertheless, room for improvement in many cases. For example, some governments do not always indicate clearly whether the submission of the Conventions and Recom-

mendations to the competent authorities was accompanied by proposals or what these proposals were. Moreover, it appears that some governments are still doubtful as to who in fact is the competent authority. In this respect the Committee can only refer to the indications which it gave in its previous reports and to those which are reproduced in the Memorandum adopted by the Governing Body and which may be summarised as follows: as used in article 19 of the Constitution, the "competent authority" is the national authority which is invested with the power of enacting legislation on the subject-matter of each international labour Convention and Recommendation.

54. With regard to the federal States which consider that under their constitutional system the Conventions and Recommendations adopted by the Conference are appropriate, in whole or in part, for action by the constituent states, provinces, or cantons, the Committee notes that up to the present very little information has been supplied with regard to the measures taken under paragraph 7 (b) (ii) of article 19 of the Constitution to arrange for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations. The Committee would be grateful if the States concerned would, when they inform the Director-General of the International Labour Office of the measures taken to bring the Conventions and Recommendations before the appropriate federal, state, provincial or cantonal authorities, supplement this information by indicating whether it has been possible to arrange for periodical consultations with a view to promoting co-ordinated action to give effect to the provisions of the Conventions and Recommendations.

55. The Committee has again this year made certain detailed observations on the information received from governments and has in certain cases requested supplementary information. These observations and requests will be found in Appendix III. This Appendix also includes two tables. The first shows the position of the individual States with regard to the submission to the competent authorities of the Conventions and Recommendations adopted since the 31st Session of the Conference (1948). The second table gives statistics on the position of the member States as a whole with regard to the obligation laid down in article 19 to bring the decisions of the Conference before the competent authority.

56. From the first of the two tables reproduced in Appendix III it will be seen that, while last year 22 States had fulfilled all their obligations, this year 24 States, namely Afghanistan, Austria, Burma, Canada, Ceylon, Denmark, Finland, France, the Federal Republic of Germany<sup>1</sup>, Iceland, India, Ireland, Japan<sup>2</sup>, Luxembourg, the Netherlands, Norway, the Philippines, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, Viet-Nam<sup>3</sup> and Yugoslavia, have taken measures to bring before the competent authority all the decisions adopted by the Conference since its 31st Session. In addition, three States (New Zealand, Pakistan and Thailand) have fulfilled the same obligation for all the Conventions and Recommendations adopted up to and including the 35th Session. Finally, Belgium and Cuba have submitted all the Conventions and Recommendations adopted by the Conference to their competent national authorities, with the exception of three Conventions in the case of the first of these two States and of one Convention and three Recommendations in the case of the second.

57. The second table shows how the number of States which have taken measures to bring the decisions of the Conference before the competent authorities within the time limits prescribed by article 19 of the Constitution increases each year. Thus, this year the analysis of the information received shows that the following 28 States have brought before their competent authorities the two Recommendations adopted by the Conference at its 36th Session (1953); Afghanistan, Austria, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Ecuador, Finland, France, the Federal Republic of Germany, Iceland, India, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Philippines, Poland, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, Viet-Nam and Yugoslavia. In addition, one country, Uruguay, has brought before the competent national authorities one of the two Recommendations adopted by the Conference at its 36th Session.

58. Finally, if the results appearing in the second table do not justify exaggerated optimism, which would certainly be premature, they do nevertheless indicate continuous progress since, on the one hand, as the Committee has already emphasised, the number of States

<sup>1</sup> The Federal Republic of Germany became a Member of the Organisation at the 34th Session (1951).

<sup>2</sup> Japan was readmitted as a Member of the Organisation after the closure of the 34th Session (1951).

<sup>3</sup> Viet-Nam became a Member of the Organisation at its 33rd Session (1950).

which submit the decisions of the Conference within the time limits prescribed by article 19 increases each year and, on the other, a large number of States are progressively fulfilling their obligations by bringing before their competent national authorities the decisions adopted by the Conference at its previous sessions. The Committee is pleased to note this continued progress and considers it a proof that fulfilment by the States of their obligations under article 19 of the Constitution does not offer any insuperable obstacle. In expressing its satisfaction at the progress made, the Committee nevertheless considers it necessary to address a new appeal to those States, and they are still too many, which are a long way from having taken all the measures provided in article 19 of the Constitution, and particularly to the 13 following States which since 1948 have not submitted any of the Conventions and Recommendations which they were under an obligation to submit : Albania, Argentina, China, Costa Rica, Ethiopia, Indonesia, Lebanon, Liberia, Libya, Panama, Peru, El Salvador and Venezuela. It wishes to remind them that on becoming Members of the International Labour Organisation they freely accepted all the obligations laid down by the Constitution of that Organisation, of which the obligation to bring before the competent national authorities the Conventions and Recommendations adopted by the Conference must be considered as fundamental.

## VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

### (a) *Supply of Reports*

59. This year is the sixth 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 for this year related to age for and conditions of employment of young persons in non-industrial occupations, as follows : Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60) ; Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) ; Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79) ; Medical Examination of Young Persons Recommendation, 1946 (No. 79) ; Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80). It was understood that the information to be given as regards Recommendation No. 79 should be

limited to matters concerning medical examination for fitness for employment in non-industrial occupations.

60. Governments were requested to send in their reports concerning the Conventions and Recommendations in question before 1 July 1954.

61. The total number of reports requested was 317. The total number received by the time the Committee met was 178, i.e. 56 per cent. A table showing in detail the number of reports supplied by the various governments will be found in Appendix IV.B.

62. The proportion of reports received this year shows a slight improvement on previous years but it is still unsatisfactory and represents a much smaller proportion than the reports received in regard to ratified Conventions. The incomplete information resulting from the smaller number of reports received renders it all the more difficult to draw conclusions from them and so to fulfil the purpose which these reports were designed to achieve. The Committee would, therefore, again remind governments that the obligation to submit these reports as called for by the Governing Body is a binding obligation arising from the Constitution of the Organisation.

### (b) *Examination of Reports by the Committee*

63. 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 general conclusions which were approved by the Committee as a whole will be found in Appendix IV.A.

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64. The Committee is sincerely grateful to the members of the staff of the International Labour Office who were concerned with the preparation of the material for the session of the Committee and who were associated with the Committee in its work during the session. Without their help and their specialised knowledge and skill which they placed freely at the disposal of the Committee it would have been impossible for the Committee to have completed its task.

Geneva, 2 April 1955.

(Signed) P. TSCHOFFEN,  
Chairman.

H. S. KIRKALDY,  
Reporter.

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*Lebanon :*

Appendix III. A.

*Liberia :*

Appendix I. B, No. 29.  
Appendix III. A.

*Libya :*

Appendix III. A.

*Luxembourg :*

Appendix I. B, No. 19.

*Mexico :*

General Report, paragraph 20.  
Appendix I. A ; and B, Nos. 6, 8, 9, 13, 17, 22, 26, 27, 32, 42, 53, 55, 62, 63.  
Appendix III. A.

*Netherlands :*

Appendix I. B, Nos. 17, 19, 26, 48, 63, 81, 87, 94, 95, 96, 97.  
Appendix II. A ; and B, No. 81.

*New Zealand :*

Appendix I. B, Nos. 59, 60.  
Appendix II. A ; and B, Nos. 14, 29.

*Nicaragua :*

Appendix I. A.

*Norway :*

Appendix I. B, Nos. 8, 14, 26, 63, 69, 95.

*Pakistan :*

Appendix I. B ; Nos. 1, 87, 89, 90, 96, 98.  
Appendix III. A.

*Panama :*

Appendix III. A.

*Peru :*

Appendix I. A ; and B, Nos. 24, 35, 37, 39.  
Appendix III. A.

*Poland :*

Appendix I. B, Nos. 2, 22, 24, 25, 35, 36, 37, 38, 39, 40, 62, 77, 78, 79.  
Appendix III. A.

*Portugal :*

Appendix I. B, Nos. 69, 74, 92.  
Appendix II. A.  
Appendix III. A.

*El Salvador :*

Appendix III. A.

*Sweden :*

Appendix I. B, Nos. 8, 29, 96.

*Switzerland :*

Appendix I. B, Nos. 6, 19, 26, 88.

*Syria :*

Appendix I. A ; and B, No. 89.  
Appendix III. A.

*Thailand :*

Appendix III. A.

*Turkey :*

Appendix I. B, Nos. 2, 81, 88, 96, 98.  
Appendix III. A.

*Union of South Africa :*

Appendix I. B, No. 63.  
Appendix II. A.

*United Kingdom :*

Appendix I. B, Nos. 19, 26, 94, 98.  
Appendix II. A ; and B, Nos. 29, 50, 64, 65, 84, 86.

*United States :*

Appendix II. A.  
Appendix III. A.

*Uruguay :*

Appendix I. A ; and B, Nos. 3, 4, 5, 6, 7, 17, 18, 22, 23, 24, 25.  
Appendix III. A.

*Venezuela :*

Appendix I. B, Nos. 2, 3, 22, 26.  
Appendix III. A.

*Viet-Nam :*

Appendix I. B, Nos. 5, 6, 13.

*Yugoslavia :*

Appendix I. B, Nos. 4, 8, 14, 27, 100.

## APPENDICES

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### APPENDIX I

#### OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION CONCERNING ANNUAL REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

##### A. General Observations

*Afghanistan.* The Conference Committee had received an assurance from the Government representative in 1954 that information would be supplied in response to the observations which the present Committee had had occasion to make as regards Conventions Nos. 4, 13 and 41. In the absence of any reports from this country, the Committee can only express the hope that the information in question will be forthcoming at an early date.

*Albania.* In view of the undertaking given by the Government representative to the Conference Committee in 1954 that the Government would communicate its reports in good time, the Committee notes with regret that once again Albania has not submitted its annual reports. No such reports have been received since 1939 and the Committee expresses the hope that the Government will find it possible in future to comply with its obligation under article 22 of the Constitution.

*Bulgaria.* The Committee took note with great interest of the 25 First Reports communicated by the Government. While these reports contain a considerable amount of information they are not drawn up in accordance with the forms of annual report approved by the Governing Body, and no information is therefore available in many cases concerning the effect given to the individual articles of a Convention. The Committee has indicated below the cases where such additional information is necessary in order that the extent to which the Convention in question is given effect to may be ascertained, and expresses the hope that the Government will find it possible to supply these particulars in its next reports.

The Committee also ventures to draw the Government's attention to the absence from its reports of any data on the practical application of Conventions, such as statistics of workers covered, of violations, of penalties, etc. As the forms of annual reports also call for the supply

of such data, the Committee hopes that next year's reports will contain full information in this respect also.

*China.* The Committee notes with regret that the Government has again been unable to submit annual reports on the Conventions ratified by China.

*Colombia.* The Committee wishes to thank the Government for the information it was good enough to supply in this year's reports in reply to the various observations made by the Committee and by the Conference in recent years. Comments on this additional information will be found below under the Conventions concerned.

The Committee wishes to draw attention, however, to the absence of any information whatever on practical application, and trusts that the Government will find it possible in future reports to supply such information in accordance with the terms of the forms of report approved by the Governing Body.

*Cuba.* The Committee took note with interest of the ten First Reports submitted by the Government which are discussed below under the Conventions concerned. It regrets, however, that these reports were received only within a few days of the opening of the Committee's session, and that the reports on all the other Conventions ratified by Cuba are very summary in character and do not, except in a few isolated instances, contain any information on their day-to-day application. The Committee hopes that next year's reports will, as in the past, be drawn up in accordance with the forms approved by the Governing Body.

*Czechoslovakia.* The Committee had before it the Government's reports for the period 1951-53 which had been referred to it by the Conference Committee in 1954. The reports for the period 1953-54, on the other hand, were

received just before the opening of the Committee's present session. The Committee's observations which are given under the various Conventions below, therefore cover the period 1951-54.

The Committee ventures, however, to draw the Government's attention to the fact that almost no information on practical application is given in these reports. It trusts that this shortcoming will be made good in future reports, and that these will be communicated within the time limit prescribed by the Governing Body so as to enable the members of the Committee to examine them with all the care they deserve.

*Egypt.* The Committee notes with regret that despite the undertaking given by the Government representative to the Conference Committee in 1954, this year's reports again fail to indicate whether copies have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2 of the Constitution. The Committee hopes that the Government will find it possible in future to comply with this important constitutional provision.

*Finland.* The Committee notes that the reports submitted by the Government contain very little information on the practical application of the Conventions ratified by it. It would be glad if the Government would supply such information in future, as requested in the forms of annual report.

*Hungary.* The Committee ventures to draw attention to the fact that the reports, which are the first received since 1948, do not contain all the information requested in the forms of report and in particular do not give any data on the practical application of the Conventions. The Committee hopes that the Government will find it possible to prepare its future reports in accordance with the forms and will indicate in them whether copies have been communicated to the representative organisations of employers and workers, as laid down in article 23, paragraph 2 of the Constitution.

*Indonesia.* The Committee notes with regret that despite the undertaking given by the Government representative to the Conference Committee in 1954 the reports again fail to give any information whatever on the practical application of the four Conventions by which Indonesia is bound, nor do they specify whether copies of these reports have been communicated to the representative organisations of employers and workers.

The Committee trusts that the Government's next reports will reply in full to the various questions contained in the forms of report, thus showing in particular whether effect has been given to article 23, paragraph 2, of the Constitution.

*Ireland.* The Committee notes that the reports submitted by the Government contain very little information on the practical application of the Conventions ratified by it. It would be glad if the Government could supply such information in future as requested in the forms of annual report.

*Mexico.* The Committee notes with great regret that all the reports with the exception of one (on Convention No. 26) again repeat word for word the information given in previous years and do not in any way reply to the numerous observations made by the Conference and by the Committee.

In these circumstances, the Committee finds it necessary to draw attention to the serious situation which has thus arisen and which, if perpetuated, would endanger the very basis of the system of mutual supervision set up by the International Labour Organisation in order to ascertain whether the governments give effect to the Conventions they have freely ratified. The Committee ventures therefore to address an urgent appeal to the Government of Mexico to supply the additional information required by the Committee in order to carry out its task.

*Nicaragua.* This is the first year since its withdrawal from the International Labour Organisation in 1938 that the Government has supplied the reports on the application of the 30 Conventions ratified by Nicaragua in 1934. The reports indicate that while substantial effect is given to some of these Conventions many discrepancies remain in other cases between the international standards and the provisions of the national legislation.

The Committee notes the Government's statement that continued progress is being made in the field of labour protection, and in particular that the Government is receiving expert assistance in the field of social security. In these circumstances the Committee looks forward to the Government's next reports, which it hopes will be drawn up in accordance with the forms of report and will, as indicated by the Government, contain statistical information on the application of the various Conventions by which Nicaragua is bound.

*Peru.* The Committee took note with interest of the new information contained in several of the Government's reports. Since these reports do not, however, contain any reply to the various observations and requests for additional information made in 1950, 1951 and 1954, the Committee hopes that the particulars asked for will be given at an early date.

The Committee also ventures to draw the Government's attention to the fact that the reports on seven of the Conventions ratified by Peru (Nos. 1, 4, 11, 14, 19, 41, 45) have not been received, since 1951, in time for examination by the Committee.<sup>1</sup> It hopes that the Government will find it possible to supply these reports for the next period within the time limit prescribed by the Governing Body.

*Syria.* The Committee wishes to draw the Government's attention to article 23, paragraph 2, of the Constitution which provides that copies of the report must be communicated to the representative organisations of employers and workers.

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<sup>1</sup> These reports arrived during the session and the Committee was therefore unable to examine them

*Uruguay.* The Committee took note with interest of the steps taken by the Government to enact the Act of 22 October 1954 to establish a legal system of penalties for violations of the Conventions ratified in 1933.

The Committee ventures to draw the Government's attention, however, to the absence of information on practical application, and hopes

that this omission will be made good in future reports.

The Committee also hopes that the Government will find it possible to indicate in future whether the reports have been communicated to the representative organisations of employers and workers, as laid down in article 23, paragraph 2 of the Constitution.

## B. Observations and Requests for Supplementary Information on the Application of Conventions

### *Convention No. 1: Hours of Work (Industry), 1919.*

Number of reports requested : 24.

Number of reports received : 21.

Reports not received : 3.

(*Rumania, Peru<sup>1</sup>, Spain.*)

*Bulgaria* (ratification : 14.2.1922). The Committee has examined with interest the Government's report and the relevant provisions of the Labour Code of 1951. It notes that the Code provides for the application of a number of its provisions by means of ordinances and, since the application of the Convention cannot be clearly estimated until all this information has been submitted, the Committee hopes that the Government will indicate in its next report the contents of any ordinances issued in respect of sections 40, 41, 42, 43, 44, 48, 49 and 81 of the Labour Code, all of which relate directly to the Articles of the Convention.

*Burma* (ratification : 14.7.1921). The Committee would be grateful if the Government would indicate in its next report whether any rules have been made under section 57 (1) of the Factories Act, 1951, extending its application to building operations, to works of engineering for the purpose of commercial, economic or industrial undertakings, or to lines or sidings which are not part of a railway line or tram line.

The Committee would also be glad if the Government would forward to the Office the regulations which may have been adopted under the Oil Fields (Labour and Welfare) Act.

*Colombia* (ratification : 20.6.1933). The Committee has examined with interest the reply to the observations made by the Conference Committee and noted with particular care the relevant provisions of the Labour Code of 1950, as amended. It hopes that the Government will be good enough to supply detailed information on the following points.

Article 2 of the Convention. Section 158 of the Labour Code provides that the ordinary daily hours of work shall be the number agreed upon by the parties or, where there is no agreement, the maximum number permitted by law. The Committee would be glad to know whether "the number agreed by the parties" is subject to the legal maximum of eight hours per day prescribed by section 161 of the Code.

Article 6. The Committee draws the attention of the Government to Article 6, paragraph 1 of the Convention, which requires that regulations made by the public authority shall determine the permanent exceptions which may be allowed in complementary work and for classes of workers whose work is essentially intermittent, and would be glad to know whether any workers other than those employed in certain mines (section 333 of the Code) and chauffeur-mechanics are considered as engaged in essentially intermittent work.

The Committee wishes to know whether the employers' and workers' organisations concerned were consulted before the relevant regulations were made, in conformity with Article 6, paragraph 2 of the Convention.

Article 7. In reply to an observation made respecting the list of processes classified as necessarily continuous under Article 4 of the Convention (a list which must be communicated to the International Labour Office in virtue of Article 7), the Government states that work on the whole is considered to be continuous. The Committee cannot agree with this view and points out that the Government is required to supply a list of the processes which benefit from the exceptions authorised for what is described as uninterrupted work in section 166 of the Code. The Committee would also be glad if the Government would supply the information requested under this Article concerning the working of any agreements made in virtue of Article 5 of the Convention.

Article 8. The Committee was interested to know that provisions relating to the records of additional hours referred to in Article 8, paragraph 1 (c) of the Convention had to be included in the Rules of Employment (section 108 of the Code). It notes, however, that only undertakings employing more than ten workers are required to draw up such rules, and it would be glad to know how the questions dealt with in Article 8 are settled with regard to smaller undertakings.

The Committee would also be glad to know under what provisions it is made an offence to employ persons outside the notified hours, as laid down in Article 8, paragraph 2 of the Convention.

Finally, the Committee expresses the hope that the Government will add to its next report information on the practical application of the relevant legislation, particularly the information requested under point VI of the form of report.

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.



*Czechoslovakia* (ratification : 24.8.1921). The Government's last detailed report, supplied for the period 1946-47, referred under Article 5 of the Convention to Act No. 87/1947, which authorised modifications of the hours of work for economic reasons or in the public interest. The Committee would be glad if the Government would indicate whether this Act is still in force and if such exceptions are authorised, and would be so good as to supply, in its next report, full information on such exceptions, showing the industries and classes of workers covered (Article 7 (b) of the Convention, point III of the form of report).

The Committee would be glad if the Government's next report would give a list of the processes now classified as being necessarily continuous in character under Article 4 of the Convention, as well as full information on the regulations at present in force, which determine temporary and permanent exceptions under Article 6 (Article 7 (a) and (c) of the Convention).

*Dominican Republic* (ratification : 4.2.1933). The Committee notes the Government's statement that the observations made last year were being examined and that the International Labour Office would be informed of the conclusions reached by the Government in this connection.

The Committee recalls that it had made the following comments on the Government's previous report :

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.

The Committee therefore hopes that the Government will be able to indicate in its next report what decisions have been reached with regard to these observations and how it proposes to give effect to the various provisions referred to therein.

*Greece* (ratification : 19.11.1920). The Committee has studied with interest the report submitted by Greece on this Convention. It notes that, following up the assurance given by the Government representative to the Conference Committee in 1954 that the Government intended to take steps to apply the Convention to railway workers, the Government now furnishes the following information in its report : There is still an unfavourable balance in the running of railways and consequently any change would overload the national budget which is already burdened by numerous items and more particularly by those relating to the completion of the major electrification works and the setting up of basic industries on which both the economical development of the country and the improvement in the standard of living of the Greek people depend. In spite of the existing difficulties and in collaboration with the other competent Ministries a decision has been taken concerning the examination of a project by which the eight-hour working day will be progressively applied to the categories of railway workers which are not at present so protected. The Government would be pleased if this project could be brought to a head at an early date.

The Committee is glad to hear that steps are being taken to apply the eight-hour working day to those railway workers not yet covered by this provision and hopes that the matter will be actively pursued until all the provisions of the Convention are applied to the workers in question.

*Haiti* (ratification : 31.3.1952). The Committee thanks the Government for the useful information supplied with regard to the practical application of the Convention. However, it draws the Government's attention to a number of points and would be grateful if it would include the relevant supplementary information in its next report.

The Act of 1948 contains no provisions defining its scope ; the Committee would be glad to know whether the Act applies to all the categories of industrial undertakings listed in Article 1 of the Convention.

The Committee notes that the Act authorises additional hours of work, since it lays down in section 1 that overtime must be paid for at time-and-a-half rates. It would therefore like to know in what cases such overtime is permitted and, in particular, whether use is made of the exceptions authorised under the following

provisions of the Convention : longer hours of work in the case of accident, *force majeure*, etc. (Article 3) ; longer hours of work in the case of processes which must be carried on continuously (Article 4) ; permanent exceptions in the case of preparatory or intermittent work (Article 6 (1) (a)) ; and temporary exceptions in the case of pressure of work (Article 6 (1) (b)).

If use is made of the exceptions authorised under Articles 3 and 6 of the Convention, the Committee would be glad to know whether the law or regulations prescribe the form of records of additional hours worked which the employer must keep (Article 8 (1) (c)).

Finally, the Committee would be grateful if the Government would forward with its next report a copy of the Act of 15 September 1947 concerning the registration of undertakings.

*Israel* (ratification : 26.6.1951). The Committee notes that the Government has not supplied any information in its report on the observation made by the Committee at its previous session and expresses the hope that the Government will indicate in its next report the hours worked in the processes which are required to be carried on continuously (Article 4 of the Convention) and the steps taken to ensure the implementation of sections 25 and 32 of the Hours of Work Act, 1951 (Article 8 of the Convention).

*Pakistan* (ratification : 12.6.1921). The Committee took note of the decision of the industrial tribunal in the dispute between the Eastern Bengal Railway and the Eastern Pakistan Railway Employees' League. The Committee presumes that, as indicated in the Government's report for 1952-53, the question of the application of the hours of employment regulations to the running staff on the railways can now be taken up again and it would be glad if the Government would keep it informed of any developments in this field.

#### *Convention No. 2: Unemployment, 1919.*

Number of reports requested : 32.

Number of reports received : 29.

Reports not received : 3.

(*Greece*<sup>1</sup>, *Rumania*, *Spain*.)

*Bulgaria* (ratification : 14.2.1922). The Committee notes that manpower registration offices, governed by the ordinance published on 8 June 1954, are now in existence. It would be glad to know whether these replace the employment offices mentioned in the Government's report for 1948-49 and whether they can be considered as "a system of free public employment agencies" in conformity with Article 2 of the Convention. It would also be glad to know whether committees including representatives of employers and workers have been appointed to advise on matters concerning the carrying on of these agencies.

The Committee points out that the form of report requests information, under Article 2 of

the Convention, on the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such agencies. It hopes that this data will be included in the Government's next report.

*Colombia* (ratification : 20.6.1933). The Committee takes note with much interest of the steps taken by the Government with a view to implementing the Convention. It would, however, like to draw the Government's attention to the following points.

Article 1 of the Convention. The Committee hopes that the Statistical Office set up in virtue of the decree of 1954 will be able to start providing the information requested under this Article in the near future.

Article 2. The Committee would much appreciate it if the Government would indicate, in accordance with the form of report, the number of free employment agencies set up in virtue of the recent legislation on this subject, as well as the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by these agencies.

Finally, the Committee points out that Article 2 of the Convention also provides that committees should be appointed to advise on the working of these agencies ; it would be glad to know what steps the Government has taken to ensure the implementation of this provision.

*Hungary* (ratification : 1.3.1928). The Committee took note with interest of the Government's report. However, it was unable to establish to its satisfaction whether there is still in Hungary a system of free public employment agencies under the control of a central authority, as required by Article 2 of the Convention. If such a system does exist, the Committee would be glad to have (a) information concerning the committees set up to advise on matters concerning the activities of these agencies, (b) data concerning the number of free employment agencies set up, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such agencies, and (c) a list of the legislation and regulations now in force with regard to free public employment agencies.

*Poland* (ratification : 21.6.1924). The Committee would be glad if the Government would indicate in its next report, in conformity with the form of report, the number of free employment agencies set up, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such agencies.

*Turkey* (ratification : 14.7.1950). The Committee thanks the Government for the statistical information concerning the activities of the employment service. It notes with interest that the Government proposes to communicate this information henceforward every three months

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

to the I.L.O. and that the proposals of an I.L.O. technical assistance expert now in Turkey will be taken into consideration for improving the employment statistics.

The Committee expresses its appreciation of the steps taken by the Government to bring into force regulations providing for the setting up of advisory committees as required under Article 2 of the Convention.

*Venezuela* (ratification : 20.11.1944). The Committee notes that the Government is awaiting the final report of the I.L.O. Advisory Manpower Mission before taking steps to set up free public employment offices throughout the country and to regulate the working of advisory committees. It expresses the hope that the Government will be able to indicate in its next report what steps have been taken to ensure the full application of the relevant provisions of the Convention.

*Convention No. 3: Maternity Protection, 1919.*

Number of reports requested : 18.

Number of reports received : 16.

Reports not received : 2.

(*Rumania, Spain.*)

*Brazil* (ratification : 26.4.1934). The Committee expresses its appreciation of the detailed information given concerning the amount of maternity benefits paid out by the insurance funds for different branches of activity.

As regards Article 3 of the Convention, the Committee notes the Government's statement that the Bill on social insurance which provides that the maternity benefits will be borne exclusively by the appropriate social insurance institution is still being discussed by Parliament. The Committee hopes again that this new measure will soon become effective and ensure compliance with the provisions of the Convention.

*Bulgaria* (ratification : 14.2.1922). The Committee notes that, according to the legislation in force, all women wage or salary earners are entitled to a period of leave starting 30 days before confinement. However, Article 3 (b) of the Convention lays down that a woman shall have the right to leave her work if she produces a medical certificate stating that her confinement is likely to take place within six weeks.

The Committee also takes note of the statement contained in the report to the effect that "any woman wage earner or salaried employee, who nurses her child *until it is 8 months old*, is entitled to a rest period of one hour twice a day, or two consecutive hours, without loss of wages", whereas Article 3 (d) of the Convention stipulates that a woman "shall in any case, *if she is nursing her child*, be allowed half an hour twice a day during her working hours for this purpose".

The Committee hopes that the Government will be able to take the necessary steps to bring national legislation into conformity with the above-mentioned provision of the Convention.

*Chile* (ratification : 15.9.1925). The Committee notes that, as the committee which was entrusted with the revision of the Labour Code has not yet completed its work, the position remains unchanged as regards the application to women salaried employees of Article 3 (d) of the Convention. On the other hand, the Committee notes with satisfaction that section 307 of Act No. 11462 of 29 December 1953 (the text of which is appended to the report) amends the provisions of the Labour Code relating to maternity protection and makes these provisions applicable to all women employees and workers in the service of any employer (including homeworkers) and in general to all women who are members of welfare funds or auxiliary bodies.

The Committee would be grateful, therefore, if the Government would be good enough to state whether the provisions of Act No. 11462 of 29 December 1953 affect Part III of the Labour Code, and whether section 318 of Part III of the Code, relating to crèches for mothers who nurse their children, are now applicable to both workers and employees.

*Colombia* (ratification : 20.6.1933). The Committee took note of the information given by the Government on the Bill now in preparation to govern the conditions of public service, and is glad to note that the draft is in agreement with the provisions of the Convention as regards the duration of maternity leave and nursing breaks. The Committee hopes that the above-mentioned regulations will be adopted at an early date and that similar measures may soon be applied to all categories of women workers and that it will thus be possible to remove the discrepancies existing between the national legislation and practice on the one hand and the Convention on the other.

*France* (ratification : 16.12.1950). The Committee took note of the detailed information given in 1954 by the Government representative to the Conference Committee in respect of the observations made in 1952, 1953 and 1954 on the subject of section 54, paragraph (c) of Book II of the Labour Code establishing nursing breaks. According to this information a Bill has been drafted in order to amend current legislation to bring it into conformity with the Convention. This year's annual report contains no additional information. The Committee expresses the hope that the above-mentioned Bill will soon be adopted and will come into force without delay.

*Federal Republic of Germany* (ratification : 31.10.1927). The Committee studied with interest the written information submitted in 1954 to the Conference Committee and the comments given in the annual report in reply to the observations made last year. It noted with satisfaction that the Government intends to introduce amendments to its legislation in order to adapt it to Convention No. 3 (Article 3 (c) and (d)) or, if appropriate, to Convention No. 103. It would be grateful if the Government could keep it informed on the measures taken in this respect.

*Greece* (ratification : 19.11.1920). The Committee would be grateful if the Government could give definite information on the following point. The report states that women are entitled to absent themselves from work during maternity leave "without this being considered as a reason for cancelling the labour contract". The Committee would be glad to learn whether the protection provided by this provision is identical with that in Article 4 of the Convention, and in particular whether the prohibition of cancelling the labour contract also applies in the case of an extension of leave arising from sickness due to pregnancy or confinement.

The Committee takes note with satisfaction of the information given by the Government delegate to the Conference Committee in 1954, and contained in the annual report of the Government, according to which the social insurance scheme set up by the I.K.A. (Social Insurance Institute) covers the whole national territory with the exception of a few small areas, and is being extended from year to year. It notes, however, that the Government omits to append a table showing the extension of the I.K.A. insurance scheme to various areas during 1953-54, although it stated that this table had been so appended. It therefore would be glad if the Government would be good enough to arrange for this information to be enclosed with the report for next year.

*Hungary* (ratification : 19.4.1928). The Committee took note of the information given in the report and requests the Government to be good enough in its next report to give copies of the legislative texts mentioned in its report, namely Decree of the Council of Ministers No. 1004 of 1953, Legislative Decree No. 25 of 1953 and Regulation No. 2 of 1952 of the Central Council of Trade Unions. It would also be glad if the Government could supply a general description of the manner in which the Convention is applied in Hungary.

*Italy* (ratification : 22.10.1952). The Committee wishes to thank the Government for the written information given in 1954 to the Conference Committee and for the comments contained in this year's report in reply to the observations made last year by the Committee.

As regards the provision of the Italian Act laying down that for certain categories of women wage earners maternity allowance is to be paid by the employer directly and at his own expense, the Government states that this provision is of limited scope since it refers only to women working as salaried employees or the equivalent, a category which comprises only 10 per cent. of the total women workers protected. The Government adds that the "experience acquired in the application of this rule during the past 30 years has shown that the system laid down for professional employees not only creates no difficulties whatever, but in addition makes for a quicker and more appropriate method of paying benefits. Moreover this is a category of workers whose employment relations are characterised primarily by an element of confidence, which is such as to eliminate any fears of preferential treatment of male, as against women, workers."

The Committee, however, draws the attention of the Government to the fact that, according to Article 3, paragraph (c) of the Convention, the maternity allowance is to be paid out of public funds or by means of a system of insurance and that this provision applies to all women covered by the Convention. It hopes that the Government will soon be in a position to take the necessary measures to adapt national legislation to the requirements of the Convention in this respect.

The Committee notes with interest the provisions in force concerning women employed in undertakings belonging to the State, to the regional, provincial or communal authorities, or to other public bodies. It also notes the reasons governing withholding of allowance from certain women workers entitled to maternity leave and the fact that the Italian Insurance Institute has proceeded to the revision of cases ineligible for benefit, which will bring about recognition of certain cases formerly excluded.

*Uruguay* (ratification : 6.6.1933). The report states that the ratification of Convention No. 103 implies the denunciation of Convention No. 3. However, the Committee points out that this is not the case and that until the Government has denounced Convention No. 3 it remains bound by its provisions.

*Venezuela* (ratification : 20.11.1944). The Committee thanks the Government for the information given to the Conference Committee and in its annual report in reply to the observation made by the Committee at its last meeting on the five-year plan for the systematic extension of compulsory social insurance. It would be grateful if the Government could keep it informed of the results achieved in this field.

#### *Convention No. 4: Night Work (Women), 1919.*

Number of reports requested : 24.

Number of reports received : 19.

Reports not received : 5.

(*Afghanistan, Albania, Peru<sup>1</sup>, Rumania, Spain.*)

*Bulgaria* (ratification : 14.2.1922). The report states that, according to section 117 of the Labour Code, the occupations in which overtime and night work are prohibited "shall be specified" by a special ordinance. The Committee would be grateful if the Government would be good enough to supply the text of any ordinance promulgated under the above-mentioned section of the Labour Code.

The Committee would also be glad if the Government would supply information regarding the measures taken to give effect to the various Articles of the Convention and state whether the employment of women is prohibited at night in industrial undertakings (Articles 1, 2 and 3 of the Convention).

See also under General Observations.

*Burma* (ratification : 14.7.1921). With reference to previous observations, the Committee

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

notes with interest that no contraventions were reported in certain rice mills which were suspected of employing women in the parboiling of rice and that the necessary warnings were issued.

*Chile* (ratification : 8.10.1931). With reference to previous observations, the Committee notes with interest that a number of Conventions, including the Night Work (Women) Convention (Revised), 1948 (No. 89), are to be submitted to the National Congress with a view to ratification.

The Committee would be glad to be informed of the progress made in this respect, but ventures to point out that the ratification of Convention No. 89 involves the denunciation of Convention No. 41 but that the Government will remain bound by the provisions of Convention No. 4 until this Convention has been denounced.

*Colombia* (ratification : 20.6.1933). The report states that the prohibition of night work for women would seriously prejudice the economic situation of a number of families with inadequate means. The Committee points out that the Convention strictly prohibits the employment of women by night.

The Committee refers to previous observations and would be glad to have information regarding the progress made with the Bill (referred to by the Government representative at the Conference Committee in 1951) to prohibit night work for all workers.

*Czechoslovakia* (ratification : 24.8.1921). The Committee takes note of the following information supplied by the Government in its reply to the observations made by the Committee in 1953 on the report for 1950-51.

In virtue of Executive Notice No. 342 of 1951 (issued for the purpose of applying Government Ordinance No. 19 of 1951), women over 18 years of age (excluding pregnant women and mothers of children under 6 years of age) may be employed during the night, in cases where it is necessary to replace day shifts by night shifts in order to secure "the regular transport of workers to their place of work" or to ensure "supplies of electricity, gas or steam".

The Committee draws the attention of the Government to the observations which it made in 1953 when it pointed out that Convention No. 4 does not authorise exceptions in the cases referred to above.

*France* (ratification : 14.5.1925). The Committee took note of the statement made by the Government representative to the Conference Committee in 1954, to the effect that the procedure for the denunciation of Convention No. 4 was pending but must follow the regular parliamentary procedure. The Government representative also stated that, as the Convention had been ratified in pursuance of an Act, its denunciation must also be authorised by an Act.

The Committee ventures to express the hope that the necessary legislation will be enacted at an early date.

*Uruguay* (ratification : 6.6.1933). The Government states that the ratification of Convention No. 89 involves the immediate denunciation of Convention No. 4. The Committee would like to point out that the ratification of Convention No. 89 involves the immediate denunciation of Convention No. 41, and not of Convention No. 4. Consequently, unless the last-named Convention has been formally denounced, the Government remains bound by its provisions.

*Yugoslavia* (ratification : 1.4.1927). The Committee notes from the information supplied by the Government representative to the Conference Committee in 1954 and reproduced in this year's report that the draft decree concerning labour relations adapted to the economic system of the country will be replaced by a Labour Bill which will also regulate labour relations in general and will include the provisions necessary to ensure the application of the Convention. The Committee expresses the hope that the Government will soon be in a position to take the necessary measures in this respect.

#### *Convention No. 5: Minimum Age (Industry), 1919.*

Number of reports requested : 31.

Number of reports received : 28.

Reports not received : 3.

(*Albania, Rumania, Spain.*)

*Bulgaria* (ratification : 14.2.1922). The Committee thanks the Government for the new information given on application of the Convention. It notes that the Labour Code contains no provision prescribing in conformity with Article 4 of the Convention that "in order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of 16 years employed by him and of the dates of their births". Accordingly, the Committee would be grateful if the Government could specify what measures it envisages to overcome this deficiency. Furthermore, the Government's report contains no information on the practical application of the Convention.

The Committee expresses the hope that the next report of the Government will give more details on these matters.

*Colombia* (ratification : 20.6.1933). The Committee is obliged to make the same observations as for 1954, since the Government has failed to give any explanation in its annual report of proposed measures to forbid the employment of children aged less than 14 years.

The Committee would further be glad to learn (as already indicated to the Government in 1951) the measures taken to apply Article 4 of the Convention prescribing that every employer in an industrial undertaking is required to keep a register of all persons under the age of 16 years employed by him, and of the dates of their births.

*Israel* (ratification : 23.12.1953). The Committee thanks the Government for the detailed information supplied in its first report on the application of the Convention. It would be grateful if the Government could include in its next report further information on the manner in which the Convention is applied, and state, in particular, if the regulations under consideration which are intended to give effect to Article 4 of the Convention have been issued.

*Uruguay* (ratification : 6.6.1933). The report states that the ratification of Convention No. 59 implies the denunciation of Convention No. 5. However, the Committee points out that this is not the case and that until the Government has denounced Convention No. 5 it remains bound by its provisions.

*Viet-Nam* (ratification : 6.6.1953). The Committee thanks the Government for the information supplied in its first report on the application of the Convention. It notes, however, that the requirements respecting the maintenance of registers appear to be limited to workshops and workrooms operated by orphanages and charitable institutions, and would point out that the provisions of Article 4 of the Convention require the maintenance of such registers in all industrial undertakings in the country.

*Convention No. 6: Night Work of Young Persons (Industry), 1919.*

Number of reports requested : 31.

Number of reports received : 27.

Reports not received : 4.

(*Albania, Mexico, Rumania, Spain.*)

*Bulgaria* (ratification : 14.2.1922). The Committee takes note of the information supplied by the Government and ventures to draw the attention of the Government to the following points.

The Labour Code contains no provision prohibiting the night work of young persons between 16 and 18 years of age, whereas Article 2 of the Convention applies to all young persons under 18 years of age.

The legislation does not provide for a rest period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m., as provided for in Article 3, paragraph 1.

See also under General Observations.

*Hungary* (ratification : 19.4.1928). The Committee takes note with interest of the information given in the report, but ventures to draw the attention of the Government to the following points.

The report states that young persons between 16 and 18 years of age are allowed to work at night provided that there is no express medical prohibition, whereas the Convention authorises the employment of young persons under 18 years of age only in the exceptional cases provided for in Articles 2 and 4.

The Labour Code does not provide that the term "night" signifies a period of at least 11 consecutive hours including the interval between 10 p.m. and 5 a.m., as laid down in Article 3, paragraph 1 of the Convention.

The Committee would be glad if the Government would be good enough to supply the text of Legislative Decree No. 25 of 1953, which was promulgated to amend the Labour Code. It would also be grateful if in its next report the Government would give a general appreciation of the manner in which the Convention is applied in Hungary (extracts from reports of labour inspection services, number of workers covered by the legislation and number and nature of contraventions reported).

*India* (ratification 26.4.1936). See under Convention No. 90.

*Mexico* (ratification : 20.5.1937). As the Government has supplied no report for this year, the Committee reiterates the observation which it made in 1954. Therein it had pointed out that until the Government has formally communicated to the Director-General of the International Labour Office the denunciation of the Convention, the Government remains bound by the latter and is required to supply an annual report in accordance with the provisions of article 22 of the Constitution of the International Labour Organisation.

*Switzerland* (ratification : 9.10.1922). The Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1954, and reproduced in this year's report, regarding the effect given to the circular sent out by the Federal Department of Public Economy to the cantonal authorities concerning the night work of bakers' apprentices.

The Committee notes that the Government will forward, in due course, the reports from the cantons on the application in 1952 and 1953 of the Act relating to the employment of young persons and women in arts and crafts.

*Uruguay* (ratification : 6.6.1933). The Government states that the ratification of Convention No. 90 involves *ipso jure* the denunciation of Convention No. 6. However, the Committee fails to understand the grounds on which this view is based. It would point out that Convention No. 6 remains in force for Uruguay unless it has been formally denounced by the Government.

*Viet-Nam* (ratification : 6.6.1953). The Committee thanks the Government for the detailed information supplied in its first report, which shows that—apart from the points dealt with below—the provisions of the Convention are given effect to.

Article 2 of the Convention. The Minister of Labour is empowered to issue orders authorising certain industries in which raw materials or goods subject to rapid deterioration are treated, to make temporary exceptions to the prohibition of night work for young persons. The report adds that exceptions have been made so far in connection with the tinned-food and the preserved-fish industries. However, the Committee points out that paragraph 2 of this Article authorises the employment of young persons over 16 years of age only in certain industrial



undertakings (manufacture of iron or steel, etc.) on work which, by reason of the nature of the process, is required to be carried on continuously day and night.

Article 4. Section 172 of the Labour Code provides that young persons may be employed, during one day, beyond the statutory hours of work, in the case of urgent work which calls for immediate action to prevent imminent damage, etc. However, Article 4 of the Convention provides that exceptions may be made only in the case of young persons between the ages of 16 and 18 years.

The Committee ventures to hope that the Government will be able to take steps to remove these divergences between the provisions of the national legislation and the Convention.

*Convention No. 7: Minimum Age (Sea), 1920.*

Number of reports requested : 31.

Number of reports received : 28.

Reports not received : 3.

(*China, Rumania, Spain.*)

*Bulgaria* (ratification : 16.3.1923). The Committee takes note with interest of the information contained in the report. However, as no provision appears to be contained in the Labour Code to give effect to the provisions of Article 4 of the Convention (register of all persons under 16 years of age employed on board), the Committee would be grateful if the Government would be good enough to state in its next report what legislative provisions ensure compliance with this Article of the Convention.

The Committee would also be glad if in its future reports the Government would be good enough to supply the detailed information required under each point of the report form adopted by the Governing Body.

*Ceylon* (ratification : 2.9.1950). With reference to the observations which it made in 1954, the Committee notes with satisfaction that the national legislation applies to all seagoing vessels as defined in the Convention.

The Committee notes that the report for last year stated 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. As the report for this year on Convention No. 15 states that no young persons under 18 years of age are employed on board vessels in any capacity, the Committee presumes that the above-mentioned measure as regards Convention No. 7 is taken as a precaution only.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the additional information supplied in the report for 1952-53, which contained in an appendix a copy of the Internal Labour Regulations of the Grand Colombian Merchant Navy. However, the Committee would be glad if the Government would be good enough to specify the legislative provisions which give effect to the following articles of the Convention.

Article 2, which prohibits the employment of children under 14 years of age on board vessels, other than vessels upon which only members of the same family are employed.

Article 4, which requires every shipmaster to keep a register of all persons under 16 years of age, or a list of them in the ship's articles, and of their dates of birth.

*Uruguay* (ratification : 6.6.1933). The report states that the ratification of Convention No. 58 involves the denunciation of Convention No. 7. However, the Committee ventures to point out that this is not the case and that until the Government has formally denounced Convention No. 7 it remains bound by its provisions. The Committee would be grateful if the Government would be good enough to supply information in its next report regarding the application of this Convention.

*Convention No. 8: Unemployment Indemnity (Shipwreck), 1920.*

Number of reports requested : 28.

Number of reports received : 26.

Reports not received : 2.

(*Rumania, Spain.*)

*Argentina* (ratification : 30.11.1933). The report states that there are no new provisions regarding the subject matter of the Convention. The Committee therefore refers to previous observations and would be glad if the Government would supply information regarding the progress made to adopt amending legislation (which was under consideration in 1954) to eliminate the discrepancies between section 1004 of the Commercial Code (in the case of loss or confiscation or shipwreck seamen may not claim any wages, etc.) and Article 2, paragraph 2 of the Convention.

*Bulgaria* (ratification : 16.3.1923). The Committee takes note with interest of the information supplied in the report. However, as it is not possible to form an opinion, on the basis of the information contained in the report or on an analysis of the provisions of the Labour Code, as to the extent to which the Convention is applied, the Committee would be grateful if the Government would be good enough to state under what legislative provisions the various Articles of the Convention are applied.

The Committee would also be glad if in its future reports the Government would be good enough to supply the detailed information required under each point of the report form adopted by the Governing Body.

*Ceylon* (ratification : 25.4.1951). See under Convention No. 7.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the information contained in the report, but would be glad if the Government would be good enough to specify the provisions of the national legislation which give effect to Article 2 of the Convention (payment of at least two months' unemployment indemnity in the case of shipwreck).

*Mexico* (ratification : 20.5.1937). The Committee refers to the information supplied by the Government in writing to the Conference Committee in 1952, to the effect that the provisions of the Convention were sufficient to enable any seaman to claim the benefit due in case of shipwreck, in virtue of the decree which gave the Convention force of law in Mexico. However, in the report for this year, the Government again states that the shipowner bears the responsibility for paying the indemnity to the seaman but only when the ship is insured and the insurance is paid. As stated by the Government in previous reports, the relevant provisions of the Federal Labour Code are not in conformity with the provisions of Article 2 of the Convention.

The Committee would be glad if the Government would supply detailed information regarding cases in which seamen have received indemnities in accordance with Article 2.

*Norway* (ratification : 21.7.1936). The Committee notes that section 41, paragraph 3, of the new Seamen's Act (which came into force on 1 January 1954) lays down that a seaman who is a Norwegian citizen or is resident in Norway shall be entitled to wages from the shipowner in case of shipwreck.

However, as the Convention applies to all seamen, irrespective of their nationality, the Committee would be glad if the Government would be good enough to state which provision of the legislation ensures that the indemnity shall be paid to all seamen (Article 2) whatever their residence or nationality.

*Sweden* (ratification : 1.1.1935). The Committee takes note with interest of the information submitted by the Government in writing to the Conference Committee in 1954 to the effect that "when considering the action that might have to be taken in this matter, the Government will consult the organisations of shipowners and seafarers concerned...". However the Committee would be glad if the Government would supply further information regarding the action taken to ensure full conformity between the national legislation and the provisions of Article 2, paragraph 1 of the Convention.

*Yugoslavia* (ratification : 30.9.1929). The Committee takes note of the Government's statement, to the effect that there is no legislative provision which ensures the payment of the indemnity laid down in Article 2 of the Convention, and would be glad if the Government would take the necessary action to ensure full compliance with this Article.

*Convention No. 9: Placing of Seamen, 1920.*

Number of reports requested : 26.

Number of reports received : 24.

Reports not received : 2.

(*Rumania, Spain.*)

*Bulgaria* (ratification : 16.3.1923). See under Convention No. 8. See also under General Observations.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the information supplied in the report. However, as no information is supplied in response to the observation made by the Conference Committee in 1953, the Committee would be grateful if the Government would specify in its next report the legislative measures which give effect to Articles 2, 3, 4 and 5 of the Convention.

The Committee would also be glad if the Government would communicate to the International Labour Office statistical and other information relating to unemployment among seamen, as required under Article 10, paragraph 1 of the Convention.

*Mexico* (ratification : 1.9.1939). As the report for this year contains no new information, the Committee reiterates the observation which it made in 1954 and which read as follows :

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 : 22.

Number of reports received : 20.

Reports not received : 2.

(*Rumania, Spain.*)

*Hungary* (ratification : 2.2.1927). The Committee takes note with interest of the information which the Government has supplied on the application of the Convention. However, the Committee would be glad if the Government would be good enough to give in its next report a list of the legislation, administrative regulations, etc., which apply the provisions of the Convention.

*Convention No. 11: Right of Association (Agriculture), 1921.*

Number of reports requested : 36.

Number of reports received : 32.

Reports not received : 4.

(*China, Peru<sup>1</sup>, Rumania, Spain.*)

*Chile* (ratification : 15.9.1925). The Committee took note with interest of the discussion which took place in the Conference Committee in June 1954 and of the information contained

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.



in the report supplied by the Government with regard to the points raised by the Committee in 1954.

It notes that on some of the points which were raised by the Committee neither the Government representative at the Conference nor the report supplied for the period 1953-54 has thrown any further light.

It is stated in the report that it is true that the agricultural trade unions must, in conformity with section 459 of the Labour Code, obtain the authorisation of the labour inspector before spending any sum exceeding 2,000 pesos, but a similar restriction is applicable to industry in respect of works unions (*industriales*) under section 398 of the Code. The Committee notes, however, that, as it had indicated in 1954, this does not ensure full equality between workers in agriculture and those in industry since, in the latter case, workers may also set up trade unions (*profesionales*) with regard to which there is no such restriction on the spending of funds.

In virtue of section 366 of the Labour Code workers in industry may set up two types of unions: works unions (*industriales*) and trade unions (*profesionales*). On the other hand, according to section 426 of the Code, agricultural workers may only set up unions within an estate. It follows that unlike industrial workers, agricultural workers are not allowed to set up trade unions covering all persons employed in agriculture, in addition to the unions grouping the workers employed in a given undertaking.

Moreover, whereas under section 365 of the Code, all industrial workers may organise themselves in unions, section 433 of the Code provides that agricultural workers who wish to form a 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 that estate. These restrictions appear to the Committee to constitute a discrimination of a fundamental character between agricultural and industrial workers; seasonal agricultural workers appear to be completely denied the right to form unions. The Committee notes that the Government representative stated that seasonal workers may in fact join agricultural unions and enjoy the same rights as other members of the union. It would be grateful if the Government would indicate the provisions in virtue of which seasonal workers enjoy this right.

The Committee had also noted in 1954 that 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).

The Committee therefore notes once again that as regards these different points (sections

426, 433, 455 and 459 of the Labour Code), there are still considerable restrictions on the right of association for agricultural workers as compared with that enjoyed by industrial workers.

It also points out that section 470 of the Labour Code, which provides that statements of demands may not be submitted during the sowing and harvesting periods (the duration of each being at least 60 days), establishes a considerable restriction on the rights of association and of combination of agricultural workers.

The Committee had noted with interest that, in its report for 1952-53, the Government had stated 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". It had also learned with interest that the Government representative had stated in June 1954 in the Conference Committee that "the Committee set up to examine possible modifications of the labour legislation had agreed to propose amendments with a view to bringing the law into full conformity with the provisions of the Convention".

However, the Committee notes that the report supplied for the period 1953-54 contains no information on the amendments to the legislation which had been previously mentioned.

It ventures to draw attention to the necessity for the legislation in force in Chile to be revised at the earliest possible date, in conformity with the obligations assumed by this State, which undertook, when it ratified the Convention "to secure to all those engaged in agriculture the same rights of association and of combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture" (Article 1).

The Committee points out, as it has already done in previous years, that the suppression of these various restrictions would merely re-establish the situation which had existed in Chile between 1925, when the Convention was ratified, and 1947, when Act No. 8811 was adopted, a period during which the Convention was fully applied in the country.

#### *Convention No. 12: Workmen's Compensation (Agriculture), 1921.*

Number of reports requested : 23.

Number of reports received : 22.

Reports not received : 1.

(Spain.)

No observations.

#### *Convention No. 13: White Lead (Painting), 1921.*

Number of reports requested : 26.

Number of reports received : 23.

Reports not received : 3.

(Afghanistan, Rumania, Spain.)

Argentina (ratification : 26.5.1936). The Committee takes note with interest of the information supplied by the Government to the Con-

ference Committee in 1954 that a Bill to give effect to the provisions of the Convention had been prepared by the Ministry of Labour and Social Welfare and would shortly be passed into law. The Committee expresses the hope that it will be possible for the Government to bring this legislation into force at an early date.

*Colombia* (ratification : 20.6.1933). With reference to the observations it made in the past, concerning the lack of specific legislation applying the Convention, the Committee notes the declaration contained in this year's report to the effect that Act No. 15 of 1925 prohibits the use of harmful substances in the preparation of paints and that, accordingly, the use of white lead in paints is prohibited.

The Committee would be glad if the Government would be good enough to indicate which section or sections of this Act refer to the prohibition of the use of harmful substances—or white lead—in the preparation of paints.

*Italy* (ratification : 22.10.1952). With reference to the observation it made in 1954, the Committee notes from the Government's report that the Ministry of Labour is making every endeavour to ensure the adoption of legislative provisions to give effect to the Convention and that it is hoped that the next report will provide the practical information requested under point V of the report form.

The Committee trusts that the Government will soon be able to take effective steps to bring national legislation into full conformity with the provisions of the Convention.

*Mexico* (ratification : 7.1.1938). The Committee again notes with regret 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 yet been regulated, as required by Articles 2 and 5 of the Convention.

The Committee therefore sincerely hopes that it will be possible for the Government to adopt the necessary regulations at an early date. It would also be glad if the Government would include, in its next report, information regarding the practical application of this Convention.

*Viet-Nam* (ratification : 6.6.1952). The Committee examined with interest the information supplied by the Government in its first report on the application of this Convention. It notes that section 230 of the Labour Code prohibits the use of white lead, sulphate of lead and all products containing these pigments in all forms of paint used in the internal or external painting of buildings, thus assuring full application of the principle laid down in the Convention.

The Committee, however, notes that under section 231 of the Code "the Minister of Labour may grant exemptions from the general prohibition above, and promulgate at the same time appropriate regulations". The Committee trusts that if and when such exceptions are authorised, these regulations will take full account of the requirements set out in Articles 2, 3, 5, 6 and 7 of the Convention.

*Convention No. 14: Weekly Rest (Industry), 1921.*

Number of reports requested : 37.

Number of reports received : 32.

Reports not received : 5.

(*Afghanistan, China, Peru<sup>1</sup>, Rumania, Spain.*)

*Bulgaria* (ratification : 6.3.1925). The Committee notes that, in virtue of Article 4 of the Convention, work may be authorised on the day of weekly rest ; it would be glad to be advised of the detailed provisions of the Labour Code, mentioned in the report, regulating such exceptions, and to know whether employers' and workers' associations are previously consulted.

The Committee would also like to know if the Government has found it possible to provide for compensatory periods of rest, where the day of weekly rest is suspended, as specified in Article 5 of the Convention.

The Committee would like to draw the attention of the Government to Article 6 of the Convention, which lays down that a list of the exceptions authorised under Articles 3 and 4 should be communicated to the Office ; it hopes the Government will be good enough to include this list in its next report.

Finally, the Committee would like to know how effect is given to Article 7 (*b*), which relates to cases where the rest period is not granted to the whole staff collectively.

*Colombia* (ratification : 20.6.1933). The Committee notes that section 175 of the Labour Code of 1950 provides that work shall be authorised on compulsory days of rest in the case of work which cannot be interrupted for technical reasons, and of public services supplying immediate needs, etc., and that the Government is to specify the work in question. Since this action appears to have been taken in virtue of Article 4 of the Convention, the Committee would be glad to know if the responsible employers' and workers' associations were consulted before the said exceptions are authorised.

The Committee would like to point out that, although Article 6 of the Convention provides that a list of the exceptions made under Articles 3 and 4 should be communicated to the International Labour Office and that any modifications to this list should be indicated every two years, the Government has not so far supplied any information on the exceptions in question. The Committee stresses the importance of the implementation of this provision of the Convention and would be glad if the Government would be good enough to supply a list of such exceptions in its next report.

As regards Article 7 of the Convention, the Committee notes that section 185 of the Labour Code provides that a list of the employees who normally are unable to take their Sunday rest must be posted up at least 12 hours beforehand. The Committee considers that this provision of the Code does not comply with the requirements of Article 7 (*b*), which provides for the drawing up of rosters in accordance with an approved

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

method, showing the workers subject to a special system of rest, together with particulars of that system.

*Cuba* (ratification : 20.7.1953). The Committee has examined with interest the first report communicated by the Government on the application of this Convention. It would be glad if the Government would indicate in its next report whether the scope of the relevant legislation corresponds fully to that of the Convention, particularly as regards transport by road and inland waterways, which are not included in the definition of the scope of Decree No. 2513, and as regards drivers of motor cars and carriages for hire, who are exempted under section IV of this decree, and employees having a share in the profits and receiving more than 200 pesos a month who are also exempted under section VI of the decree.

*Denmark* (ratification : 30.8.1935). The Committee thanks the Government for its reply to the observation made in 1954 and notes with satisfaction : (1) that all workers engaged in the building trades and in the transport of persons and goods covered by collective agreements are in fact guaranteed a weekly rest, and (2) that the Act which has since been adopted (11 June 1954), respecting the protection of workers in general, provides for a weekly rest for workers in the building industry and, to a certain extent, for transport workers.

The Committee refers to its previous observation in which it requested information on 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). It hopes that the Government will supply this information in its next report.

*Finland* (ratification : 19.6.1923). The Committee draws the Government's attention to Article 6 of the Convention, which provides that the International Labour Office must be kept informed of the exceptions to the weekly rest provisions authorised in virtue of Articles 3 and 4 of the Convention. Since no such information has been communicated for some years, the Committee would be glad if the Government would include in its next report a complete list of the total and partial exceptions authorised, and of the industrial undertakings, as defined in Article 1 of the Convention, which are excluded from the scope of the relevant legislation.

The Committee also notes that the Government has not given any information for a number of years as to the manner in which the Convention is applied in practice (point V of the report form) and it hopes that it will be able to include such information in its next report.

*Haiti* (ratification : 14.5.1952). The Committee thanks the Government for the information supplied in reply to the observation it made in 1954 concerning the means by which the day and hours of weekly rest are made known to the workers (Article 7 of the Convention).

*Israel* (ratification : 26.6.1951). The Committee takes note with interest of the information supplied by the Government representative to the Conference Committee in 1954 and in the Government's report, in reply to the observation made at its previous session.

*Italy* (ratification : 8.9.1924). The Committee thanks the Government for the detailed and interesting report supplied in reply to its request for supplementary information.

*Norway* (ratification : 7.7.1937). The Committee thanks the Government for having taken due note of the observation it made at its previous session and presumes that in future both employers' and workers' organisations will be consulted in conformity with Article 4 of the Convention, before any exceptions to the weekly rest provisions are authorised.

*Yugoslavia* (ratification : 1.4.1927). The Committee takes note of the statement made by the Government in its report to the effect that the new Bill respecting labour relations, through which effect is to be given to the provisions of the Convention, will shortly be promulgated and it hopes that early steps will be taken to bring the proposed legislation into force.

The Committee would be glad if the Government would, in conformity with Article 6 of the Convention, include in its next report a list of the exceptions made under Articles 3 and 4 of the Convention.

*Convention No. 15: Minimum Age (Trimmers and Stokers), 1921.*

Number of reports requested : 33.

Number of reports received : 30.

Reports not received : 3.

(*China, Rumania, Spain.*)

*Bulgaria* (ratification : 6.3.1925). See under Convention No. 8 and under General Observations.

*Ceylon* (ratification : 25.4.1951). With reference to the observations which it made in 1954, the Committee thanks the Government for the statements contained in the report, to the effect that shipping masters and sub-collectors of customs at outports do not permit young persons under 18 years of age to be employed on board ship in any capacity, and that the provisions of the Convention have been strictly enforced in the past by these officers and will continue to be enforced in the future. As regards the scope of the legislation, the Order in Council of 18 March 1937 defines the term "ship" in the same way as is done in the United Kingdom Act, except that the reference to fishing boats which is contained in this Act has been excluded as there are no fishing boats in Ceylon as envisaged in the British Act.

*Japan* (ratification : 4.12.1930). With reference to the observation which it made in 1954, the Committee thanks the Government for supplying information regarding the methods

adopted to bring the provisions of the Convention to the attention of the persons concerned.

*Convention No. 16: Medical Examination of Young Persons (Sea), 1921.*

Number of reports requested : 34.

Number of reports received : 31.

Reports not received : 3.

(*China, Rumania, Spain.*)

*Brazil* (ratification : 8.6.1936). The Committee wishes to thank the Government for the detailed information supplied to the Conference Committee in reply to the observations made in 1954. It notes with interest that the general rule applicable to all young persons in employment, as laid down in sections 416 and 418 of the Labour Code, is supplemented by section 112 of the Harbour Authorities Regulations, the provisions of which ensure the application of Article 3 of the Convention (medical examination at intervals of not more than one year).

The Committee further notes that the Government is willing to amend sections 416 and 418 of the Labour Code in order to adapt them to this provision of the Convention, and would be glad to receive, in the next report, information concerning the progress made in this direction.

*Bulgaria* (ratification : 6.3.1925). See under Convention No. 8.

*Ceylon* (ratification : 25.4.1951). See under Convention No. 15.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the information supplied by the Government, in reply to the observation made in 1954, to the effect that the Internal Labour Regulations of the Grand Colombian Merchant Navy apply the provisions of this Convention.

The Committee would like to know whether these Internal Regulations cover all persons employed on board ship.

*Hungary* (ratification : 1.3.1928). The Committee notes the Government's reference in the report to sections 99 and 103 of the Labour Code. Since these sections do not appear to relate to the subject matter of the Convention the Committee would be grateful if the Government would be good enough to indicate the legislation which gives effect to the Convention.

*Convention No. 17: Workmen's Compensation (Accidents), 1925.*

Number of reports requested : 24.

Number of reports received : 23.

Reports not received : 1.

(*Spain.*)

*Argentina* (ratification : 14.3.1950). The Committee has noted the information supplied in this year's report on the existing systems of compensation and retirement pensions applying to several classes of activities. However, it

would like to point out that these systems do not seem to cover the provisions of the Convention.

The Committee therefore refers to its previous observations on the lack of adequate legislation applying the provisions of the Convention and to the statement made by the Government representative before the Conference Committee in 1954 to the effect that a Parliamentary Committee had been set up for the purpose of modifying legislation on industrial injuries. It expresses the earnest hope that it will be possible for the Government to bring its legislation into harmony with the provisions of the Convention at an early date.

*Bulgaria* (ratification : 5.9.1929). The Committee takes note with interest of the information supplied in this year's report on the application of this Convention, the provisions of which appear to be covered by the Labour Code and the Ukase on medical care. It would be grateful, however, if the Government would be good enough to indicate whether the injured workman is entitled to the renewal of artificial limbs and surgical appliances, as provided for in Article 10.

*Chile* (ratification : 8.10.1931). The Committee refers to the observations it has made in previous years and is glad to note that the Committee entrusted with the study of amendments to the Labour Code has drafted a new section—replacing section 276—which sets out that “in case of permanent partial incapacity, the injured workman shall be entitled to life annuities which shall be paid according to the percentage assigned to his incapacity and in relation to his annual wage”.

The Committee sincerely hopes that this amendment, which will meet the requirements of Article 5 of the Convention, will be adopted at an early date.

*Colombia* (ratification : 20.6.1933). The Committee notes with regret that no reply is given in this year's report to the observations made in 1953 and 1954 concerning Article 5 of the Convention and would be grateful if the Government would indicate in its next report the measures it intends to take to apply this Article.

*Czechoslovakia* (ratification : 12.6.1950). The Committee wishes to thank the Government for the explanation it has furnished in response to the observation made in 1953. It would, however, venture to point out that the provision of the Act on National Insurance which permits, at the request of the beneficiary and in certain cases, the award of a lump sum instead of periodical payments, is not in conformity with Article 5 of the Convention. The Committee would therefore be grateful if the Government would be good enough to state what measures it proposes to take to give full effect to this Article of the Convention.

*Greece* (ratification : 13.6.1952). The Committee wishes to thank the Government for the full and detailed information given in its report in reply to the observations made in 1954.

It notes with interest that the scope of the 1951 law is continually being extended and would be grateful if the Government would indicate in its subsequent reports the progress made in applying this law to the remaining regions and groups of workers. It also notes with satisfaction that workers insured with the special funds are entitled to benefits at least equal to those provided by the main scheme, that the decision of 29 March 1954 exempts insured workers from any participation in the cost of medical care, and that artificial limbs and surgical appliances are supplied and replaced or repaired without charge.

*Hungary* (ratification : 19.4.1928). The Committee took note of the information contained in the report supplied by the Government for the period 1952-53. It would be grateful if fuller particulars could be given, in the next report, specifying from which day after the accident compensation is paid (Article 6 of the Convention); and regarding the measures taken to implement the provisions of Article 10 of the Convention governing supply and normal renewal of artificial limbs and surgical appliances, or the payment of a sum representing the probable cost of the supply and renewal of such appliances.

*Mexico* (ratification : 12.5.1934). The Committee notes the statement made by the Government representative to the Conference Committee in 1953 that the ratification of the Convention had given force of law to its provisions. It would like to point out, however, that as far as Article 10 of the Convention—supply and renewal of artificial limbs and surgical appliances—is concerned it seems necessary for the Government to take positive measures to ensure implementation of this specific requirement of the Convention.

The Committee would therefore be grateful if the Government would be good enough to supply, in its next report, detailed information on this point.

*Netherlands* (ratification : 13.9.1927). The Committee takes note with satisfaction of the information supplied by the Government in this year's report, in reply to the Committee's observation of 1954, indicating that a Bill containing provisions applying Article 7 of the Convention (additional compensation where the insured workman must have the constant help of another person) will in all probability be shortly submitted to the States-General.

The Committee trusts that the amending legislation will be brought into force at an early date.

*Uruguay* (ratification : 6.6.1933). The Committee refers to the observation which it made in 1954 and ventures to hope that the Government will soon be able to carry out its intention to make insurance compulsory, thus ensuring, as provided for in Article 11 of the Convention, the payment of compensation to injured workmen, or to their dependants, in the event of the insolvency of the employer.

*Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925.*

Number of reports requested : 28.

Number of reports received : 27.

Reports not received : 1.

(*Spain*).

*Bulgaria* (ratification : 5.9.1929). See under Convention No. 42.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the information contained in this year's report in reply to observations which it has made in previous years. However, it wishes to point out that while the list of industries and processes specified as liable to give rise to lead poisoning and mercury poisoning contained in section 201 of the Labour Code may be considered as covering the industries and processes enumerated in the Convention, those relating to anthrax infection exclude the handling of animal carcasses, or parts of such carcasses and the loading and unloading or transport of merchandise.

The Committee hopes that the Government will be able to take the necessary steps to bring national legislation into harmony with this provision of Article 2 of the Convention.

*Hungary* (ratification : 19.4.1928). See under Convention No. 42.

*Uruguay* (ratification : 6.6.1933). The Government states in its report that the ratification of Convention No. 42—registered on 18 March 1954—involves the denunciation of Convention No. 18. However, the Committee ventures to point out that this is not the case and that until the Government has formally denounced Convention No. 18 it remains bound by its provisions.

*Convention No. 19: Equality of Treatment (Accident Compensation), 1925.*

Number of reports requested : 40.

Number of reports received : 37.

Reports not received : 3.

(*China, Peru<sup>1</sup>, Spain*).

*General Observation*

The Committee had referred in its 1954 report to certain clauses in bilateral social security agreements between countries bound by the Convention, which 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. The Committee had, in particular, drawn attention to clauses of this type appearing in six such agreements, and had asked governments to indicate whether equal treatment is granted in respect of workmen's compensation

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

to the nationals of all the Members which have ratified the Convention, as required under its Article 1, paragraph 1.

In the light of the reply made by two governments, and in the absence of information on this point in the other reports, the Committee ventures to revert to the matter below and to express the sincere hope that the countries concerned will, by defining their attitude, contribute to a further understanding of the position and thus help to ensure compliance with the above-mentioned provision of the Convention.

It is the Committee's understanding that these bilateral agreements apply to the nationals of both contracting parties so that each party is bound to apply them even to its own nationals. The Committee wishes to stress the fact that its concern with these agreements is limited to the general principle of equality of treatment in respect of workmen's compensation between the nationals of all countries which have ratified the Convention, as required by Article 1 of the Convention.

*Argentina* (ratification : 30.11.1933). The Committee took note with interest of the statement by the Government to the Conference Committee in 1954 that technical difficulties had delayed the amendment of the employment injury compensation legislation, but that it was hoped that the new legislation would be adopted soon.

Since this amendment is designed, according to the Government's previous reports, to ensure full conformity with the provisions of the Convention, the Committee noted with regret that the present report does not contain any information on the progress achieved, and expresses the hope that the Government will find it possible to secure action in this matter at an early date.

*Belgium* (ratification : 3.10.1927). As indicated in the General Observation above, and further to its General Observations made in 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to Belgian nationals by Article 23 of the Franco-Belgian convention of 17 January 1948.

*Bulgaria* (ratification : 5.9.1929). The Committee notes from the Government's report that foreign workers who leave the territory of the People's Republic of Bulgaria do not receive a workman's compensation pension unless a reciprocity convention exists between their country and Bulgaria. As Article 1 of the Convention provides that the nationals of any Member which has ratified the Convention must be granted the same treatment as is granted to citizens, the Committee would be glad if the Government would be good enough to indicate in its next report whether the nationals of all the countries which have ratified Convention No. 19 are considered as nationals of countries with whom Bulgaria has concluded a reciprocity convention, i.e. are entitled to the payment of their pension regard-

less of their place of residence. The Committee would also be glad if the Government could confirm that the dependants of foreign workers are equally covered by the reciprocity provisions referred to above.

*Denmark* (ratification : 31.3.1928). As indicated in the General Observation above, and further to its General Observations made in 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to Danish nationals by article 21 of the Danish-French convention of 30 June 1951.

See also under Appendix II concerning non-metropolitan territories.

*France* (ratification : 4.4.1928). As indicated in the General Observation above, and further to its General Observations of 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to French nationals by article 23 of the Franco-Belgian convention of 17 January 1948, article 20 of the France-Federal Republic of Germany convention of 10 July 1950 and article 21 of the Franco-Danish convention of 30 June 1951.

*Federal Republic of Germany* (ratification : 18.9.1928). The Committee wishes to thank the Government for the explanations given in its report in reply to the General Observation made in 1954. It notes that the special provisions concerning supplementary benefits contained in social security agreements with other I.L.O. Members apply at present only to the nationals of the contracting parties. The report adds that while the Federal Government hesitates to make these provisions applicable to the nationals of all the other States bound by the Convention because they take account of special circumstances existing between the Federal Republic and the other contracting parties, it would be prepared to reconsider the question as soon as information on the attitude of the other governments concerned is available.

The Committee is very grateful to the Government for its frank and full reply, but is bound to point out that under the terms of Article 1, paragraph 1 of the Convention "the nationals of any other Member" which has ratified it must receive the same treatment as that granted to German nationals. The Committee would be grateful if the Government would be good enough to indicate the nature of the special circumstances which in the opinion of the Federal Government have prevented the application of this provision of the Convention from being extended to the nationals of all the States which have ratified the Convention.

*Greece* (ratification : 30.5.1936). The Committee notes from the report that both Greek and foreign beneficiaries of the central Social Insurance Institution (I.K.A.) have the right to receive pensions irrespective of the place or



country of residence, but that under the special insurance fund for miners the same equality of treatment without any conditions as to residence is not guaranteed to foreign miners and that in this case alien beneficiaries leaving Greece have their pensions commuted into a lump sum equal to three years' pension. Since this provision does not appear to apply to Greek beneficiaries, the Committee would be glad to know what steps the Government intends to take to extend the full equality already existing as regards the I.K.A. to the above-mentioned miners' fund, thus ensuring full compliance with Article 1 of the Convention.

*Hungary* (ratification : 19.4.1928). The Committee notes that section 31 of the Order (No. 195) of 1951, which regulates the application of Legislative Decree No. 30 of 1951 respecting pensions, makes the payment of benefits during a stay of the beneficiary abroad conditional upon an authorisation by the Minister of Finance. Since Article 1, paragraph 2 of the Convention lays down that "equality of treatment shall be guaranteed to foreign workers and their dependants without any conditions as to residence", the Committee would be glad if the Government would indicate in its next report whether there exist any additional regulations governing payments abroad and, if this is not the case, whether effect is given in all cases to the above-quoted provision of the Convention.

*Italy* (ratification : 15.3.1928). As indicated in the General Observation above, and further to its General Observations made in 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm in its next report that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to French nationals by article 21 of the Italy-Luxembourg convention of 29 May 1951 and article 3 of the Italy-Federal Republic of Germany convention of 15 May 1953.

*Luxembourg* (ratification : 16.4.1928). As indicated in the General Observation above, and further to its General Observations made in 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to Luxembourg nationals by article 15 of the Luxembourg-Netherlands convention of 8 July 1950, and article 21 of the Luxembourg-Italian convention of 29 May 1951.

*Netherlands* (ratification : 13.9.1927). As indicated in the General Observation above, and further to its General Observations made in 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to Dutch nationals by article 15 of the Luxembourg-Netherlands convention of 8 July 1950.

*Switzerland* (ratification : 1.2.1929). As indicated in the General Observation above, and further to its General Observations of 1953 and 1954, the Committee would be glad if the Government would be good enough to confirm, in its next report, that the nationals of any member State which has ratified Convention No. 19 receive the treatment accorded to Swiss nationals by article 4 of the Switzerland-Federal Republic of Germany convention of 24 October 1950.

*United Kingdom* (ratification : 6.10.1926). The Committee wishes to thank the Government for replying to the General Observation made in 1954. It notes from this reply that supplementary benefits in respect of unemployment, special hardship, constant attendance, and hospital treatment are payable, in addition to industrial injury benefits, under various bilateral or multilateral agreements to which the United Kingdom is a party, both to United Kingdom nationals and to nationals of contracting States who move from the United Kingdom to the territory of these States.

It does not appear, on the other hand, that the above supplementary benefits are payable to otherwise qualified beneficiaries leaving the United Kingdom who are nationals of countries that have ratified this Convention but are not parties to these bilateral or multilateral agreements, even if the beneficiaries in question go to countries which are parties to one of the agreements concerned. The Committee would appreciate it if the Government would indicate the measures it contemplates taking to ensure that full equality of treatment is guaranteed to nationals of countries which have ratified this Convention but with which it has not entered into a bilateral or multilateral agreement.

#### *Convention No. 20: Night Work (Bakeries), 1925.*

Number of reports requested : 11.

Number of reports received : 10.

Reports not received : 1.

(Spain.)

*Bulgaria* (ratification : 5.9.1929). The Committee notes that the report contains no information indicating the extent to which the provisions of the Convention have been applied, in particular as regards prohibition of the night baking of bread, pastry, etc., in accordance with Article 1 of the Convention. It would, therefore, be glad if the Government could submit a report next year giving detailed replies to all questions contained in the annual report form prescribed by the Governing Body.

*Colombia* (ratification : 20.6.1933). The report for this year contains no new information and again states that it has not been considered necessary to adopt specific legislation to implement the Convention as, until very recently, the only bakeries in the country were small-scale undertakings. The Committee therefore reiterates previous observations in which it pointed out that, in accordance with Article 1, the Convention applies to all bakeries regardless

of their size, with the exception of those engaged in the wholesale manufacture of biscuits.

The Committee hopes that the Government will soon be in a position to take the necessary measures referred to in its report for 1951-52, and would be glad to receive further information regarding the progress made in this respect.

*Convention No. 21: Inspection of Emigrants, 1926.*

Number of reports requested : 22.

Number of reports received : 21.

Reports not received : 1.

(Albania.)

*Japan* (ratification : 8.10.1928). The Committee notes with interest that legislative and administrative measures are at present under consideration to give effect to the various provisions of the Convention, and looks forward to receiving information on the adoption of these measures in the Government's next report.

*Convention No. 22: Seamen's Articles of Agreement, 1926.*

Number of reports requested : 29.

Number of reports received : 26.

Reports not received : 3.

(China, Spain, Venezuela.)

*Argentina* (ratification : 14.3.1950). The report states that there are no new provisions regarding the subject matter of the Convention. The Committee therefore refers to previous observations and would be glad if the Government would supply information on the progress in adopting amending legislation (which was under consideration in 1954) to eliminate the discrepancies between section 1200 of the Civil Code and Article 13, paragraph 1 of the Convention (the seaman should be permitted to take his discharge whenever he can show that the necessary conditions are fulfilled). The Committee would also be glad if the Government would specify which legislative provisions ensure the application of Article 14, paragraph 2 (which enables the seaman to obtain at any time a separate certificate as to the quality of his work).

*Belgium* (ratification : 30.10.1927). The Committee notes with interest that draft legislation is being prepared with a view to eliminating the discrepancy between the national legislation and the provisions of Article 9 of the Convention.

*Bulgaria* (ratification : 29.11.1929). The Committee takes note with interest of the Government's report, which states that the Labour Code applies equally to seamen and to other workers. However, the Code does not appear to contain provisions which give effect to Articles 3 (paragraphs 3 and 4), Article 5 (paragraph 2), and Articles 8 and 13. The Committee would therefore be grateful if the Government would be good enough to specify in its next report which legislative provisions give effect to the above-mentioned Articles of the Convention.

The Committee would also be glad if, in its next report, the Government would supply the information requested under the various points of the form of report.

*Colombia* (ratification : 20.6.1933). The Committee notes with satisfaction that the various provisions of the Convention are applied by virtue of the Labour Code and the Internal Regulations of the Grand Colombian Merchant Navy.

*France* (ratification : 4.4.1928). With reference to previous observations, the Committee takes note with satisfaction of the information submitted by the Government in writing to the Conference Committee in 1954 and reproduced in this year's report, to the effect that the national legislation gives effect to Articles 5, 9 and 14 of the Convention.

*Mexico* (ratification : 12.5.1934). As the report for this year contains no new information, the Committee reiterates the observation made in 1954, which read as follows :

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 a 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). The Committee takes note with interest of the information supplied by the Government in response to the observations made in 1954.

*Uruguay* (ratification : 6.6.1933). The Committee takes note with interest of the information supplied by the Government, but would be glad if the Government would indicate in its next report (1) the legislative provision which ensures that articles of agreement shall be signed by the seaman (Article 3, paragraph 2 of the Convention), and (2) whether there is any provision in the national legislation which lays down the measures to be taken to enable seamen to obtain clear information on board as to the conditions of employment (Article 8).

*Venezuela* (ratification : 20.11.1944). The Committee notes with regret that, despite the promise made by a Government representative in the Conference Committee in 1954 to communicate full information in its next report, no annual report has been received this year from Venezuela on Convention No. 22. The Committee therefore finds it necessary to repeat the observations made by the Conference Committee in 1953 which read as follows :

The report for 1951-52 does not contain the supplementary information requested by the Committee of Experts and by the Conference Committee on the application of the following provisions of the Convention : (1) delivery to the seaman of a document containing a record of his employment on board the vessel (Article 5) ; (2) particulars which must be included in the articles of agreement (Article 6, with the exception



of paragraph 3 (9)); (3) measures to be taken to enable the seaman to obtain clear information as to the conditions of his employment (Article 8).

*Convention No. 23: Repatriation of Seamen, 1926.*

Number of reports requested : 18.

Number of reports received : 16.

Reports not received : 2.

(China, Spain.)

*Argentina* (ratification : 14.3.1950). The Committee refers to the observation it made in 1954 and to the statement made by the Government representative to the Conference Committee in 1954 to the effect that the discrepancies between the existing legislative text and Article 3 (4), 4 (b) and 5 (1) of the Convention will be eliminated by the insertion of the relevant provisions in the code of social law. It expresses the hope that it will be possible for the Government to have the necessary legislation adopted at an early date.

*Bulgaria* (ratification : 29.11.1929). See under Convention No. 8.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the information supplied by the Government in this year's report, in reply to the observation made in 1954.

The Committee would like to point out, however, that the provisions of section 57 (8) of the Labour Code do not seem to correspond to all the detailed repatriation requirements, as set out in the Convention. It would therefore be grateful if the Government would be good enough to supply additional information on this point.

*Uruguay* (ratification : 6.6.1933). The Committee took note with interest of the statement made by the Government representative to the Conference Committee in 1954 to the effect that the text of the draft labour regulation for seamen had been submitted to the Senate. The Committee would be glad to be informed of the progress made towards the adoption of these regulations, which it trusts will ensure full conformity between the national law and the Convention.

*Convention No. 24: Sickness Insurance (Industry), 1927.*

Number of reports requested : 17.

Number of reports received : 15.

Reports not received : 2.

(Rumania, Spain.)

*Bulgaria* (ratification : 1.11.1930). The Committee took note with interest of the information given in the report and would be grateful if the Government could supply additional particulars on the following matters.

The Committee noted that, according to the report, social insurance is governed by the 1951 Labour Code. It noted that section 154 of the Code lays down that "the right to cash compensation shall be forfeited by any wage

or salary earner who... (b) disregards the instructions of the medical practitioner who is attending him, or fails without good reason to attend for medical examination", whereas the Convention (Article 3, paragraph 3, subparagraph (c)) stipulates that in such cases the benefit may simply be withheld. The Committee would be grateful if the Government could indicate the exact range of this provision of the Labour Code.

The Committee also further notes that section 154 of the Labour Code provides that "in certain cases to be specified by ordinance, where the illness is due to the misconduct of the wage or salary earner, he may be deprived of cash compensation for a period of up to five days or be paid only half of the prescribed compensation". The Committee would like to draw the attention of the Government to the fact that the Convention does not envisage the possibility of reduction or refusal of benefit except in the case of sickness caused by the wilful misconduct of the insured person (Article 3, paragraph 4), which eventuality is already covered by paragraph (a) of section 154 of the Labour Code. It therefore requests the Government to be good enough to supply more detailed information on the extent to which benefits may be refused or reduced in case of misconduct of the insured person, so as to enable the Committee to judge the compatibility of the national legislation with the terms of the Convention.

It would also be glad if the Government in its next report could give information about the right of appeal granted to the insured person in the case of a dispute concerning his right to benefit (Article 9 of the Convention) and in particular state whether the appeal facilities mentioned in the report in connection with pensions also exist for sickness benefit, and describe the situation regarding benefits in kind.

Finally, the Committee notes that the report gives no statistics on the application of the Convention, and it would be grateful if the Government would supply, in its next report, as provided for by the report form approved by the Governing Body, all available statistics on the scope, benefits in cash and kind, and resources of the insurance institution.

*Colombia* (ratification : 20.6.1933). The Committee noted in 1951, 1953 and 1954 that sickness insurance was not yet functioning throughout the country and a Government representative stated in 1951 that the application of the social insurance scheme was taking place by stages. On that occasion the Committee expressed the hope that application of the Convention would be extended throughout the country as quickly as possible and requested the Government to report on the progress achieved in this field.

The Committee notes that in reply to this observation and request for information the Government confines itself to stating that the Colombian Institute of Social Insurance can supply all the necessary information. In view of the fact that the Government is responsible for supplying information on measures taken by it to implement ratified Conventions, the Committee can only repeat the hope that

application of the Convention may be extended throughout the country; it would be grateful if the Government could supply in its next report particulars of the measures that it intends to take in this connection and of the areas in which sickness insurance is not yet functioning.

The Committee also notes that the report of the Government, unlike previous reports, does not contain information on the practical application of the Convention and, in particular, statistics on the scope of sickness insurance, the total benefits granted in cash and in kind, the amount and distribution of the resources of the insurance institution, etc. The Committee would be grateful if the Government could arrange to supply the relevant statistics in its next report.

*Czechoslovakia* (ratification: 17.1.1929). The Committee notes that the report supplied last year, which arrived only a short time before the opening of the 37th Session of the Conference and which was referred to it by the Conference Committee for examination, merely refers to the previous annual report. In addition, this year's report on this Convention, which arrived, together with reports on several other Conventions concerning social security (Nos. 25, 35, 36, 37, 38, 39 and 40), only a few days before the opening of this meeting of the Committee, contains a number of new elements; the late arrival of these reports makes it impossible to study them with the attention they call for. The Committee is therefore compelled to defer consideration of them.

However, the Committee would meanwhile point out that these reports do not contain any statistical information on the application of the Convention, although detailed information was given in previous reports, and in particular those supplied in 1949 and 1950. It also notes that the report on Convention No. 35, like the report supplied in 1952, states that statistical information has not yet been published. However, as the form of report approved by the Governing Body calls for the sending of available statistical information on the practical application of the Convention, the Committee would be grateful if the Government would include in future reports all information on the application of insurance legislation (and in particular on its scope, benefits in cash and in kind and the financial resources of the insurance scheme) obtainable from existing statistics.

*Hungary* (ratification: 19.4.1928). The Committee notes that the Government's report is confined to a general statement to the effect that the regulations regarding compulsory sickness insurance which are at present in force in Hungary go beyond the provisions of the Convention as regards contingencies covered and benefits, and that detailed information is given only under Article 7 of the Convention, which deals with the financing of sickness insurance.

The Committee would be grateful if the Government would be good enough to supply in its next report detailed information, as

requested under the report form adopted by the Governing Body, regarding the application of each Article of the Convention, as well as the practical application of the Convention.

*Peru* (ratification: 8.11.1945). The Committee, having pointed out in 1951 that sickness insurance had still not been introduced throughout the country, noted with interest that the report for 1953-54 indicated that such insurance was soon to be extended to large mining districts in the central part of the country. In this respect, the Committee noted that in 1951 the Government representative had stated to the Conference Committee that the Government had prepared a plan and hoped within six years to be able to include the whole working population of the country in a social insurance system. The Committee hopes that sickness insurance may soon be introduced throughout the country and it would be grateful if the Government would give information on relevant plans in its next report.

The Committee further stressed in 1950 and 1951 that, contrary to the terms of Article 2, paragraph 1 of the Convention, sickness insurance was not compulsory for domestic servants in private employment. In 1951 the Government representative stated that it was hoped that it would soon be possible to include domestic servants in the scope of legislation governing sickness insurance. The Committee notes, however, that the report for 1953-54 contains no new information on this point and hopes that the necessary measures may be taken in the near future to extend legislation covering compulsory sickness insurance to domestic servants.

*Poland* (ratification: 20.9.1948). The Committee noted that, according to the report, a decree of 25 June 1954 had instituted a general reform of the pension insurance system in Poland and that this decree came into effect on 1 July 1954. It hopes, therefore, that particulars on the changes effected by this text will be given in the next report.

The Committee also notes that, as it had already observed in 1953 in regard to the previous report, the report contains no information on the practical application of the Convention and, in particular, gives no statistics on the scope, benefits and resources of the insurance scheme. The Committee noted that, in reply to this observation, the Government representative had stated in 1953 to the Conference Committee that such information could not be included in the report in view of the fact that detailed statistics on this subject were not published in Poland. Nevertheless, considering that submission of available statistics on the practical application of the Convention is required by the report form approved by the Governing Body, and that previous reports, particularly those submitted in 1949 and 1950, contained such information, the Committee would be grateful if the Government could give in future reports all information on the application of insurance legislation (and in particular on the scope, benefits in cash and in kind and the resources of the insurance scheme) obtainable from existing statistics.

*Uruguay* (ratification : 6.6.1933). The Committee, which during previous years has drawn attention to the fact that there was still no sickness insurance scheme in existence in Uruguay, takes note of the statement given before the Conference Committee in June 1954 by the Government representative. This representative stated that ratification of the Convention was equivalent to its practical application and that Uruguayan legislation prescribed penal sanctions in case of non-observation of ratified Conventions (see also under General Observations).

The Committee finds it necessary to point out that the Convention provides that States ratifying its text undertake "to set up a system of compulsory sickness insurance, which shall be based on provisions at least equivalent to those contained in this Convention" (Article 1) and presumes the establishment of a sickness insurance system by specific legislative measures. Until such time as appropriate measures have been taken in Uruguay, it cannot be considered that effect has been given to the provisions of the Convention.

The Government representative also stated that in Uruguay a system of sickness relief and family allowances was in force; however, the Committee is obliged to note that this system is not in itself enough to give effect to the Convention, which stipulates the establishment of compulsory sickness insurance.

The Committee nevertheless noted with interest that the Government representative had stated in this regard that the Uruguayan Government hoped that technical assistance would permit it to solve the difficulties existing in this field. It is also glad to receive the information subsequently given by the Government, according to which the Central Council of Family Allowances is examining a Bill to introduce sickness insurance.

It hopes that this Bill will be adopted with the shortest possible delay and that no effort will be spared to ensure that the Convention (which was ratified in 1933) may finally be applied in order to introduce sickness insurance in Uruguay.

*Convention No. 25: Sickness Insurance (Agriculture), 1927.*

Number of reports requested : 13.

Number of reports received : 12.

Reports not received : 1.

(Spain.)

*Bulgaria* (ratification : 1.11.1930). See under Convention No. 24.

*Colombia* (ratification : 20.6.1933). See under Convention No. 24.

*Czechoslovakia* (ratification : 17.1.1929). See under Convention No. 24.

*Poland* (ratification : 29.9.1948). See under Convention No. 24.

*Uruguay* (ratification : 6.6.1933). See under Convention No. 24.

*Convention No. 26: Minimum Wage-Fixing Machinery, 1928.*

Number of reports requested : 26.

Number of reports received : 24.

Reports not received : 2.

(China, Spain.)

*Australia* (ratification : 9.3.1931). The Committee would be grateful if the Government would indicate in its next report, as required under Article 5 of the Convention, the results of any inquiries carried out into minimum wages and if it would state the number of workers to whom the minimum rates are applicable and, if possible, also the number of workers formerly in receipt of wages below this rate who have subsequently been able to recover the difference outstanding.

*Belgium* (ratification : 11.8.1937). The Committee thanks the Government for the statistics given in its report on the number of workers protected by wage legislation. It also thanks the Government for having appended to its report the decision of a National Joint Committee approving a collective agreement relating to certain domestic workers. The Committee nevertheless noted that in the statistics given annually by the Government on the reports drawn up by the Wages Inspectorate, the number of reports whose outcome was unknown at the time of writing the report is relatively high. The Committee ventures to ask the Government whether it would be possible to give in a subsequent report the final outcome in respect of these reports.

*Bulgaria* (ratification : 4.6.1935). The Government's report does not enable any clear idea to be obtained of the legislative provisions governing minimum wage fixing machinery, or indicate how such machinery functions or how application of minimum wage rates is guaranteed. Furthermore, the report does not include the general statement required by Article 5 of the Convention, "giving a list of the trades or parts of trades in which the minimum wage fixing machinery has been applied... the methods as well as the results of the application of the machinery... the approximate numbers of workers covered, (and) the minimum rates of wages fixed...". The Committee would be grateful if the Government would arrange to submit in its next report all the information necessary to enable it to appreciate the manner in which the Convention is applied, and to present such information in the form approved by the Governing Body.

*Chile* (ratification : 31.5.1933). The Committee thanks the Government for communicating detailed statistics and the supplementary information relating to application of the methods of fixing minimum wages in agriculture. The Committee would be grateful if the Government could supply in its next report information on the decisions which, according to the report, were given by labour courts regarding machinery for minimum wage fixing.

*Colombia* (ratification : 20.6.1933). The Committee thanks the Government for the information given on the manner in which the Convention is applied in respect of occupations such as domestic work, in which the wage is generally fixed according to the job or at piece-rates. The Committee also noted with satisfaction that the Government stated that, owing to the establishment of an "Analytical Section" in the Ministry of Labour, it would be able in its next report to supply the statistics required by Article 5 of the Convention.

The Committee would nevertheless be grateful if, as already requested in its previous observations, the Government could give particulars of the degree of effective participation by employers' and workers' representatives in the fixing of minimum wages and state, in particular, if it has been able to surmount the difficulties encountered in the practical application of Act No. 6 of 1945 concerning consultation of joint committees.

*Cuba* (ratification : 24.2.1936). The Committee notes the reply of the Government indicating that a Statistical Board is to be set up under the new Technical Assistance Programme. It hopes that this will enable the Government to supply in its future reports the statistics concerning the numbers of workers to which the minimum wage rates fixed apply, as required by Article 5 of the Convention.

The Committee notes the statement at the end of the report concerning a decision of the Supreme Court to the effect that the Government has no competence to fix minimum wages of any kind and would be extremely grateful if the Government would be good enough in its next report to supply the text of this decision, indicating at the same time whether it also affects other methods of fixing minimum wages at present in use.

*Czechoslovakia* (ratification : 12.6.1950). The report submitted by the Government this year refers to the information given in the report for the previous year, which was received too late for the Committee to be able to examine it. After examining the latter report, the Committee noted that it is not drafted in the form approved by the Governing Body and does not give the detailed information requested on each Article of the Convention. The result is that the Committee has been unable to form a clear picture of the manner in which the Convention is applied. The Committee would therefore be grateful if the Government would be good enough to furnish the following information in its next report :

(1) The report does not state clearly what amendments were made to the 1948 Act by the 1951 decree. In particular, it would be of interest to know whether the powers in the field of wage policy formerly held by the Minister and subsequently transferred to the State Wages Board include the powers to ensure the application of the wage rates fixed (Article 11 of the 1948 Act).

(2) The report of the Government states that if a worker considers that he should be classified in a higher wage group the matter

is considered by the Trade Union Council and where necessary by the trade union and the management of the undertaking. The Committee would be glad if the Government would be good enough to indicate what laws and regulations give effect to Article 4, paragraph 2 of the Convention, which states that a worker who has been paid wages lower than the rates fixed shall be entitled to recover, by judicial or other legal proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

(3) Lastly, the Committee would appreciate it if the Government would be good enough to include all the statistical and other information required under Article 5 of the Convention in its next report.

*France* (ratification : 18.9.1930). The Committee noted with satisfaction the detailed replies given by the Government to the Conference in response to the request for supplementary information. It noted, however, that the report submitted this year neither contains nor makes reference to this information. The Committee would be grateful if the Government could arrange to keep it informed in subsequent reports of when the subcommittee set up within the Higher Commission on Collective Agreements begins to function, and of what progress it achieves in its work. The Committee warmly thanks the Government for the detailed analysis given in its report of the different legal decisions taken concerning application of legislation as regards the national minimum inter-occupational guaranteed wage.

*Federal Republic of Germany* (ratification : 30.5.1929). In its reply given to the Conference on the observations made by the Committee in 1954, the Government stated that the Act of 11 January 1952 concerning minimum conditions of work consisted merely of a basic Act and that it was not considered necessary to define the industries or branches of industry to which the provisions of the Act applied. The Committee thanks the Government for its explanation, from which it can be established that the Government considers that, outside the sector governed by the Homework Act of 14 March 1951, there are, in the territory of the Federal Republic, no industries or sections of industries not covered by effective wage fixing schemes or characterised by exceptionally low wages. The Committee would nevertheless be grateful if the Government could keep it informed of all subsequent developments which may take place in application of the Act of 11 January 1952 to certain industries or sections of industries and, in such an eventuality, to indicate whether article 8, paragraph 3, of the Act has been modified in such a manner as to prohibit reduction of wages by means of individual agreements.

*Hungary* (ratification : 30.7.1932). The report of the Government merely states that the wages of industrial and commercial workers employed in state undertakings and of industrial workers employed in handicrafts are fixed by decree, resolution or collective agreement, and that

section 153, paragraph (c), subparagraph 2, of Legislative Decree No. 25 of 1952 makes these wages, which must be considered as minimum and maximum wages, binding. The Committee would appreciate it if the Government would be good enough to indicate in its next report whether the employers and workers concerned are associated in the operation of the wage fixing machinery (in accordance with Article 3, paragraph 2 of the Convention), particularly in handicrafts. The Committee would also be glad if in its next report the Government would supply all the statistical and other information required under Article 5 of the Convention.

*Italy* (ratification : 9.9.1930). The Committee notes that information regarding the minimum wage rates laid down in special agreements to be concluded in terms of the blanket agreement of 12 June 1954 between the Organisations concerned will be provided as soon as the special agreements have been concluded, and that the relevant provisions of a new Bill regarding the scope of collective agreements will be furnished as soon as this Act has been passed by both Houses of Parliament.

*Mexico* (ratification: 12.5.1934). The Committee thanks the Government for the detailed information given on the various controlled minimum wage rates, as shown in a document appended to the report. It would nevertheless be grateful if the Government would make every effort in its subsequent reports to submit, in accordance with Article 5 of the Convention, statistics on the approximate number of workers covered by the wage fixing regulations.

*Netherlands* (ratification : 10.11.1936). The Committee thanks the Government for the detailed information supplied, in response to the request made, on the application of the Special Order of 1945 concerning labour relations.

*Norway* (ratification : 7.7.1933). The Committee thanks the Government for the information supplied, in response to a request made last year, on the results of the inquiries carried out into minimum wages, and for the detailed statistics appended to the report on the number of workers to whom minimum wage rates apply.

*Switzerland* (ratification : 7.5.1947). The Government states in its report that in 1955 a general census of undertakings will be carried out which will enable it to supply the statistical information required by Article 5 of the Convention. The Committee noted this information with interest.

*United Kingdom* (ratification : 14.6.1928). The Committee wishes to thank the Government for the very valuable and detailed statistical data it furnishes each year in its report. The Committee would, however, be grateful to the Government if in its next report it could add any comments that it considers useful on the following two points:

(a) The Government's report for the past four years mentions that the Catering Wages Commission referred to the limitations imposed

on its activities by the wording of the Catering Wages Act, 1943, and reiterated its request for a revision of this Act.

(b) The Government has also indicated in each of the reports for the past four years that the Catering Wages Commission had expressed concern about the position of workers in unlicensed residential establishments, and had urged the reconstitution of the Wage Board to give protection to such workers.

The Committee would like to know if any action is contemplated on these matters.

*Venezuela* (ratification : 20.11.1944). The report of the Government states that the draft regulations to amend the provisions adopted in 1945 and 1947 (which, according to the statement made by a Government representative at the 1950 Conference, "had not taken full account of the provisions of the Convention") are still under study and that it is therefore unable to supply detailed information on their contents. The Committee hopes that the draft regulations in question will shortly be adopted.

#### *Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.*

Number of reports requested : 35.

Number of reports received : 32.

Reports not received : 3.

(*China, Rumania, Spain.*)

#### *General Observation*

The Committee finds that a considerable proportion of the reports on the application of this Convention do not contain any information on the number and nature of the contraventions reported by the inspection services, as requested in Point V of the form of report. In view of the basic importance of the extent and the nature of such contraventions to any appreciation of the practical effect given to the provisions of the Convention, the Committee would be glad if the particulars in question could be included in future in all the reports.

*Argentina* (ratification : 14.3.1950). The Committee noted with interest the statement in the Government's report that effect is given to Article 1, paragraph 4 of the Convention through section 460 of the Commercial Code. The Committee ventures to point out, however, that this section merely requires the seller to put the object sold at the disposal of the purchaser "after it has been weighed and measured" whereas the above-mentioned paragraph of the Convention requires the national laws and regulations to determine "whether the obligation for having the weight marked . . . shall fall on the consignor or on some other person or body". The Committee expresses the hope, therefore, that the Government may find it possible at an early date to introduce a provision of this kind into its legislation.

*Federal Republic of Germany* (ratification : 5.7.1933). The Committee noted with interest from the report that the difficulties concerning

the marking of large pieces of scrap have now been practically overcome, since the clearing of waterways has been almost completed.

The Committee also wishes to thank the Government for the additional information it was good enough to supply concerning cases where use is made of section 2 of the Act of 28 June 1933 applying the Convention. This provision authorises exemptions from the obligation to mark the weight in the case of the frequently recurring transportation of objects of known weight on vessels engaged in inland navigation in local traffic where public harbours are not used. The Government's report indicates that the objects in question are semi-finished and finished products which are sent by inland vessels from one undertaking to another and are therefore of no importance in so far as international traffic is concerned. The report cites as examples motor cars and motor lorries which are generally standard models and of constant weight.

Since the finished and, in particular, the semi-finished goods mentioned in the report may, however, be subject to considerable variation in weight, the Committee would be glad if the Government could see its way either to amend section 2 of the Act of 28 June 1933 or to limit its application to cases which fall clearly outside the scope of the Convention.

*Hungary* (ratification: 6.12.1937). The Committee notes that under section 2 of the Heavy Packages (Marking of Weight) Act (No. VII) of 5 May 1937 the obligation to mark heavy packages of 1,000 kg. or more does not apply to objects the weight of which is known on account of the frequently recurring transportation thereof, provided that the objects in question are transported on vessels engaged in inland navigation in local traffic where public harbours are not used. With a view to ascertaining the practical manner in which this provision is applied, the Committee would be grateful if the Government could supply in its next report some concrete examples of the cases where use is made of this exception.

*India* (ratification: 7.9.1931). The Committee notes from the report that the administration of the Marking of Heavy Packages Act and Rules, 1951, has not been specifically entrusted to any individual authority, but that the question of the amendment of this legislation with a view to appointing officers to enforce the observance of the legal provisions is under consideration. The Committee would be glad if the Government would indicate in its next report whether the necessary amendments have been adopted.

*Japan* (ratification: 16.3.1931). The Committee noted with interest from the statement made by the Government representative in the Conference Committee, and confirmed by letter of 26 June 1954, that the term "cargo" used in article 123 of the Ordinance on Labour Safety and Sanitation, 1947, is construed to mean all cargoes irrespective of whether they are packed or not.

On the second point raised by the Committee in 1954 which concerned the determination of

the person responsible for marking the weight (Article 1, paragraph 4 of the Convention), the Government indicates that article 42 of the Labour Standards Law imposes this obligation on the employer. The Committee finds, however, that this article is couched in very general terms since it merely requires the employer "to take necessary measures to prevent accident resulting from machinery, tools and other equipments...". The Committee therefore ventures to express the hope that the Government will find it possible, in accordance with the above-mentioned provision of the Convention, to adopt regulations determining whether "the obligation for having the weight marked... shall fall on the consignor or on some other person or body".

*Mexico* (ratification: 12.5.1934). Since the Government has not replied for the past two years to the Committee's observations either in its annual reports or at the Conference, the Committee can only repeat its previous comments and express the hope that the action suggested will be taken before the next session of the Conference—

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.

*Yugoslavia* (ratification: 22.4.1933). The Committee notes with interest from the Government's report that draft regulations concerning the marking of weights on heavy packages transported by vessels have been prepared by the Directorate of Maritime and River Navigation and already submitted to the competent organs for approval. The Committee would be glad if the Government would keep it informed of the progress made in bringing these regulations into force.

#### *Convention No. 28: Protection against Accidents (Dockers), 1929.*

Number of reports requested: 3.

Number of reports received: 3.

No observations.

#### *Convention No. 29: Forced Labour, 1930.*

Number of reports requested: 26.

Number of reports received: 23.

Reports not received: 3.

(*Australia, Liberia, Spain.*)

#### *General Observation*

In 1949 and 1954 the Committee drew the attention of the governments to the fact that certain provisions of the Forced Labour Convention, 1930 (No. 29) 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. One of the provisions about which the Committee inquired was Article 2, paragraph 2 (c) of the Convention, according to which "any work or service exacted from any person as a consequence of a conviction in a court of law" must, if it is to be excluded from the definition of the term forced or compulsory labour, be "carried out under the supervision and control of a public authority" provided that the said person is not "hired to or placed at the disposal of private individuals, companies or associations". The Committee thanks the Governments of the following countries: Belgium, Ceylon, Denmark, Finland, Ireland, Japan, the Netherlands, New Zealand, Norway and Yugoslavia for the detailed information supplied in each case in reply to the request made by the Committee in 1954. The Committee is of the opinion that employment of convicted persons by private individuals or associations does not fall within the scope of the provisions of the Convention where such persons voluntarily accept such employment. At the same time, however, the Committee considers it appropriate to note that utilisation of such categories of workers by private persons should always be accompanied by all necessary safeguards to ensure that each person employed under these conditions offers himself voluntarily for such employment without being subjected to pressure or the menace of any penalty.

Finally the Committee took note with interest of the fact that the Governing Body had recently entered the question of forced labour on the agenda of a future session of the Conference.

*Australia* (ratification: 2.1.1932). The Committee takes note of the information given by the Government to the Conference in response to the demand for information made in 1954. The Committee ascertained that the Government had not sent any report on the application of the Convention on Commonwealth metropolitan territory for the period 1953-54. It would be grateful if the Government would be good enough to give the following particulars in its next report: (1) whether, in agreement with Article 2, paragraph 2 (c) of the Convention, any person convicted by a court of law is hired to or placed at the disposal of private individuals, companies or associations; (2) what are the legislative or other provisions for punishing, in conformity with Article 25 of the Convention, illegal exaction of forced or compulsory labour.

*Bulgaria* (ratification: 22.9.1932). The Committee notes that the Government had not replied to the general observation made in 1949 and 1954. It would therefore be grateful if the Government would be good enough to supply information describing the types of labour envisaged in Article 2, paragraph 2 of the Convention and, in particular, work or service exacted from an individual as a consequence of a conviction in a court of law (Article 2, paragraph 2 (c)).

The Committee would also be grateful if the Government would be good enough to state

what are the penal sanctions that may be incurred in the event of illegal exaction of forced or compulsory labour, as stipulated in Article 25 of the Convention.

*Chile* (ratification: 21.5.1933). The Committee thanks the Government for the information given to the Conference on the application of Article 2, paragraph 2 (c) of the Convention.

The Committee would be grateful if the Government would be good enough to state, as it was requested to do in 1954, whether, in accordance with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

*France* (ratification: 24.6.1937). The Committee warmly thanks the Government for the valuable and very detailed report supplied, which contains most interesting information concerning the conditions in which convicted persons may be authorised to work for individual persons. The Committee notes from this information that only volunteers may be employed by private persons, a provision which excludes this type of work from the definition given by Article 2, paragraph 1 of the Convention, according to which the term "forced or compulsory labour" includes 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.

The Committee would nevertheless be grateful if the Government would be good enough to state, as it was requested to do in 1954, whether, in accordance with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

*Greece* (ratification: 13.6.1952). The Committee thanks the Government for its very detailed first report concerning the application of the Convention. The Committee notes, however, that sections 66 and 67 of the Royal Decree of 7 April 1937 concerning the administrative and accounting services of the state prisons and reform schools provide that prisoners may be permitted to work for third persons, whether individuals or corporate bodies. The Committee would be grateful if the Government would be good enough to state whether these provisions continue in force, and, if so, what measures it intends to take in order to bring national legislation into agreement with the provisions of Article 2, paragraph 2 (c) of the Convention, according to which any person from whom any work or service is exacted as a consequence of a conviction in a court of law may not be without his express consent hired to or placed at the disposal of private individuals, companies or associations and such work or service must be carried out under the supervision and control of a public authority.

Furthermore, the Committee would be grateful if the Government would be good enough to state what are the penal sanctions that may be incurred in the event of illegal exaction of forced or compulsory labour, as stipulated in Article 25 of the Convention.

*Indonesia* (ratification: 21.3.1933). In 1954 the Committee requested the Government to

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 service exacted in case of *force majeure* (war, calamity, etc.) as provided for in Article 2, paragraph 2 (d) of the Convention ;

(c) the penalties provided for by Article 25 of the Convention to deter illegal exaction of forced or compulsory labour from any person.

In its report the Government confined itself to the statement that no sort of forced or compulsory labour existed in Indonesia. The Committee therefore feels obliged to renew its request and expresses the hope that the Government will be good enough in its next report to supply the information requested on the application of Articles 2 and 25 of the Convention.

*Liberia* (ratification : 1.5.1931). The Committee notes the information communicated by a Government representative to the Conference in response to the observations which it had made in 1954. Nevertheless, in the absence of a report from the Government for the period 1953-54 the Committee considers that the replies of the Government are not satisfactory.

(a) The Government indicates that compulsory labour no longer exists on bridges and roadways since the abolition in 1930 of the Slavery Act, and that works of this kind are now undertaken by the companies under government contract. The Committee notes, however, that section 34 of the revised legislation and the regulations governing the hinterland of the country provides that in certain circumstances workers may be employed outside the limits of the territory in which they reside, particularly for work in respect of which the Department of the Interior recruits the workers. The Committee would be grateful if the Government would indicate whether it would not be advisable to repeal the provisions in question, which are not in harmony with the Convention, since, according to the Government's statement, this text is no longer in use.

(b) With regard to the application of Article 11 of the Convention, which 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 Committee had noted that section 1416, paragraph 4 of the revised legislation, modified by the Act of 20 January 1932, provided that the "road overseers... were authorised to summon all male inhabitants of the township from the age of 16 to 60 years". In reply, the Government representative has indicated that this section "should not have been mentioned in the report, for it had now lapsed". The Committee would be grateful if the Government would state whether section 1416 has been specifically repealed and, if not, to indicate the measures it intends to take to repeal this provision, or at

least to modify it, in order to bring it into harmony with the terms of Article 11 of the Convention.

(c) The Committee had also drawn the attention of the Government to the fact that, according to the provisions of Article 18 of the Convention, pending the abolition of transport labour, the competent authorities should promulgate regulations requiring that for persons other than officials of the administration such labour should be employed only "in cases of very urgent necessity", while section 35 of the legislation provides that "any traveller requiring carriers shall apply to the chief of the section for the desired number, which must be promptly supplied". The Government indicates in its reply that there are very few roads in the country, and that officials of the administration must employ transport labour when they visit certain districts. The Committee does not feel that it can conclude from the Government's reply that, in accordance with the provisions of Article 18 of the Convention, "such labour shall only be employed for the purpose of facilitating the movement of officials of the administration or in cases of very urgent necessity". It would thus like to have explanations from the Government on this point and, if in practice transport labour is organised only for officials of the administration, it would be grateful if the Government would indicate the measures it intends to take to bring the provisions of section 35 of the revised legislation into harmony with those of Article 18 of the Convention.

(d) It was also obvious to the Committee that the provisions of section 34, paragraph (b) of the revised legislation, to which the Government had referred, were not applicable to the maximum distance which, according to Article 18, paragraph 1 (d) of the Convention, should be fixed by regulations for workers engaged in portage. In effect, the provisions of section 34 of the legislation only relate to public works of construction and maintenance of roads, bridges, etc., and not to workers engaged in portage. In its reply, the Government has indicated that "the distance which porters may be called upon to travel is limited to the confines of the territory or district in which they live, which generally means four or five hours of travel". The Committee would be grateful if the Government would state what are the legislative provisions or regulations which fix this limit, as the Committee has noted that the provisions of section 35 (e) of the revised legislation provide that porters may be employed more than eight hours a day.

(e) With regard to Article 25 of the Convention, which provides that "the illegal exaction of forced labour shall be punishable as a penal offence" and that the Government must "ensure that the penalties imposed by the law are really adequate and are strictly enforced", the Committee had also noted that section 64 of the Penal Code to which the Government had referred seemed to be too limited in application to constitute an adequate penalty for the illegal exaction of forced labour in all its forms. In effect, section 64 of the



Penal Code is entitled "Slave Traffic" and is only applicable to persons who by force, fraud or deceit transport and illegally deliver another person to a third party or parties who unlawfully hold or detain the said person. In its reply, the Government indicates that "section 64 of the Penal Code may appear to be of limited application, but it has been interpreted in such a way that penalties are provided in cases of forced labour". The Committee would be grateful if the Government would communicate any decisions of courts of law or other decisions interpreting section 64 of the Penal Code in such a way that penalties are provided in case of forced labour, and if the Government would in its next report supply, as requested in the form of report adopted by the Governing Body, all information on penal proceedings initiated in application of Article 25 of the Convention and the penalties imposed.

(f) Finally, the Committee notes that the Government indicated in its report, in reference to the application of Article 4 of the Convention, that it was under contractual obligations to encourage, support and assist government concessionaires to secure and maintain an adequate supply of labour. This statement had led the Committee to ask the Government if it would indicate the means by which it meets these contractual obligations. In its reply, the Government indicates that it can "quote only one contractual agreement concluded in 1926 with a company manufacturing rubber and pneumatics", that "this agreement has lost its *raison d'être* because local workers are accustomed to this type of work" and that "the company at present employs 30,000 persons with no intervention by the Government or by the chiefs". The Committee noted this information. It would nevertheless be grateful if the Government would indicate whether it intends to denounce the provisions of the agreement which, according to the declaration of its representative at the Conference had "lost their *raison d'être*", but which is also a violation of the provisions of Article 4 of the Convention. In this connection the Committee also hopes that the provisions of paragraphs (O) and (P) of section 35 of the revised legislation will, as the Government had promised in its previous report, not be long in being brought into harmony with the provisions of Article 10 of the Recruiting of Indigenous Workers Convention, 1936 (No. 50).

*Sweden* (ratification : 22.12.1931). The Committee thanks the Government for the detailed information given to the Conference in reply to the observation made in 1954. The Committee notes with satisfaction that up to 31 December 1953 only one person had been interned by *administrative action* under the Vagrancy Act of 1885. The Committee wishes nevertheless to draw the attention of the Government to the provisions of Article 1 of the Convention by the terms of which it undertook to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period", in so far as the labour in question is not included in the exceptions provided for in Article 2, paragraph 2 of the Convention, and particularly in subsection (c), which deals with work or

service "exacted from any person as a consequence of a conviction in a court of law...".

*Convention No. 30: Hours of Work (Commerce and Offices), 1930.*

Number of reports requested : 12.

Number of reports received : 11.

Reports not received : 1.

(Spain.)

*Argentina* (ratification : 14.3.1950). The Committee takes note with satisfaction of the resolution issued on 14 May 1954 by the Ministry of Labour to ensure the application of Article 5, paragraph (1) (a) of the Convention, which provides that hours of work lost may not be made up on more than 30 days in the year.

*Bulgaria* (ratification : 22.6.1932). The Committee notes that the report supplied on this Convention, which is a duplicate of that furnished on Convention No. 1, does not contain sufficiently detailed information, and expresses the hope that the Government's next report will include data on the following points.

No information is supplied in the report as to whether any use has been made of the exceptions authorised under Article 1, paragraphs 2 and 3 and Articles 4, 5 and 6 of the Convention.

The information relating to ordinances issued under the Labour Code, requested under Convention No. 1, should also be given in connection with this Convention, since they affect the application of Articles 6 and 7.

Finally the Committee would like to know whether rules have been made concerning records of additional hours, as laid down in Article 11 paragraph 2 (c) of the Convention.

See also under General Observations.

*Haiti* (ratification : 31.3.1952). The Committee has examined with interest the first report due on the application of this Convention. It would be grateful if the Government would include in its next report supplementary information on some points.

The Act of 5 May 1948 concerning conditions of employment applies to employment in commerce and offices, but its scope is not defined and the Committee would like to know whether all the public and private establishments indicated in Article 1 of the Convention are covered by the relevant provisions of the legislation. It would also be glad to know whether advantage has been taken of paragraphs 2 and 3 of this Article, which authorise certain exceptions from the provisions of the Convention.

The Committee would also be interested to know whether the Government has found it necessary to make use of the exceptions which may be authorised : (a) to make up any hours of work lost in the case of a general interruption of work (Article 5) ; (b) in cases where the hours of work have to be distributed over a period longer than the week (Article 6) ; (c) permanent exceptions which may be allowed for certain categories of persons or establishments (Article 7, paragraph 1) ; and (d) the temporary exceptions which may be authorised in specified cases (Article 7, paragraph 2).

If regulations have been made under Articles 6 and 7 of the Convention, the Committee would be glad to know whether the workers' and employers' organisations concerned were previously consulted (Article 8).

*Israel* (ratification: 26.6.1951). The Committee notes that no information is supplied in the Government's report concerning the implementation of Article 11, paragraph 2 of the Convention. It hopes therefore that the consolidated regulations mentioned by the Government representative before the Conference Committee in 1954 will soon be issued and that they will provide for the notification in establishments of the hours of work and rest periods by means of the posting of notices or by some other method approved by the competent authorities, as well as for records of additional hours of work.

*Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932.*

Number of reports requested: 16.

Number of reports received: 14.

Reports not received: 2.

(*China, Spain.*)

*Argentina* (ratification: 14.3.1950). Despite the promise made by the Government representative to the Conference Committee in 1954, the report does not contain detailed information regarding the practical application of the Convention, which the Committee has requested on several occasions. The Committee therefore hopes that the Government will be good enough to submit this information in its next report.

*Belgium* (ratification: 7.7.1952). The Committee took note with interest of the Government's first report. It notes, however, that only partial effect is given to the following provisions of the Convention:

Article 6, paragraph 1 (fencing or covering of hatchways).

Article 9, paragraph 2, subparagraphs (1) (3) and (6) (safe working condition of hoisting machinery or gear).

Article 12 (precautions to protect workers dealing with goods which are inherently dangerous to life or health).

Article 17 paragraphs (1) and (2) (definition of persons responsible for compliance with the regulations and provision for enforcement).

The Committee also notes that no effect seems to be given to the following provisions of the Convention and would be glad, therefore, to have further information on their application: Article 2, paragraph 2, subparagraph (2); Article 3, paragraph 6; Article 5, paragraphs 3 to 6; Article 7, paragraph 2; Article 8, paragraphs 1 and 2; Article 9, paragraph 2, subparagraphs (4) and (9); Articles 10, 11, 14 and 18.

Finally, the Committee would appreciate it if the Government would include in its next report, in addition to the information requested above, particulars concerning the practical application of the Convention.

*Bulgaria* (ratification 29.12.1949). The Committee takes note with interest of the information supplied by the Government in its first report. However, no separate information is given regarding the application of the various Articles of the Convention and the text of the regulations referred to by the Government are not appended to the report. As the report does not contain any information regarding the practical application of the Convention, the Committee would be grateful if the Government would be good enough to supply the information required under the form of report, and would also forward copies of the regulations referred to in its report.

*Mexico* (ratification: 12.5.1939). As the report for this year contains no new information, the Committee reiterates the observation made in 1954, which read as follows:

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: 8.

Number of reports received: 7.

Reports not received: 1.

(*Spain.*)

*Argentina* (ratification: 14.3.1950). The Committee noted the information submitted to the 1954 Conference Committee and given in the annual report in reply to observations made last year. As regards the employment of children aged between 12 and 14 years, the Government has still failed to indicate to the Committee what measures it intends to take in order to abolish the discrepancies existing between national legislation and the Convention. According to Argentine legislation (Act No. 11317 of 1924, section 1), employment of children between 12 and 14 years may be authorised by the competent authorities on condition that such work is considered necessary to ensure their livelihood or that of their parents or brothers and sisters, and that the children concerned satisfy the minimum conditions established by law in regard to school attendance.

On the question of night work of young persons of less than 18 years of age, the Committee refers to the observation made in 1954, in particular in respect of Article 3, paragraph 2 (*b*) of the Convention, which prohibits light work by children between 12 and 14 years during the night, namely a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m. According to section 31 of Decree 14538/44 (Act No. 12921), the period

during which it is prohibited to employ young persons of less than 18 years of age extends from 8 p.m. to 6 or 7 a.m., according to the time of year, and thus does not constitute a period of at least 12 consecutive hours.

The Committee expresses the hope that the Argentine Government will shortly take the necessary measures to abolish these discrepancies and will bring its legislation into full agreement with the provisions of the Convention.

*Austria* (ratification : 26.2.1936). The Committee takes note with interest of the information supplied by the Government to the Conference Committee in response to the observation made in 1954. The Committee ventures to point out that the Act of 1 July 1948, which exempts children employed on occasional work from its scope, does not prescribe any of the safeguards provided in connection with light work in Article 3, paragraph 1 of the Convention. The Committee would be grateful, therefore, if the Government could see its way clear to include these safeguards in the above Act.

*France* (ratification : 29.4.1939). Referring to the observations made in previous years, the Committee thanks the Government for the information it supplied to the 1954 Conference Committee and in its annual report on the Act of 10 June 1954 amending article 60 of Book II of the Labour Code and prohibiting the employment of children under 16 years of age in dangerous occupations.

*Convention No. 34: Fee-Charging Employment Agencies, 1933.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(*Spain.*)

*Bulgaria* (ratification : 29.12.1949). The Committee notes with interest the information supplied by the Government in its report that no fee-charging employment agencies exist in Bulgaria. However, for a fuller appraisal of the situation, the Committee would be grateful if the Government would supply further details concerning the application of Convention No. 34, as follows :

1. Does the non-existence of fee-charging employment agencies in Bulgaria imply that these have been prohibited by law?

2. If so, under what legislation has this been done, and what are the major provisions regarding, in particular—

- (a) determination of the agency having responsibility for enforcement and supervision ;
- (b) date from which the prohibition became effective ;
- (c) provision for the granting of exceptions, if any, to the general rule of prohibition and conditions under which such exceptions may be granted ; and
- (d) penalties in case of contraventions ?

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the information supplied by the Government. However, the Committee would be glad if the Government would be good enough to supply further details regarding the legislative or other measures taken to suppress fee-charging employment agencies and regarding the extent to which effect is given to the provisions of Article 4, paragraphs (b) and (c) and Articles 5 and 6 of the Convention.

*Convention No. 35: Old-Age Insurance (Industry, etc.), 1933.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee has examined with interest the information given in the first report. It would be grateful if the Government could supply particulars of cases in which old-age pension is subject to forfeiture or total or partial suspension, with which Article 8 of the Convention is concerned.

The Committee further notes that the report gives no statistics on the application of the Convention, and it would be grateful if the Government could supply in subsequent reports, as provided for in the report form approved by the Governing Body, all available information on the scope of the Convention, the number of pensioners, and the expenditure and receipts of the insurance institution.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No 24.

*Peru* (ratification : 8.11.1945). The Committee notes that the Government's report gives no replies on the subject of various points that had been stressed during foregoing years, in particular in 1950, 1951 and 1954.

It therefore feels obliged again to draw the attention of the Government to the following discrepancies existing between national legislation and the terms of the Convention :

(1) Although a basic law of 1948 prescribes compulsory insurance for all salaried employees, such persons in private employment are not yet adequately covered by old-age insurance, whereas the Convention requires that compulsory old-age insurance shall apply to salaried employees as well as to workers (Article 2, paragraph 1).

(2) Likewise, compulsory old-age insurance in Peru applies only to personnel of industrial and commercial undertakings, whereas the Convention stipulates that insurance shall also apply to the liberal professions (Article 2, paragraph 1).

(3) Furthermore, old-age insurance for domestic servants is merely voluntary (see also under Convention No. 24), whereas the Convention provides that compulsory insurance shall apply to this category of workers (Article 2, paragraph 1).

(4) Finally, the Committee points out that in Peru disputes are brought before the administration and, in the first instance, before the Executive Board of the Social Insurance Administration, whereas the Convention stipulates that disputes concerning benefits "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 representatives of insured persons or employers respectively" (Article 11, paragraph 2).

The Committee hopes that the necessary measures will be taken to eliminate these discrepancies, which have continued for several years, and to ensure full application of the Convention. It would further be obliged if the Government could give in its next report any information on its plans in this respect.

*Poland* (ratification : 22.9.1948). See under Convention No. 24 for amendments introduced by the decree of 25 June 1954 and the supply of statistics concerning the practical application of the Convention.

*Convention No. 36: Old-Age Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 35.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 24.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 37: Invalidity Insurance (Industry, etc.), 1933.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee took note with interest of the information given in the first report, and ventures to draw the attention of the Government to the following points.

The Committee noted that in Bulgaria the right to an invalidity pension is made conditional upon a qualifying period laid down in section 165 of the Labour Code; by the terms of this section, in the case of workers whose age at the commencement of invalidity exceeds 25 years (men) and 35 years (women), the duration of service required for entitlement to pension rights exceeds five years and may extend to 20 years, whereas by the terms of Article 5 of the Convention the qualifying period may not exceed 60 months. The Committee expresses the hope that the Government will take the necessary measures to adapt national legislation to the requirements of the Convention on this point.

Furthermore, inasmuch as the qualifying period stipulated in the Labour Code requires

accomplishment of uninterrupted service ranging from 1 to 20 years, according to whether the person concerned is under 20 years of age or over 60 years of age, it would appear that in cases where service is interrupted the rights in course of acquisition would be permanently forfeited, whereas Article 3 of the Convention lays down that formerly insured persons not in receipt of a pension shall be able to maintain certain minimum rights such as voluntary continuation of insurance or maintenance of rights by the regular payment of a fee for this purpose.

Nor does it seem that these provisions comply with Article 6 of the Convention, by virtue of which "an insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions", at least until the expiry of a certain period.

The Committee would therefore be grateful if the Government could give particulars on the application of the above-mentioned Articles 3 and 6 of the Convention.

The Committee further noted that, according to the report, pensions may be suspended, particularly when the pensioner forfeits his rights as the result of a conviction imposed under penal law. It would be grateful if the Government could inform it in this respect whether, as stipulated by the Convention (Article 9, paragraph 1), the right to benefits may be forfeited or suspended only where the person concerned has brought about his invalidity by a criminal offence or wilful misconduct or has acted fraudulently towards the insurance institution.

The Committee also notes that the report shows that the pension is forfeited when the pensioner is deprived of Bulgarian citizenship. It ventures to draw attention to the fact that this cause does not figure among any of the cases giving rise to forfeiture laid down by Article 9 of the Convention, and that, further, according to Article 13 of the Convention, insurance should not be restricted to nationals.

Finally, the Committee notes that the report contains no statistics on the application of the Convention, and it would be grateful if the Government could give in future reports, as stipulated in the report form approved by the Governing Body, all available statistics on the scope of the Convention, the number of pensioners, and the expenditure and receipts of the insurance institution.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 24.

*Peru* (ratification : 8.11.1945). The Committee notes that, as in the instance of Convention No. 35, the Government's report fails to reply to the observations that it found necessary to make during previous years. It thus feels obliged to repeat its observations concerning the scope of insurance and the right of appeal of insured persons.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 38: Invalidity Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 37.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 24.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 39: Survivors' Insurance (Industry, etc.), 1933.*

Number of reports requested : 6.

Number of reports received : 6.

*Bulgaria* (ratification : 29.12.1949). The Committee took note of the information given in the first report. It feels obliged to make, as regards the qualifying period (Article 4), the maintenance of rights of persons formerly compulsorily insured but not in receipt of pensions (Article 3), the validity of contributions of insured persons who cease to be liable to insurance (Article 5) and the causes of suspension or forfeiture of the pension (Article 11), the same observations as for the corresponding provisions of Convention No. 37 (Articles 3, 5, 6 and 9).

The Committee also refers to the observations made in respect of Convention No. 37 and all other Conventions dealing with social insurance ratified by Bulgaria concerning the absence of statistics in these reports.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 24.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the detailed information and the statistics contained in the first report. It notes the statement in the report that the right to benefit may be forfeited or suspended, in particular in the event of conviction under criminal law.

In this connection the Committee would be grateful if the Government would indicate whether this provision only applies to convictions for criminal offences committed by, or the wilful misconduct of, the insured person, or any person who may become entitled to a survivor's pension, as stipulated in Article 11, paragraph 1 of the Convention.

*Peru* (ratification : 8.11.1945). The Committee notes that, as in the case of Conventions Nos. 35 and 37, the Government's report gives no reply to the observations that it had been led to make during previous years.

It therefore feels obliged to repeat its observations which, as regards the scope of insurance and the appeal rights of insured persons, are the same as for Convention No. 35.

Moreover, the Committee had noted in 1951 that the scheme in force in Peru covering survivors' insurance stipulated only a lump-sum payment, whereas the Convention requires allocation of a pension. It was of course understood by the Committee that the scheme in force in Peru was only of a provisional nature

and that studies were being made with a view to replacing it by a system granting a pension in accordance with the Convention. The Committee expresses the hope that these studies may soon be concluded and that a scheme meeting the requirements of the Convention will be introduced in Peru in the near future. It would be grateful if the Government could indicate in its next report, as already requested in 1954, what progress has been made in this direction.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 40: Survivors' Insurance (Agriculture), 1933.*

Number of reports requested : 5.

Number of reports received : 5.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 39.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 24.

*Italy* (ratification : 22.10.1952). See under Convention No. 39.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 41: Night Work (Women) (Revised), 1934.*

Number of reports requested : 13.

Number of reports received : 11.

Reports not received : 2.

(*Afghanistan, Peru.*<sup>1</sup>)

*Brazil* (ratification : 8.3.1936). With reference to the observations which it made in 1954, the Committee takes note with satisfaction of the statement made by the Government representative to the Conference Committee last year that, in virtue of Legislative Decree No. 8249 of 20 November 1945 and of Act No. 1890 of 13 June 1953, women employees in nationalised undertakings are protected by the general rule provided for in section 379 of the Labour Code, which prohibits the night work of women when there are no special regulations on the subject.

*Burma* (ratification : 22.11.1935). See under Convention No. 4.

*Ceylon* (ratification : 2.9.1950). The Committee takes note with interest of the supplementary information on the practical application of the Convention, supplied by the Government in response to the request made by the Committee in 1954.

*Greece* (ratification : 30.5.1936). As regards Articles 3 and 4 of the Convention, the report states that section 3, paragraph 3 of Legislative Decree No. 2511 of 1953 provides that, in special cases, the Minister of Labour may

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

authorise exceptions to the legislative provisions respecting the employment of women at night. This provision has been applied in very rare cases only and in particular in connection with certain textile industries during exceptionally heavy periods of work.

The Committee takes note with interest of the Government's statement to the effect that it is anxious to discharge to the full its obligations as regards the Convention and is at present endeavouring to take the necessary legislative measures to repeal the above-mentioned provisions of the legislative decree in question.

*Hungary* (ratification : 19.4.1928). The Committee takes note with interest of the information supplied by the Government, but points out that the following discrepancy appears to exist between the national legislation and the Convention :

The Labour Code prohibits night work for pregnant women and nursing mothers only, whereas Article 3 of the Convention strictly prohibits the employment of all women at night in any public or private industrial undertaking.

The Committee hopes that the Government will be able to take the necessary action to ensure conformity between the legislation and the Convention.

*Iraq* (ratification : 28.3.1938). The Committee notes that the Government has not supplemented the information given in previous reports and therefore reiterates the observations which it made in 1951, 1952 and 1953 when it requested the Government to supply information with regard to the proposed measures to amend the Labour Act so as to bring it into conformity with the provisions of Article 4 (a) of the Convention (exceptions to the prohibition of the night work of women in cases of *force majeure*).

*Convention No. 42: Workmen's Compensation Occupational Diseases (Revised), 1934.*

Number of reports requested : 25.

Number of reports received : 25.

*Belgium* (ratification : 3.8.1949). With reference to the observation made in 1954, the Committee notes with satisfaction the declaration made by the Government representative to the Conference Committee in 1954, and the statement contained in this year's report, to the effect that the error concerning the mention "chlorinated derivatives" instead of "halogen derivatives" which had occurred in the text of the Royal Decree of 1953 will soon be rectified.

*Bulgaria* (ratification : 29.12.1949). The Committee took note with interest of the information contained in the Government's first report, from which it notes that sections 171 and 173 of the Labour Code fully apply the principle of the Convention as laid down in its Article 1.

However, with regard to Article 2, the Government has not communicated or referred to the list of diseases and toxic substances and the

list of corresponding trades, industries or processes dealt with in this Article. The Committee would therefore be grateful if the Government would be good enough to supply in the next report the aforementioned lists, as well as data on the practical application of the Convention.

*Greece* (ratification : 13.6.1952). The Committee wishes to thank the Government for the detailed information supplied in its first report.

As regards the scope of application of the Convention, the Committee would be glad, in particular, to know whether workers in mines and metallurgical works are compensated for occupational diseases on an equal basis with the compensation payable in case of accidents, since it appears that they are obliged to prove faulty installations in order to be compensated.

With regard to the schedule of occupational diseases and toxic substances and of the corresponding trades, industries or processes, the Committee draws the attention of the Government to the following points :

- (a) as regards silicosis, there seems to be provision for compensation for permanent disability only ;
- (b) in phosphorus poisoning only *immediate* sequelae are compensated ; this gives the impression that late effects would not be compensated ;
- (c) as regards phosphorus and arsenic poisoning and poisoning caused by benzene, the schedule appearing in the Convention mentions the *liberation* of these substances as cause of poisoning ; but this expression is not found in the schedule contained in the Greek legislation ;
- (d) only the diseases due to benzene and benzols are listed ; their nitro- and amido-derivatives and their homologues are not mentioned ;
- (e) as regards X-rays and radio-active substances, the schedule in force in Greece specifies seven operations only where injury due to radiation is compensated, whereas the Convention provides for compensation in any process involving exposure to radiation ;
- (f) as regards primary epitheliomatous cancer of the skin, the schedule in force in Greece does not include bitumen, which is listed in the Convention.

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.

*Hungary* (ratification : 17.6.1935). The Committee notes with satisfaction that national legislation fully applies the principle of the Convention.

It ventures to point out, however, that in the case of anthrax infection the schedule appended to the Order No. 195/1951, contains the expression "a *regular* occupation in connection with infected animals", whereas the Convention

also covers persons *occasionally* employed in such occupations.

The Committee would also be glad to receive further information on the meaning of the phrase "loading, unloading or transport of *infected material*", since the Convention refers to "loading, unloading or transport of *merchandise*".

*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 detailed information as to existing special regulations relating to poisoning by phosphorus and its compounds, the Committee notes that no further details have as yet been supplied. It would therefore be grateful if the Government would be good enough to supply, in its next report, detailed data on the aforementioned regulations.

*Convention No. 43: Sheet-Glass Works, 1934.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee examined with much interest the first report supplied by the Government on the application of this Convention. It would be glad if the Government would include in its next report information on the following points.

Is there a system providing for at least four shifts in the glass-works industry (Article 2, paragraph 1)? Are the average hours of work per week calculated over a period not exceeding four weeks (Article 2, paragraph 3)? Under what legislative provisions and subject to what conditions may the limits of hours prescribed by the Convention be exceeded (Article 3, paragraph 1)? What regulations are issued by the competent authority concerning the record which should be kept showing all additional hours worked and the compensation granted in respect thereof (Article 4, paragraph (c))?

*Czechoslovakia* (ratification : 19.9.1938). The Committee notes with regret that the Government has not yet found it possible to implement the provisions of this Convention, which was ratified in 1938. It understands the difficulties existing during the post-war period of reconstruction but expresses the hope that the Government will take steps in the immediate future to ensure the application of the Convention.

*France* (ratification : 5.2.1938). The Committee has taken note with interest of the collective agreement concluded on 23 July 1954, and in particular of those of its provisions which relate to compensation for additional hours worked (Article 3 (2) of the Convention).

It notes that the question of compensation in the case of additional hours worked to make good the absence of another worker is regulated within the undertaking. It would be glad to know if this compensation is fixed by agreement between the organisations of employers and workers concerned as required under Article 3, paragraph 2.

The Committee would be grateful if the Government would kindly attach the full text of the collective agreement in question to its next report.

*Ireland* (ratification : 15.5.1939). The Committee notes that the Government's reports on this Convention have not in the past contained any information on the practical application of the relevant legislation. It hopes that the information in question will be included in the next report and would be glad in particular to have details of the compensation granted for additional hours worked in virtue of Article 3 of the Convention.

*Convention No. 44: Unemployment Provision, 1934.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee notes that the Government's first report is confined to the following statement : under the Constitution of the People's Republic, every citizen has the right to work ; there is work for everyone who wishes to work ; as there is no unemployment whatever in the country, Convention No. 44 cannot be applied in a practical manner.

The Committee must draw the attention of the Government to the obligations which it has assumed under the Convention, Article 1 of which requires each ratifying State to maintain a scheme ensuring benefits or allowances to persons who are involuntarily unemployed.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes that the Government's first report (covering the period 1 July 1951 to 30 June 1953) contains no reference to any legislation on the subject matter of the Convention but merely states that unemployment has been non-existent in the country since 1945 and that there is a marked shortage of labour in many branches and that, consequently, the question of allowances or benefits to unemployed persons does not arise. The report adds that the State Pensions Office grants certain allowances in cash and in kind to assist employees with reduced working capacity who are unable to find immediate employment in the neighbourhood in which they reside and to encourage persons who would not normally be working to take up employment.

The Committee ventures to point out that the above-mentioned benefits and allowances cannot be considered as benefits or allowances within the meaning of Article 1, paragraph 1 of the Convention and would be glad to know whether the Government has taken, or contemplates taking, any measures to introduce a scheme designed to ensure to involuntarily unemployed persons the benefits and allowances provided for in the Convention.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the detailed information supplied in its first report, which shows that there is substantial conformity between the national law and practice and the provisions of the Convention.



However, as regards Article 2, paragraph 2 (j) of the Convention, the Committee notes that the national legislation makes an exception in respect of artists and theatre and cinema employees. The Committee would be glad if, as requested in the form of annual report, the Government would state the reasons which justify this exception.

The Committee would also be glad if the Government would be good enough to supply further information under Article 10, paragraph 2 of the Convention regarding the reasons for which a claimant may be disqualified from the receipt of benefit or of an allowance for an appropriate period.

*Convention No. 45: Underground Work (Women), 1935.*

Number of reports requested : 33.

Number of reports received : 30.

Reports not received : 3.

(Afghanistan, China, Peru.<sup>1</sup>)

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information given in its first annual report. It ventures, however, to request the Government to be good enough to add to its next report the text of the list referred to as detailing the categories of specially unhealthy work prohibited to women. It would also be grateful if the Government could supply more detailed information on the practical application of the Convention.

*Czechoslovakia* (ratification : 12.6.1950). The Committee thanks the Government for the information supplied in its first report, from which it appears that the national legislation is in conformity with the provisions of the Convention. The Committee would, however, be glad if the Government would be good enough to supply in its next report the information requested under point III of the report form (authorities entrusted with the application of the Convention).

*Hungary* (ratification : 19.12.1938). The Committee notes from the report that there are no provisions in Hungarian legislation entirely prohibiting underground work in mines but that, in application of section 94 of the Labour Code which prohibits employment of women workers on work which may, in virtue of their constitution, have harmful consequences, the Minister of Mines and Power and the Minister of Public Health have issued a joint instruction, listing work on which women may not be employed in mines. The Committee would be glad to learn what measures the Government intends to take in order to ensure complete application of the Convention.

*Indonesia* (ratification : 22.2.1937). The Committee thanks the Government for the information supplied regarding legislation to implement the Convention. For the practical application of the provisions of the Convention, see under General Observations.

*Convention No. 48: Maintenance of Migrants' Pension Rights, 1935.*

Number of reports requested : 7.

Number of reports received : 6.

Reports not received : 1.

(Spain.)

*General Observation*

The Committee notes that, although this Convention sets up a scheme for the maintenance of pension rights (invalidity, old-age and widows' and orphans' insurance) binding States that have ratified the Convention but not making operation of the scheme conditional on the conclusion of bilateral agreements, certain States appear to find difficulty in establishing methods of applying the scheme without consulting other States that have also ratified the Convention. Thus, for example, one government indicates in its report that on account of the difficulties met with in negotiating directly with the other States concerned, it thought that it might be appropriate for the International Labour Office to lend its assistance in order to facilitate such contacts.

The Committee therefore suggests that the Office consider by what means the practical application of the Convention may be facilitated in this respect and that it envisage in particular convening the Commission provided for by Article 20 of the Convention, whose function it would be, under this Article, to assist States in applying the Convention, and in making recommendations as to the manner in which the text should be applied.

*Czechoslovakia* (ratification : 12.6.1950). As the first report supplied by the Government on the application of this Convention arrived last year only a short time before the opening of the 37th Session of the Conference, the Conference Committee referred this report to the Committee of Experts for examination. The following report, which was received a few days before the opening meeting of the session of the Committee, merely refers to the first report.

The report states that the regulations in force in Czechoslovakia are in full conformity with the provisions of the Convention, but the Committee notes that this is not clear from the contents of the report.

In the first place, while the report refers to bilateral agreements concluded with certain States, it does not show the extent to which the Convention is applied in the case of other States which have ratified the Convention and with which Czechoslovakia has not concluded bilateral agreements. On the other hand, the report states that the question of the application of the Convention to the last-mentioned States is being examined by the competent departments. In this connection the Committee wishes to draw attention to the fact that the Convention sets up a scheme for the maintenance of rights acquired with compulsory invalidity, old-age and widows' and orphans' insurance which is binding on all States which have ratified the Convention and does not make the establishment of this international scheme conditional upon the conclusion of bilateral agree-

<sup>1</sup> This report arrived during the session and the Committee was therefore unable to examine it.

ments between these States. In these circumstances the Committee would be grateful if the Government would indicate in its next report the extent to which the Convention is applied as regards States which have ratified it and with which Czechoslovakia has not concluded bilateral agreements. The Committee expresses the hope that the Government will take the necessary steps to ensure the complete application of the Convention to the nationals of these States.

As regards States with which Czechoslovakia has concluded bilateral agreements, the Committee also notes that the report refers to the agreement of 5 April 1948 between Czechoslovakia and Poland, which stipulates that the right to benefits is conditional upon the payment of contributions for 12 months. The Committee points out that Article 4 of the Convention provides that the institution may decline to recognise any liability for benefit only in the case of insurance periods which do not add up to a total of 26 contribution weeks, but that periods in respect of which liability is declined shall not be taken into account by the other institutions concerned in order to reduce benefits. The Committee would be glad, therefore, if the Government would supply further information regarding the application of this provision; it would like to know, in particular, whether, within the framework of the above-mentioned agreement, insurance periods amounting to less than 12 months are taken into account for the totalisation provided for in section 14, paragraph 1 of this agreement, and whether, in the case of insurance periods spent in the territory of one of the contracting parties and amounting to less than 12 months in all, benefits or benefit components which are determined independently of the time spent in insurance are not made subject to any reduction, in conformity with the provisions of the last sentence of Article 4 of the Convention.

In addition, the Committee wishes, in particular, to point out certain discrepancies which appear to exist between the national legislation and the Convention as regards the payment of pensions to insured persons who are resident abroad. The report states that, according to the regulations in Czechoslovakia, pensions are payable to persons who are *not nationals and are resident abroad*, whereas Article 10, paragraph 1 of the Convention provides that "persons who have been affiliated to an insurance institution of a Member and their dependants shall be entitled to the entirety of the benefits the right to which has been acquired in virtue of their insurance... *if they are nationals of a Member, irrespective of their place of residence*", and that, in virtue of this provision, pensions must also be granted to nationals who reside abroad.

The report also states that pensions are not granted to persons who are expelled from Czechoslovakia; the Committee would be grateful if the Government would state in its next report whether this restriction is applicable to the nationals of States which have ratified the Convention.

In addition, the report states that pensions paid abroad are reduced by one-third (this proportion represents the state contribution).

The Committee draws the attention of the Government to the fact that it follows *a contrario* from the provisions of Article 10, paragraph 2 of the Convention, that such a reduction is contrary to the Convention in the case of nationals of States which have ratified the Convention.

Finally, the report states that the increase in pensions which was introduced in connection with the suppression of food rationing does not apply to pensions paid abroad. The Committee must also draw the attention of the Government to the fact that the Convention 'does not authorise a distinction of this kind in the case of nationals of States which have ratified the Convention, as the supplementary pension benefit in question constitutes a component part of the pension granted to the beneficiaries of pensions who are resident in Czechoslovakia. The Committee is of the opinion, therefore, that the payment of such supplementary benefits cannot be refused to beneficiaries who are resident abroad, if such beneficiaries are nationals of States Members which are bound by the Convention.

The Committee would be grateful if the Government would be good enough to supply in its next report, additional information regarding the various points mentioned in the foregoing, and expresses the hope that the necessary measures will be taken to establish conformity between the national law and practice and the Convention.

*Hungary* (ratification : 10.8.1937). The Committee notes that, in its report, the Government states that the Convention has not yet been given effect to in Hungary in view of the fact that the Act to ratify the text of the Convention stipulated that the date of coming into force of the Convention was to be established by decree of the Minister of the Interior and that no such decree had as yet been promulgated.

This being the case, the Committee can only conclude that the Convention, the ratification of which was registered 18 years ago, has remained a dead letter in Hungary. It hopes that the Government will take the measures necessary for application of the Convention at an early date.

*Italy* (ratification : 22.10.1952). The Committee took note of the information given in the first report. While appreciating the general difficulties that may arise in connection with the application of the Convention and the value of consultation among States bound by the Convention with a view to establishing the methods of application of the scheme set up by the Convention (see the General Observation above relating to this Convention), the Committee wishes to stress, as it has already done on a previous occasion, that the scheme for maintenance of rights under invalidity, old-age and widows' and orphans' insurance envisaged by the Convention binds all States ratifying the text and that the establishment of this international scheme is not conditional on the conclusion of bilateral agreements among States.

*Netherlands* (ratification : 6.10.1938). The Committee took note with interest of the information supplied by the Government, ac-

cording to which the Bill to amend the Act concerning invalidity and designed, *inter alia*, to repeal section 168 of this Act, which is not in accordance with Article 10 of the Convention (maintenance of rights acquired by persons affiliated to an insurance institute of a member State), was shortly to be submitted for the approval of the States-General.

The Committee would be obliged to the Government if it could give in its next report information on the decisions taken by the legislative body with respect to this Bill.

*Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 43.

*Czechoslovakia* (ratification : 19.9.1938). See under Convention No. 43.

*France* (ratification : 25.1.1938). See under Convention No. 43.

*Ireland* (ratification : 10.6.1937). See under Convention No. 43.

*Convention No. 50: Recruiting of Indigenous Workers, 1936.*

Number of reports requested : 6.

Number of reports received : 6.

No observations.<sup>1</sup>

*Convention No. 52: Holidays with Pay, 1936.*

Number of reports requested : 12.

Number of reports received : 12.

*Argentina* (ratification : 14.3.1950). The Committee takes note with interest of the decision given by the Supreme Court of the Province of Buenos Aires in which it is ruled that periods of illness must be included in the qualifying period for holidays. It points out, however, that this decision is not directly relevant to the provisions of Article 2, paragraph 3 (b) of the Convention, which lays down that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay.

The Committee therefore expresses the hope that the Government will keep it informed of the measures taken to give effect to this provision by including it in the draft Code of Social Laws, as indicated in the Government's report for 1952-53.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the first report supplied by it on this Convention. It examined the report with much interest and noted a number of points on which it would like further information.

The Government's report states that a worker who has not received the holiday to which he

is entitled for reasons within the control of the undertaking shall receive compensation in lieu of the holiday. The Convention makes no provision for exceptions to the rule of annual holidays, even if compensation is given, and moreover Article 4 of the Convention lays down that any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void. The Committee would therefore be glad to know what steps the Government proposes to take to eliminate this discrepancy.

The report contains no information relating to the payment of the cash equivalent of remuneration in kind during periods of holiday (Article 3 of the Convention), and in respect of the records to be kept by employers in connection with annual holidays (Article 7). The Committee therefore hopes that this information will be included in the Government's next report.

The Committee would be interested to know whether the Government has made any use of the exceptions authorised by the Convention (Article 1, paragraph 3) and whether any regulations have been made in respect of persons who engage in paid employment during their holidays (Article 5).

The Committee notes the Government's statement that Article 2, paragraphs 2, 3 (a) and 5 are applied, and would be glad to know what are the relevant provisions of the legislation or regulations.

The Committee would be grateful if the Government would indicate, in its next report, the reference to and contents of the ordinance, mentioned in its report in connection with the deferment of annual holidays, and of any other ordinance which may have been issued under the relevant provisions of the Labour Code 1951.

*Czechoslovakia* (ratification : 12.6.1950). The Committee examined with interest the Government's report for 1951-53 and 1953-54, the first report since the ratification of the Convention.

It notes that the basic provisions of the Convention appear to be implemented but it would be glad to have supplementary information on a number of points which either were not covered by the Government's report or involve a discrepancy between the provisions of the Convention and those of the relevant national legislation.

Article 1 of the Convention. The Government's report states that "all employees" are entitled to holidays with pay. The Committee would like to know whether this effectively covers all persons employed in the undertakings listed in paragraph 1 of this Article and, if the national provisions are not universal in character, whether the line of division referred to in paragraph 2 of this Article has been defined. The Committee would also be interested to know whether use has been made of the exceptions authorised under paragraph 3.

Article 2. The Committee notes that there is no provision to ensure compliance with paragraph 3 of this Article, which provides that

<sup>1</sup> See Appendix II, for Non-Metropolitan Territories.

interruptions of attendance at work due to sickness shall be excluded from holidays with pay.

The Committee would also like to know if the national laws or regulations specify that only that part of the annual holiday which exceeds the minimum period prescribed by the Convention can be divided into parts in accordance with paragraph 4 of this Article.

Article 3. The Committee points out that a person taking a holiday is entitled to the "cash equivalent" of remuneration in kind and not just to payments in kind, as indicated in the Government's report.

Articles 7 and 8. It would be appreciated if the Government would supply information on the measures which give effect to these Articles, which are not mentioned in the Government's report.

The Committee notes the Government's statement that it is possible for workers "to assist in important tasks in agriculture or in other tasks of importance for the national economy during their holidays". The Committee is concerned lest the possibility that workers may be employed during holidays should jeopardise the workers' right to paid holidays provided for in the Convention, and would be glad to have further information on this point.

Finally, the Committee points out that the information on the practical application of the relevant legislation, requested under points III, IV and V of the form of report, is essential to an understanding of the position in Czechoslovakia with regard to holidays with pay and expresses the hope that the Government will reply in detail to these questions in its next report.

*Finland* (ratification : 23.8.1949). The Committee recalls that the Government stated in 1952 that the observation made by the experts was to be laid before a committee specially set up by the Council of Ministers to examine the question of the revision of the Act concerning holidays with pay. Since no further information on this matter has so far been received, the Committee hopes that the Government's next report will set out the present position with regard to the following three points raised in its former observation: the exclusion from holidays with pay of interruptions of attendance at work due to sickness (Article 2, paragraph 3 (b)); the payment to persons on holiday of the cash equivalent of remuneration in kind, which should normally include the cash equivalent of free lodging where this is given (Article 3); and the approval of the form of records kept by employers with regard to holidays with pay (Article 7).

*Greece* (ratification : 13.6.1952). The Committee has examined with interest the first report supplied by the Government on the application of the Convention and it would like to draw the Government's attention to the following points.

Section 5, paragraph 3 of Act No. 539 of 5 September 1945 respecting the granting of annual holidays with pay to employees lays down that "in the event of serious extraordinary requirements of the State or the

national economy a decree may be issued on the recommendation of the Council of Ministers, after consultation with the Labour Council, to suspend for a period not exceeding one year the granting of annual holidays to employees in certain specified branches of production or in all branches of production throughout the country or in certain specified districts"; the Government's report also indicates that during the period under review such a decree was issued in respect of persons employed in bakeries. The Committee ventures to point out that all the persons covered by the Convention, and these include workers employed in bakeries, are entitled to holidays and that this right may not be suspended in any circumstances. The Committee would, therefore, be glad to know what measures the Government intends to take with a view to the abrogation of section 5, paragraph 3 of the Act; it hopes that the Government will be good enough not to make any use of this provision in the meantime.

The Committee also notes that section 2, paragraph 6 of Act. No. 539 provides that absence due to a "comparatively short period of sickness" shall not be reckoned as part of the annual holiday; it thus appears that a longer period of sickness would be counted as part of the annual holiday. The Committee would be glad to know how this affects the application of section 2, paragraph 3 of the Act which, in conformity with Article 2 of the Convention, lays down that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay.

Finally, section 3, paragraph 3 of the Act provides explicitly that the remuneration paid to persons on holiday shall not include the cash equivalent of housing accommodation. The Committee would like to point out that this is not in conformity with Article 3 of the Convention which provides that the remuneration should include the cash equivalent of remuneration in kind.

*Israel* (ratification : 22.8.1951). The Committee takes note with interest of the information supplied to the Conference Committee in 1954 and in the report for 1953-54, in reply to the observation made by the Committee in 1954. Two points raised in this observation still remain outstanding:

Article 1 of the Convention. Paragraph 1 of this Article lays down that the Convention applies to all persons employed in the undertakings or establishments listed therein. The Committee considers that this definition includes "workers whose remuneration consists exclusively of a share of the profits", who are excluded from the scope of the Annual Holidays Act of 1951, in so far as they are employed in an undertaking or establishment listed in paragraph 1 of this Article. The Committee would therefore be glad to know what steps the Government proposes to take to extend the scope of the relevant legislation.

It would also be grateful if the Government would indicate whether regulations have been made under section 35 of the Annual Holidays Act specifying the meaning of casual work, which is excluded from the scope of the Act.

It points out in this connection that categories of workers such as barbers, which were mentioned by the Government representative, should normally be covered by the Convention.

Article 7. The Committee notes that the regulations concerning holiday registers, which are to be made under section 26 of the Annual Holidays Act, have not yet been issued. It hopes that the Government will be able to promulgate these regulations in the near future and thus ensure the application of this Article of the Convention.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the first report submitted on the application of this Convention.

It notes that although the principle of annual holidays with pay is laid down in the Constitution and the Civil Code and applies to all workers, yet, in conformity with section 2109 of the Civil Code and as indicated in the Government's report, this principle is largely implemented by means of collective agreements. The Committee would therefore be grateful if the Government would state in its next report—

- (a) whether there are collective agreements covering all the persons employed in the undertakings listed in Article 1, paragraph 1 of the Convention (with the exception of the salaried employees who are covered by the Act of 18 March 1926 as regards duration and progressive increase of holidays);
- (b) whether the collective agreements in question cover all the persons employed in the trade or occupation to which they relate;
- (c) whether all these collective agreements include in fact clauses to ensure the application of Article 2, paragraph 1 (duration of holidays), Article 2, paragraph 2 (a minimum holiday of 12 working days for persons under 16 years), Article 2, paragraph 3 (public and customary holidays and interruptions of work due to sickness not to be included in the annual holiday), Article 2, paragraph 4 (a minimum continuous holiday of six working days), Article 2, paragraph 5 (progressive increase of the annual holiday), Article 3 (payment of remuneration, including cash equivalent of remuneration in kind during the holiday), and Article 6 (payment of remuneration for every day of holiday due to a dismissed worker).

The Committee also wishes to point out that the obligation for employers to keep books indicating normal and overtime hours worked cannot be considered as ensuring the fulfilment of the obligation to keep a record showing the date of entry into each service, the duration of the holiday and remuneration paid during the holiday, as set out in Article 7 of the Convention.

Finally, as regards Article 8, the Committee notes the Government's statement that there is no system of penalties ensuring the application of the Convention; it would be glad to know what is the existing system of sanctions by which the application of this Article is assured.

*Convention No. 53: Officers' Competency Certificates, 1936.*

Number of reports requested : 12.

Number of reports received : 12.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 8. See also under General Observations.

*Egypt* (ratification : 20.5.1939). Despite the promise made by the Government representative to the Conference Committee in 1954, the report does not contain detailed information regarding the practical application of the Convention, which the Committee has requested on several occasions. The Committee therefore urges the Government to be good enough to submit this information in its next report.

*Italy* (ratification : 22.8.1952). The Committee takes note of the information supplied by the Government in its first report and notes with satisfaction that the Convention appears to be substantially applied. However, as regards Article 5 of the Convention, the Committee would be glad if the Government would be good enough to state, in its next report: (1) whether the Government has taken steps to ensure the enforcement of the Convention by an efficient system of inspection (paragraph 1); and (2) whether there is any provision in the national legislation which provides for cases in which the authorities may detain vessels registered in the territory, on account of a breach of the provisions of the Convention (paragraph 2).

*Mexico* (ratification : 1.9.1939). As the report for this year contains no new information, the Committee reiterates the observation made in 1953, which read as follows:

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 : 6.

Number of reports received : 6.

*Bulgaria* (ratification : 29.12.1949). The Committee notes with interest from the Government's first report that seafarers have the same rights in case of sickness or death as other workers and employees. The Committee therefore ventures to refer to its observations concerning the Sickness Insurance (Industry) Convention, 1927 (No. 24).

The Committee would also be glad if the Government would be good enough to submit information in its next report on the measures taken to give effect to Articles 5, 6, 7 and 8 of the Convention, and to supply data on practical application in accordance with point V of the form of report.

*France* (ratification : 19.6.1947). The Committee notes with interest that the Supreme Court of Appeal and the Council of State have before them appeals concerning accidents to seamen which occurred while on leave, and that the decisions reached by these Courts will be taken into account in considering any amendments which may have to be made necessary to the Seamen's Code. The Committee would be glad to be kept informed of future developments in this respect.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the detailed information supplied by the Government in its first report, which shows that the Convention is applied as regards Italian seamen. However, the following discrepancies appear to exist as regards foreign seamen.

Articles 4 and 5 of the Convention. Legislative Decree No. 1918 of 1937, respecting sickness insurance for seafarers, as amended by Act No. 831 of 1938, lays down that sickness benefits in the case of certain specified diseases are payable only to seamen who are nationals of countries which grant the same benefits to Italian citizens.

Article 6. According to section 368 of the Maritime Navigation Code, repatriation expenses are paid to foreign seamen provided the States of which they are nationals guarantee equality of treatment to Italian citizens.

The Committee ventures to point out that, according to Article 11 of the Convention, the Convention and national laws or regulations relating to benefits shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

The Committee expresses the hope that the Government will be able to take the necessary measures to amend its legislation so as to afford equality of treatment to foreign seamen employed on board Italian vessels.

*Mexico* (ratification : 1.9.1939). As the report for this year contains no new information, the Committee reiterates its observation made in 1953, which read as follows :

As the report states, under Article 8 of the Convention, that there exists no legislative provision requiring the shipowner to safeguard property left on board by sick, injured or deceased seamen, the Committee would be glad if the Government would state in its next report when such a provision will be adopted.

The Committee would also appreciate information on the nature of the provisions which ensure the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under the Convention (Article 9).

*Convention No. 56: Sickness Insurance (Sea), 1936.*

Number of reports requested : 4.

Number of reports received : 4.

*Belgium* (ratification : 3.8.1949).

The Committee wishes to thank the Government for submitting, in reply to the observations made in 1954, a table comparing the benefits granted under the seamen's scheme with those awarded under the general scheme.

*Bulgaria* (ratification : 29.12.1949). The Committee notes with interest from the Government's first report that seafarers have the same rights in case of sickness or death as other workers and employees. The Committee therefore ventures to refer to its observation concerning the Sickness Insurance (Industry) Convention, 1927 (No. 24).

The Committee would also be glad if the Government would be good enough to submit information in its next report on the measures taken to give effect to Articles 4, 6 and 7 of the Convention, and would supply data on its practical application in accordance with point IV of the form of report.

*Convention No. 58: Minimum Age (Sea), 1936.*

Number of reports requested : 13.

Number of reports received : 13.

*Belgium* (ratification 11.4.1938). The report again states that draft legislation is being prepared to amend the Act of 5 June 1928, so as to fix the minimum age for admission to employment at sea at 15 years. The Committee therefore refers to its observations of 1954 and to the statement made by the Government representative to the Conference Committee the same year, and expresses the hope that the necessary action will be taken at an early date to ensure full conformity with the provisions of the Convention.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 7. See also under General Observations.

*Convention No. 59: Minimum Age (Industry) (Revised), 1937.*

Number of reports requested : 4.

Number of reports received : 3.

Reports not received : 1.

(*China.*)

*Italy* (ratification : 22.10.1950). The Committee notes with interest the information supplied by the Government in its first report, from which it appears that the minimum age for admission to employment is fixed by the national legislation at 14 years instead of at 15 years as laid down in the Convention.

However, as the Ministry of Labour and Social Welfare has under consideration a Bill designed to eliminate this discrepancy, the Committee hopes that the Government will be able to enact the necessary legislation at an early date.

As regards Article 3 of the Convention, the report states that there are no specific regulations relating to work done by children in technical schools. The Committee would be glad to know whether there are any cases in which children are employed in such schools and, if so, whether the work in question is



approved and supervised by the public authority as provided for in the Convention.

*New Zealand* (ratification : 8.7.1947). The Committee notes with satisfaction that, according to the annual report of the Department of Labour for the period under review, no certificates of fitness have been issued under section 27 (1) of the Factories Act, 1946 to any young person under 15 years of age and that administrative compliance with the provisions of the Convention is complete. The Committee would, however, be glad to be advised when the necessary legislative amendment is adopted.

*Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.*

Number of reports requested : 3.

Number of reports received : 3.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information given in its first report. It notes that national legislation is not entirely in agreement with the provisions of the Convention and wishes to draw the attention of the Government to the following points.

According to section 113 of the Labour Code 14 years is the minimum age for employment, whereas Article 2 of the Convention provides that children under 15 years of age, or children over 15 who are still required to attend primary school, shall not be employed in non-industrial occupations.

In exceptional cases and with certain safeguards the Labour Code permits children between 14 and 16 years of age to be employed, without, however, specifying, in the case of children of less than 15 years of age, that they are to be employed only on light work outside the hours fixed for school attendance, as stipulated by Article 3 of the Convention. Moreover, the report gives no information on the application of paragraph 6 of Article 3 of the Convention which provides that, after the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall "(a) specify what forms of employment may be considered to be light work for the purpose of this Article; and (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work".

The report states that certain laborious and unhealthy occupations are prohibited to young persons of less than 16 years of age and less than 18 years of age respectively; since, however, it does not emerge from the report whether the lists of such occupations include non-industrial occupations, the Committee would be glad if the Government would be good enough to define the prohibited occupations (Article 5 of the Convention).

Furthermore, the report gives no information on the action taken to ensure application of the measures envisaged in Article 7 of the Convention, in particular those requiring that every employer shall keep a register of the names and dates of birth of all persons under the age of 18 years employed by him in any employ-

ment to which the Convention applies other than an employment to which Article 6 applies; the report also fails to give information on the measures taken to provide for identification and supervision of young persons engaged in the employments and occupations covered by Article 6.

The Committee would be grateful if the Government could report on the measures that it expects to take to bring national legislation into agreement with the Convention and also to give further particulars in its next report on practical application of the Convention, as required under point V of the report form.

*Italy* (ratification : 22.10.1952). The Committee examined the first report submitted by the Government, from which it appears that Italian law, which fixes the minimum age of employment at 14 years (under certain conditions at 12 years), is not in agreement with the basic provision of the Convention, since the latter fixes a minimum age of 15 years.

The Committee notes that a Bill intended to abolish that discrepancy is now being examined by the Ministry of Labour and Social Welfare. It hopes that this Bill will soon be adopted in order to ensure the application of the provisions of the Convention.

*New Zealand* (ratification : 8.7.1947). The Committee notes the Government's assurance that the practical situation concerning the application of the Convention does not cause immediate concern to the Government and that the Committee's wishes in this matter will be taken into consideration. It hopes 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 : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee notes the reference in the Government's first report to section 105 of the Labour Code, which contains general safety provisions in connection with machinery, tools, workplaces and construction sites. The report also mentions "Rules and Standards for Occupational Safety in Construction and Erection Work" approved by the Minister of Construction and Roads and by the Central Committee of the Construction Workers' Union. Since these "Rules and Standards" appear to constitute the national regulations giving effect to the Convention, the Committee would be glad if a copy could be included in the next report, thus enabling it to ascertain to what extent effect is given to the Convention.

*Finland* (ratification : 8.4.1947). The Committee is glad to note that the decision of the Council of Ministers of 29 November 1951 concerning regulations for work carried out on a roof gives effect to Article 9, paragraph 2 of the Convention, since it provides suitable precautions to prevent the fall of persons or



materials if the work is carried out at a height of more than 5 metres above the ground.

The Committee also notes with interest that safety regulations now being prepared will give effect to Articles 7, 12, 14 and 15 of the Convention. Finally, the Committee learns with interest from the Government's report that an industrial safety Bill is now before the Council of Ministers and that this draft legislation contains changes which will tend to eliminate discrepancies still existing between the national and the international standards.

*France* (ratification : 16.12.1950). The Committee notes with interest the statement in the report that its observations of 1953 and 1954 will be taken into account in the preparation of the new regulations which are to replace those of 9 August 1925 concerning safety in the building industry and public works. The Committee hopes that the Government's next report will indicate the progress made in adopting the new regulations.

*Mexico* (ratification : 4.7.1941). Since the Government has not replied for the past two years to the Committee's observations either in its annual reports or at the Conference, the Committee can only repeat its previous comments and express the hope that the information requested will be supplied to the next session of the Conference :

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) ?

*Poland* (ratification : 17.4.1950). The Committee wishes to thank the Government for the additional information supplied in its report and notes with interest that paragraph 1 of the order of 6 November 1946 gives full effect to Article 16, paragraph 2 of the Convention, which requires workers to use the safety equipment provided for them and requires the employer to ensure such use.

The Committee trusts that the next report will contain information on the progress achieved in preparing the draft regulations referred to in the Government's report for 1951-52, which are designed, *inter alia*, to give effect to Article 8, paragraph 2 (b), Article 14, paragraph 3, and Article 17 of the Convention.

*Convention No. 63: Convention concerning Statistics of Wages and Hours of Work, 1938.*

Number of reports requested : 17.

Number of reports received : 17.

*Canada* (ratification : 6.4.1946). The Committee notes from the Government's report that statistics of time rates of wages and of standard hours of work are compiled only for the principal manufacturing industries and mining, and no longer cover building and construction as provided for by Article 13 of the Convention. It would be appreciated if the Government would indicate in its next report whether this omission is only a temporary one.

*Ceylon* (ratification : 25.8.1952). The Committee wishes to thank the Government for its first report on the application of the Convention, which indicates that effect is given, on the whole, to its provisions. The Committee would be glad, however, if the Government's next report would contain additional information indicating—

(1) whether it is proposed to compile average earnings, average hours of work, time rates of pay and normal hours of work in mining (Articles 5 and 13 of the Convention) ;

(2) which elements are included in statistics of average earnings (Article 6) ; and

(3) whether it is proposed to compile index numbers of the general movement of average earnings and of time rates of wages (Articles 12 and 21).

The Committee would also appreciate it if the Government's next report would contain information on the effect given to Article 10, paragraph 2, and Article 17 of the Convention.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes with regret that the Government's first report does not contain information in respect of the various Articles of the Convention, thus making it impossible to determine the precise extent to which the Convention is applied.

The Committee would be most grateful, therefore, if the Government would be good enough, in its next report, to supply all the particulars requested in the report form.

The Committee ventures, in addition, to draw special attention to Article 1, paragraphs (b) and (c) of the Convention, under which the ratifying Member undertakes to publish the data compiled in pursuance of the Convention as promptly as possible (data collected at intervals of six or 12 months, during the succeeding six or 12 months respectively) and to communicate this data to the International Labour Office at the earliest possible date.

*Denmark* (ratification : 22.6.1939). The Committee is glad to note that statistics of hours actually worked have been compiled for the first time and transmitted to the I.L.O., and that the data are to be published shortly. Regular compilation of such statistics will ensure full compliance with Article 5, paragraph 3 of the Convention.

*Egypt* (ratification : 5.10.1940). The Committee notes with regret that the Government's report merely repeats for the third year running that the index numbers showing the general movement of wages (per week) provided for in Article 12 of the Convention have still not been compiled, and that this problem is to be referred to a committee of technicians soon to be appointed.

The Committee urges the Government to indicate whether any progress has been made in this direction, particularly as an assurance had been given to the Conference Committee in 1953 and 1954 that the relevant information would be communicated shortly.

*France* (ratification : 28.6.1951). The Committee notes with interest that statistics of average earnings are now being published in accordance with Part II of the Convention. It also wishes to thank the Government for supplying information in reply to its observation of 1954 on the payment of allowances in kind to workers employed in coal mines, in accordance with Articles 7 and 20 of the Convention.

In so far as statistics of rates of pay in the principal industrial occupations are concerned, the Committee notes with interest that data on hourly wages in the metal trades are now available for the whole of the country, and would be glad if the Government would indicate in its next report whether similar statistics will be compiled for the other main occupations in industry, in accordance with Article 15, paragraph 1 of the Convention.

*Mexico* (ratification : 16.7.1942). Since the Government has not replied for the past two years, either in its annual reports or at the Conference, to the Committee's observations, the Committee can only repeat its previous comments and express the hope that the action and information requested will be forthcoming before the next session of the Conference :

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.

*Netherlands* (ratification : 9.3.1940). The Committee wishes to thank the Government for providing, in response to its request in 1954, statistics of hours worked, as well as shifts, in

lignite mines, thus fully complying with the requirements contained in Article 5, paragraph 1 of the Convention.

*Norway* (ratification : 29.3.1940). The Committee notes with regret that statistics of hours actually worked in individual manufacturing industries were not compiled for the years 1951 to 1954. It learns with satisfaction that statistics of average hours actually worked in manufacturing and mining are to be prepared on the basis of the proposed 1955 wage census. The Committee ventures to point out, in this connection, that Article 10, paragraph 1 of the Convention, provides for the compilation of such data once every year at least and hopes that the Government will be able to take measures to compile these statistics regularly in the future.

*Union of South Africa* (ratification : 8.8.1939). The Committee would be glad if the Government would indicate in its next report when the index of wage rates, now being revised on the basis of information from the 1951 census, will be completed and published, in accordance with Article 1 (b) of the Convention.

*Convention No. 64: Contracts of Employment (Indigenous Workers), 1939.*

Number of report requested : 3.

Number of reports received : 3.

No observations.<sup>1</sup>

*Convention No. 65: Penal Sanctions (Indigenous Workers), 1939.*

Number of reports requested : 2.

Number of reports received : 2.

No observations.<sup>1</sup>

*Convention No. 69: Certification of Ships' Cooks, 1946.*

Number of reports requested : 10.

Number of reports received : 10.

*Belgium* (ratification : 5.12.1951). The Committee notes that no legislation has as yet been adopted to give effect to this Convention, although it is stated that regulations containing certain provisions on the subject will probably be adopted during 1955. The Committee hopes that the Government will see its way to give effect to the Convention at an early date.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 8.

*Italy* (ratification : 9.12.1948). The Committee wishes to thank the Government for the detailed information supplied in its first report, from which it notes with interest that a Bill to give effect to the Convention, and due to come into operation on 22 April 1956, has been submitted to the competent authorities for approval.

<sup>1</sup> See Appendix II, for Non-Metropolitan Territories.

The Committee ventures, however, to draw attention to the fact that the provisions of Article 4—holding of examinations and granting of certificates—are applicable as from the date of entry into force of the Convention for Italy, and would therefore be grateful if the Government's next report would indicate the steps taken to ensure the application of this Article of the Convention.

*Norway* (ratification : 6.3.1952). The Committee wishes to thank the Government for the detailed information supplied in its first report, from which it notes with interest that the national legislation appears to be in substantial conformity with the provisions of this Convention.

However, with regard to Article 1 (scope of application) the Committee notes that the relevant provisions of the Norwegian law do not determine the classes of vessels which are to be regarded as seagoing vessels for the purpose of the Convention, but apply to vessels according to the number of the crew which, if composed of more than five persons but not more than ten, must include one cook, or one person with a knowledge of cooking, and if composed of more than ten persons must include one cook.

The Committee would therefore be grateful if the Government would be good enough to indicate in its next report whether this provision relating to the number of the crew may be considered as covering all seagoing vessels, publicly or privately owned, engaged in the transfer of cargo or passengers for the purpose of trade and registered in the territory as laid down in the aforementioned Article.

*Portugal* (ratification : 13.6.1952). The Committee wishes to thank the Government for the information contained in its first report on the application of this Convention. However, with regard to Article 1 of the Convention, the Committee would be grateful if the Government would be good enough to specify whether the expression "...vessel engaged in distant trade" used in Legislative Decree No. 23764 applies to all seagoing vessels. It would also be grateful to receive further information concerning the minimum period of service at sea prescribed and the nature of the examinations, since the relevant legislation does not seem to be in conformity with Article 4, paragraphs 2 (b) and 3 of the Convention.

*Convention No. 74: Certification of Able Seamen, 1946.*

Number of reports requested : 6.

Number of reports received : 6.

*Belgium* (ratification : 5.12.1951). The Committee notes that the regulations to give full effect to the Convention (which according to the report for 1952-53 were to come into force on 1 October 1954 at the latest), will come into force in 1955. The Committee would be glad if the Government would be good enough to supply the text of these regulations with its next report.

*Portugal* (ratification : 6.8.1951). The Committee takes note with interest of the information supplied by the Government in its first report, but ventures to point out that the following discrepancies appear to exist between the provisions of the national legislation and those of the Convention.

Article 2, paragraph 3 of the Convention provides that the minimum age of a candidate for examination as an able seaman shall not be less than 18 years, whereas the report states that in Portugal, in accordance with a Ministerial decision, the usual minimum age of candidates for such examinations does not apply to candidates from vocational schools.

Article 2, paragraph 4. The minimum period of service at sea which is laid down in the relevant provisions of the national legislation is not in conformity with the provisions of the Convention.

The Committee also takes note with interest of the Government's statement to the effect that legislation will shortly be promulgated to fix the qualifying period at three years' service at sea ; it hopes that the necessary legislation will be enacted at an early date.

*Convention No. 77: Medical Examination of Young Persons (Industry), 1946.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(*Guatemala.*)

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information contained in its first report on the application of this Convention. It would be grateful if the Government would be good enough to supply in its next report more detailed information on the nature and extent of the measures taken for ensuring vocational guidance and physical and vocational rehabilitation, as provided for in Article 6 of the Convention, and concerning the methods of supervision to be adopted for ensuring the strict enforcement of the Convention, as laid down in its Article 7.

*France* (ratification : 26.6.1951). In reply to last year's observations of the Committee, the Government stated in writing to the Conference Committee that there are no provisions in the Act of 11 October 1946 concerning medical examination to determine fitness for employment in mines, but that it is customary to make a medical examination at the time of engagement and also periodically, and that recent legislation has extended to the transportation industry the provisions of the above Act.

The Committee takes note with interest of the information and would be grateful if the Government would be good enough to indicate the measures it intends to take to extend the application of the national law to the work in mines, quarries and other works for the extraction of minerals from the earth, as provided for in Article 1, paragraph 2 (a) of the Convention. It would also be grateful if the Government would furnish a copy of the regulations governing the application of the aforementioned Act

to the individual enterprises in the transportation industry.

*Iraq* (ratification : 13.1.1951). With reference to the observation it made in 1954 on the first report submitted by the Government, the Committee notes that no reply whatsoever has been given in this year's report to this observation, which referred to the following discrepancies:

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.

*Italy* (ratification : 22.10.1952). The Committee wishes to thank the Government for the information supplied in its first report. It would like to draw attention to the following discrepancies which appear to exist between the national legislation and the provisions of the Convention.

Article 2 (1) of the Convention. Section 8 of the Act No. 653 of 26 April 1934 requires young women up to 21 years of age and boys up to 15 years to undergo medical examination on taking up employment, whereas the Convention requires children and young persons under 18 years of age to undergo such examination.

Article 3. There is no provision concerning medical supervision and periodical examination for fitness for employment.

Article 4. The Committee would be grateful if the Government would indicate which legislative text renders compulsory medical examination and periodical re-examination for fitness for employment, irrespective of sex and age, in occupations which involve high health risks.

Article 6. No provision exists relating to vocational guidance and physical and vocational rehabilitation of children and young persons.

The Committee notes with interest that, in order to eliminate the existing discrepancies, draft legislative texts are being prepared by the Ministry of Labour and Social Welfare. It would be glad to be informed of the progress

made towards the adoption of the new legislation which will, the Committee hopes, ensure full conformity between national law and the Convention.

*Poland* (ratification : 11.12.1947). The Committee wishes to thank the Government for the detailed reply to the request for information made last year.

*Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 5.

Number of reports received : 4.

Reports not received : 1.

(*Guatemala.*)

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information contained in its first report on the application of the Convention. It would be grateful if the Government would be good enough to supply in its next report detailed information on the measures taken for ensuring vocational guidance and physical and vocational rehabilitation and the issue of special permits of work (as provided for in Article 6 of the Convention), on 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 streets or in places to which the public have access, and on the methods of supervision to be adopted for ensuring the strict enforcement of the Convention, as laid down in its Article 7.

*France* (ratification : 28.6.1951). In reply to the observations of the Committee in 1954, the Government informed the Conference Committee that the French legislation must be interpreted as applying also to apprentices and that only domestic service is excluded from application of the law.

The Committee takes note of this information, but finds that it does not entirely meet the points raised in 1954. It expresses the hope, therefore, that the Government will be able to take the necessary steps to ensure conformity between the national legislation and Article 1, paragraphs 1 and 2 (scope of application) and Article 7, paragraph 2 (a) (measures of identification to ensure application of the medical examination system in itinerant trading or occupations carried on in public places) of the Convention.

*Italy* (ratification : 22.10.1952). The Committee wishes to thank the Government for the information supplied in its first report. It would like to draw attention to the following discrepancies which appear to exist between the national law and the provisions of the Convention.

Article 1 of the Convention. Section 1 (a) of Act No. 653 of 26 April 1934 seems to exclude from the scope of application of the Convention children employed in domestic work inherent in the normal development of family life; this

provision would appear to allow the employment of children in families other than their own.

Article 2 (1). Section 8 of Act No. 653 of 26 April 1934 *inter alia* requires boys up to 15 years of age to undergo medical examination on taking up employment, whereas the Convention requires children and young persons under 18 years of age to undergo such examination.

Article 3. There is no provision concerning medical supervision and periodical examination for fitness for employment, as provided for in this Article.

Article 4. Medical examination and re-examination for fitness for employment in occupations involving high health risks are required for women irrespective of age and for boys up to 18 years, whereas the Convention requires these examinations for all workers up to 21 years of age.

Article 6. No provision exists relating to vocational guidance and physical and vocational rehabilitation of children and young persons.

Article 7 (2). No provisions appear to exist relating to the measures of identification 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 places to which the public have access.

The Committee notes that draft legislative texts are being prepared by the Ministry of Labour and Social Welfare in order to eliminate the existing discrepancies. It would be glad to be informed of the progress made towards the adoption of the new legislation which will, it hopes, ensure at an early date full conformity between national law and the Convention.

*Poland* (ratification : 11.12.1947). The Committee notes that no information is given in the report on the draft legislation prohibiting the employment of young persons as domestic servants, which was mentioned by the Government to the Conference Committee in 1953. The Committee ventures to point out that, in the absence of such legislation, provision should be made for ensuring the medical examination of domestic servants, who come within the scope of Article 1, paragraph 2 of the Convention.

*Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 4.

Number of reports received : 3.

Reports not received : 1.

(*Guatemala.*)

*Bulgaria* (ratification : 29.12.1949). The Committee takes note with interest of the information supplied by the Government in its first report. The Committee would point out that the following discrepancies appear to exist between the provisions of the national legislation and those of the Convention.

Article 3, paragraph 1 of the Convention. Section 113 of the Bulgarian Labour Code lays

down that no wage or salary earner between 14 and 16 years of age shall be employed on night work ; but the Labour Code does not contain any specific provision as regards the employment at night of young persons between 16 and 18 years of age.

Article 6. There appears to be no provision (1) requiring the employer to keep a register or to keep available official records showing the names, dates of birth and hours of work of all persons under 18 years of age employed by him (paragraph 1 (b)) and (2) requiring suitable means for assuring the identification and supervision of persons under 18 years of age engaged, on account of an employer or on their own account, in employments or occupations carried on in streets, etc. (paragraph 1 (c)).

The Committee also ventures to point out that paragraph 2 of Article 6 of the Convention requires governments to supply in their annual reports full information, in particular, regarding the extent to which use has been made of the provisions of Article 5, paragraph 1 (the authorities empowered to grant individual licences to enable young persons under 18 years of age to appear at night in public entertainments, etc.) and paragraph 2 (the minimum age prescribed by the national laws or regulations for the granting of such licences).

The Committee would be grateful if the Government would be good enough to supply further information on the above-mentioned points.

*Italy* (ratification : 22.10.1952). The Committee takes note of the information supplied by the Government in its first report, which states that night work for children and young persons under 18 years of age and for women irrespective of age is prohibited in industrial undertakings only. There is no specific legislation relating to non-industrial undertakings. In addition, the report states that night work rarely occurs in sectors other than industrial, agricultural and maritime occupations.

However, the Committee notes with interest that labour inspection services have been requested to make an inquiry as regards the position in non-industrial occupations and that the Ministry of Labour and Social Welfare is preparing draft legislation designed to ensure conformity between the national legislation and the provisions of a number of international labour Conventions.

The Committee also notes that the Government will supply in its next report information regarding the progress made with this inquiry, as well as copies of any legislation which may be enacted. The Committee expresses the hope that the necessary steps will be taken as soon as possible to adopt legislation which is in conformity with the provisions of this Convention.

*Poland* (ratification : 11.12.1947). The Committee thanks the Government for the detailed information supplied in response to the observations made in 1954, and notes with satisfaction that night work is prohibited for the categories of children mentioned in Article 2, paragraph 1 of the Convention.

The Committee also notes with satisfaction that the labour regulations, which are posted

up in all undertakings, contain particulars of the hours worked by young persons under 18 years of age.

*Convention No. 81: Labour Inspection, 1947.*

Number of reports requested : 16.

Number of reports received : 15.

Reports not received : 1.

(Guatemala.)

*Bulgaria* (ratification : 29.12.1950). The Committee wishes to thank the Government for its first report on the application of this important Convention. Since, however, the information is not supplied in accordance with the form of annual report adopted by the Governing Body, no information is available concerning the effect given to Articles 6, 8, 11, 14, 15, 19, 20 and 21 of the Convention. The Committee would be most grateful if the Government's next report could follow the form of report, and give, in particular, full information as regards these Articles.

In the case of several other Articles, the information communicated is only partially sufficient to ascertain compliance with the Convention, and the Committee would be glad to have additional information—

(1) concerning the method and conditions of recruitment of labour inspectors and the measures taken for training them (Article 7 of the Convention);

(2) concerning the extent to which duly qualified technical experts and specialists are associated in the work of inspection (Article 9);

(3) as to whether labour inspectors are empowered to enforce the posting of notices and to remove samples of materials and substances for purposes of analysis (Article 12, paragraph 1 (c) (iii) and (iv)).

Finally, the Committee would appreciate it if the Government could include in its next report any information available on the manner in which the Convention is applied, e.g. inspection reports, decisions by courts of law or other courts, etc.

*Finland* (ratification : 20.1.1950). As the last annual general inspection report communicated to the International Labour Office, in accordance with Article 20, paragraph 3 of the Convention covers the year 1950 and was published in 1953, the Committee would be glad if the Government would indicate whether such reports have been published for any subsequent year and within 12 months after the end of the period to which they relate, as laid down in Article 20, paragraph 2 of the Convention.

*Haiti* (ratification : 31.3.1952). The Committee wishes to thank the Government for its first report on the application of this Convention, which indicates that substantial effect is given to its provisions by the Act of 13 September 1947 respecting the protection of workers through labour inspection in industry and commerce.

The Committee would be glad, however, if the Government could supply information in its next report on the status, conditions of service

and stability of employment of labour inspectors (Article 6 of the Convention), on the provision of suitable offices and transport facilities for these inspectors (Article 11) and on the preparation by the inspectors of periodical reports to the central inspection authority (Article 19).

The Committee would also be glad if the Government would indicate whether it is intended in future to include in the Annual Report of the Director-General of the Labour Bureau the various particulars provided for in section 16 of the above-mentioned Act of 1947.

*Iraq* (ratification : 13.1.1951). The Committee notes with regret that the Government's report does not contain any information in reply to the Committee's observation of 1954. Since the points it raised are of considerable importance, it would be glad if the Government could see its way clear to supply additional particulars on the steps it intends to take to implement the following provisions of the Convention :

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).

*Ireland* (ratification : 16.6.1951). The Committee wishes to thank the Government for the additional information it was good enough to supply concerning the technical experts and specialists who are members of the inspection staff (Article 9 of the Convention).

*Italy* (ratification : 22.10.1952). The Committee took note with interest of the Government's full first report on the application of the Convention, which indicates that substantial effect is given to its provisions. The Committee would be glad, however, if the Government could specify in its next report what measures are taken to ensure adequate frequency and thoroughness of inspection visits, in accordance with Article 16 of the Convention.

The Committee would also appreciate it if the Government could supply further particulars on the effect given to Article 20 of the Convention, which provides for the publication of an annual general report on the work of the inspection services and for the communication of this report to the International Labour Office,



as well as on the effect given to Article 21 which enumerates the subjects to be dealt with in this annual inspection report.

*Netherlands* (ratification : 15.9.1951). The Committee wishes to thank the Government for the additional information it was good enough to supply in respect of Articles 12, 15, 17 and 21 of the Convention. As regards this last-named Article, the Committee notes that the annual general report of the inspection service no longer includes, since the war, statistics of workplaces liable to inspection and the number of workers employed therein (subparagraph (c) of Article 21), but that the Government intends to resume their publication in this report as soon as possible.

*Turkey* (ratification : 5.3.1951). The Committee wishes to thank the Government for the detailed reply it was good enough to give in its report, in response to the observation made in 1954.

The Committee notes that the labour inspection staff includes technical experts and specialists, as provided for in Article 9 of the Convention, and that measures are being taken whereby the inspection service is informed by the Workers' Insurance Institution of industrial accidents and cases of occupational diseases. The Committee would be glad if the Government would give in its next report additional information on the nature of these measures.

Finally, the Committee notes that effect will be given to Articles 13 (paragraph 2 (b)), 20 and 21 of the Convention as soon as the labour inspection regulations now being prepared have been brought into operation, and looks forward to receiving information on the progress achieved in this connection in the next report.

*Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947.*

Number of reports requested : 2.

Number of reports received : 2.

No observations.<sup>1</sup>

*Convention No. 86: Contracts of Employment (Indigenous Workers), 1947.*

Number of reports requested : 2.

Number of reports received : 1.

Reports not received : 1.

(Guatemala.)

No observations.<sup>1</sup>

*Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948.*

Number of reports requested : 14.

Number of reports received : 13.

Reports not received : 1.

(Guatemala.)

*Cuba* (ratification : 25.6.1952). The Committee noted with interest the information

given in the first report and would be grateful if the Government could give in its next report supplementary information on the following points.

1. The report states that under Decree No. 2605 of 7 November 1933 the right of forming associations is expressly prohibited to officials and employees of the State, provinces and municipalities, except where they are acting as private persons and not in an official capacity; moreover, Legislative Decree No. 65 of 9 March 1934 expressly states that employees of the State, provinces or municipalities, whether officials or wage-earning or salaried employees, shall not form organisations of a trade union character. The Committee draws attention to the fact that the Convention provides that workers, without distinction whatsoever, shall have the right to establish and to join organisations of their own choosing (Article 2); this right consequently should apply equally to public employees. It would, therefore, be grateful if the Government could show exactly to what extent the right of association is forbidden to public employees, and expresses the hope that the Government will contemplate abrogation of any restrictions that may be incompatible with the terms of the Convention.

2. The Committee also noted that section XIV of the decree of 7 November 1933 provides that industrial associations shall not engage in "political activities". It would be grateful if the Government could supply information on the manner in which this section may have been applied.

3. The Committee also noted that in its report on Convention No. 98 the Government indicated that Resolution No. 838 of 15 January 1945 prohibits the existence of more than one union within a single trade in cases where a newly formed union would tend to weaken existing unions. The Committee would be grateful if the Government could give particulars of the scope and practical application of this restriction.

4. The Committee also notes that section XV of the decree of 7 November 1933 and section 8 of Circular No. 1 of 17 September 1934 provide that a representative of the Ministry of Labour may attend meetings of industrial associations in order to ascertain whether the said meetings comply with the legislative provisions in force. The Committee would be grateful if the Government could give supplementary information on the type of supervision carried out by this representative, since the Convention lays down in Article 3, paragraph 2 that public authorities shall refrain from any interference which could restrict the right of workers' organisations to organise their administration and activities or could impede the lawful exercise of such rights.

5. The Committee would also be grateful if the Government could state whether, as laid down in Article 5 of the Convention, workers' and employers' organisations, federations and confederations have the right to affiliate with international organisations of workers and employers.

<sup>1</sup> See Appendix II, for Non-Metropolitan Territories.



*Denmark* (ratification : 13.6.1951). With reference to the request which it made in 1954, the Committee thanks the Government for the detailed information which it has supplied regarding the protection of the right of association and takes note with particular interest of the text of an award given by the Permanent Court of Arbitration which confirmed this right.

*France* (ratification : 28.6.1951). The Committee noted that the French Workers' member at the Conference Committee (1954) stated that a serious problem existed in France as regards application of this Convention, as well as the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), owing to the situation then existing in the newspaper printing industry, where a monopoly had been conferred on a particular trade union organisation "not only as regards collective bargaining but also including recruitment".

The Committee notes that appended to the report is a detailed memorandum on this subject drawn up by the French Confederation of Christian Workers (National Federation of Christian Trade Unions for the Book, Paper, Cardboard and Affiliated Industries) and thanks the Government for this information.

The Committee also notes that the French Government declared in its report that a private member's Bill had been submitted to the National Assembly with the purpose of strengthening the guarantees of free trade union association, which might be injured by the *de facto* recruitment monopolies exercised by certain trade union organisations. The report states that this Bill lays down in the first place that any refusal to engage a person at the time of his application or any dismissal which might be discovered to have been motivated by his opinions, trade union activities, or membership or non-membership of any given trade union, is an abuse and gives entitlement to claim damages, and, in the second place, that any clause contained in contracts or collective agreements by the terms of which use by the employer of the trade union label is made conditional on the obligation on the part of the employer not to retain, or not to employ, any persons except those holding membership of the trade union whose label he uses, shall be null and void. The Government adds that governmental authorities expressed agreement in principle with this Bill and that it had been approved by the Labour and Social Security Committee and the Press Committee of the National Assembly.

Since this Bill to amend the provisions now in force is already before the French Parliament, the Committee decided to postpone examination of the question and would be grateful if the Government would indicate in its next report any new developments and any decision which might have been taken on the subject.

*Netherlands* (ratification : 7.3.1950). The Committee notes that, as indicated by the Government in its report, the complaint presented by an occupational association—to which reference was made in previous reports—has been examined by the Committee on Freedom of Association, whose report was approved by

the Governing Body of the International Labour Office at its 125th Session.<sup>1</sup>

*Pakistan* (ratification : 14.12.1951). In 1954 the Committee noted that, in virtue of sections 2 and 3 of the Cabinet Secretariat's notification of 30 August 1948, 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. The Committee pointed out that this provision did 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 organisations concerned, and to join, organisations of their own choosing.

In this connection the Committee takes note of the statement, made by the Government representative to the Conference Committee (1954) and reproduced in this year's report, to the effect that the restrictions contained in the above-mentioned notification apply only to those associations which apply for official recognition by the Government, and that government employees are at complete liberty to establish and join organisations of their own choosing without being compelled to belong only to associations representing their category.

The Committee also notes that, according to the report, certain workers' organisations protested because of the victimisation of their members on account of their trade union activities, but that as an inquiry revealed that these activities were concerned with questions of law and order no action was taken. The Committee would be grateful if the Government would be good enough to supply information regarding the cases which led to the complaints in question.

#### *Convention No. 88: Employment Service, 1948.*

Number of reports requested : 16.

Number of reports received : 15.

Reports not received : 1.

(Guatemala.)

*Australia* (ratification : 24.12.1949). The Committee took note with interest of the information supplied to the Conference in 1954 in reply to the observation it had made, and confirmed in this year's report.

The Committee notes that there is satisfactory evidence that existing arrangements conform to the spirit of Articles 4 and 5 of the Convention, but it nevertheless expresses the hope that the obstacles which have so far prevented the establishment of advisory committees can be overcome. Note is taken of the recent consultations with employers' and workers' organisations concerning the constitution of an advisory committee at the national level and the Committee would be glad to be kept informed of future developments regarding this matter.

<sup>1</sup> See *Official Bulletin* (Geneva, I.L.O.), Vol. XXXVII, No. 4, 30 Nov. 1954, pp. 106-107.

The Committee notes that the additional information furnished by the Government on Articles 6 and 11 shows satisfactory compliance with the provisions of these Articles.

*Bulgaria* (ratification : 29.12.49). The Committee thanks the Government for the first report supplied on the application of this Convention. It would, however, be glad to know whether the Administration for Manpower Reserves, its district agencies and the offices for the registration and distribution of manpower, referred to in the ordinance of 27 May 1954, supersede previous placement services (labour exchanges and placement offices set up under the Act of 12 April 1925 as amended in subsequent years) and if so on what legislative basis the new employment service operates.

The Committee notes that no information is communicated on the application of a considerable number of provisions of the Convention and it would therefore be grateful if the Government would indicate in its next report how effect is given to the following points :

the measures taken to establish and locate sufficient employment offices to serve the employers and workers in each geographical area (Article 3, paragraph 1) and the review and, if necessary, the revision of the network of employment offices (Article 3, paragraph 2) ;

the setting up and working of advisory committees (Articles 4 and 5) ;

the organisation and activities of the employment service (Article 6, paragraphs (a) to (e)) ;

the arrangements for specialisation by occupation and industry within individual offices (Article 7 (a)) ;

the provisions concerning the status, recruitment, selection and training of the staff of the Administration for Manpower Reserves and its agencies (Article 9).

Finally, the Committee hopes that the Government will be able to include in its next report information on the methods by which the application of relevant legislation is ensured (point III of the report form), and furnish available statistical information on the number of public employment offices established, the number of applications for employment received, the number of vacancies notified, and the number of persons placed in employment by such offices (point IV of the report form), as well as the information requested under points V, VI and VII of the report form.

*Cuba* (ratification : 29.4.1952). The Committee has examined the first report supplied by the Government on the Convention and would be grateful if the Government would include in its next report information on the following points :

Article 2 of the Convention : the steps which are envisaged to organise existing employment exchanges into a national system under the supervision of a national authority ;

Article 3 : the provision which is made to ensure that offices are conveniently located for employers and workers and for the periodic review and, as necessary, revision of the organisation of the network ;

Articles 4 and 5 : whether any steps are envisaged concerning the setting up and working of advisory committees.

Article 6 (paragraphs (a) to (e)) : the organisation and activities of the employment service.

Article 7 : the steps which are envisaged to facilitate specialisation within employment offices for particular industries, occupations or categories of persons.

Article 8 : the steps which are envisaged to initiate and develop special arrangements for juveniles within the framework of the employment and vocational guidance services.

Article 9 : the provisions concerning the status, recruitment, selection and training of the staff of employment exchanges.

Article 10 : the measures to ensure full use of the employment service on a voluntary basis ;

Article 11 : whether in practice the Department of Employment Exchanges inspects private employment agencies and receives activity reports from them.

*Czechoslovakia* (ratification : 12.6.1950). The Committee has examined with much interest the first reports submitted on this Convention (1951-53 and 1953-54). It finds that the information submitted does not cover all the provisions of the Convention and it would be glad if the Government would reply in its next report to the following questions :

Articles 1 and 2 of the Convention. Do the Ministry for Manpower and the Manpower Departments constitute an employment service, their essential duty being to ensure the best possible organisation of the employment market, or have they other duties involving wider functions? What is the legislative basis of this Ministry and the Department? Considering the large number of public agencies which carry out placement functions, is any mechanism provided to co-ordinate their activities with those of the Manpower Departments, so that the network may be described as "a national system of employment offices under the direction of a national authority"?

Article 3. Are there any arrangements for the review and, if necessary, revision of the network of employment offices?

Articles 4 and 5. What measures does the Government intend to take to set up advisory committees including representatives of employers and workers?

Article 6. With particular reference to ordinary placement and recruitment activities (as opposed to organised recruitment), to what extent do the Manpower Departments (1) refer applicants and vacancies from one office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled or in which other circumstances warrant such action? and (2) facilitate occupational and geographical mobility and temporary transfers of manpower? (Paragraphs (a) (iv) and (b) (i) to (iii).)

What is the part (if any) played by the Manpower Departments in organising the recruitment of workers from abroad (e.g. to meet seasonal manpower shortages in agriculture)? (Paragraph (b) (iv).)

What is the nature of the employment information collected by the Manpower Departments? Is this information made available to the general public? (Paragraph (c).)

What is the position of the Manpower Departments as regards co-operation in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed? (Paragraph (d).)

Do the Ministry for Manpower and Manpower Departments assist, as necessary, in social and economic planning calculated to ensure a favourable employment situation? (Paragraph (e).)

Article 7. Are there, within the individual Manpower Departments, arrangements for specialisation by industries and occupations (e.g. where several important industries or occupations have to be served within the same area)? (Paragraph (a).)

What measures have been taken to meet adequately the needs of particular categories of applicants for employment, such as disabled workers? (Paragraph (b).)

Article 8. In addition to their recruitment activities (for the training centres of the State Manpower Reserves and for other undertakings with a view to training in industry or agriculture), do the special juvenile sections in the Manpower Departments provide general placement assistance and vocational guidance and counselling to all young persons, including guidance and placement in respect of jobs for which no special recruitment schemes are in effect?

Article 9. What are the methods of recruitment and selection of the staff of the employment service?

Article 10. What arrangements are made nationally and locally to encourage full voluntary use of employment service facilities?

Article 11. Since Government Order No. 217/1936, quoted in the report, provides only for the abolition of fee-charging employment agencies conducted with a view to profit (not referred to in the Convention), what is the situation as regards private employment agencies not conducted with a view to profit?

Finally, the Committee would be glad if the Government would reply to the questions concerning the practical application of the Convention set out under points IV to VII of the form of report, as approved by the Governing Body. In particular the Committee would be glad to have statistical information concerning the number of public employment offices established, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such offices.

*Iraq* (ratification : 22.6.1951). The Committee notes with regret from the Government's report that it has not replied to the observations made by it in 1954. It therefore hopes that it will not fail to include in its next report the information requested last year:

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.

*Italy* (ratification : 22.10.1952). The Committee examined with interest the Government's first report on the application of this Convention. It expresses its appreciation of the detailed nature of the report, but would be grateful if the Government would supply further information on a number of points.

Article 4 of the Convention. The Committee notes that, although the Government's report indicates that employers' and workers' organisations have equal representation on advisory committees, the Act of 29 April 1949, which is quoted in the Government's report, provides that workers' organisations should have a larger representation on central and provincial committees than employers.

Article 6 (a) (iv). The Committee would like to have information on the measures by which effect is given to the provisions concerning the reference of cases from one employment office to another.

Article 7 (a). The Committee notes that the special offices for the placement of seamen and dockers come under the Ministry for Mercantile Marine and would like to know whether they are a part of the network of the employment service.

Article 11. The Committee would be glad to know whether all private employment agencies have ceased to exist (section 11 of the Act of 29 April 1949) and, if not, whether there is effective co-operation between them and the public employment service.

The Committee notes with satisfaction that measures are being taken to ensure the application of the provisions relating to occupational and geographical mobility (Article 6 (b)), the specialisation within employment offices by occupation and industry (Article 7 (a)) and the special arrangements for juveniles (Article 8); it hopes the Government will keep it informed of all developments in this connection.

Finally, the Committee notes that the statistical information mentioned in the Government's report was not attached to it; it would be interested to have data on the number of public employment offices, the number of applications for employment received, the num-

ber of vacancies notified and the number of persons placed in employment by such offices (point IV of the report form).

*Switzerland* (ratification : 19.1.1952). The Committee has examined with interest the detailed first report submitted by the Government on this Convention. It notes that the Government does not indicate the cantonal legislation or regulations for a small number of cantons (e.g. Fribourg and Uri) and it would be glad to know how the federal legislation relating to the employment service is applied in these cantons.

*Turkey* (ratification : 14.7.1950). The Committee refers to the observation it had made in 1954 and notes with satisfaction the measures taken by the Government to ensure the application of the Convention. It will follow with interest the Government's future reports and hopes they will show the results of the introduction of these measures, and indicate all other steps taken to extend and improve the employment service.

*Convention No. 89: Night Work (Women)*  
(Revised), 1948.

Number of reports requested : 13.

Number of reports received : 12.

Reports not received : 1.

(Guatemala.)

*Austria* (ratification : 5.10.1950). The Committee takes note with interest of the following information supplied by the Government in writing to the Conference Committee in 1954. An Hours of Work Bill, which is under consideration, will prohibit night work for women in general, whether they are manual workers or employees. The Committee hopes that the Government will be able to enact this amending legislation at an early date.

*Belgium* (ratification : 1.4.1952). The Committee takes note with interest of the detailed information supplied by the Government in its first report, which shows that the national legislation is in conformity with the Convention except as regards the following point.

Article 5, paragraph 1 of the Convention. While section 14, paragraph 2 of the Act of 28 February 1919 respecting the employment of women and children authorises the suspension of the prohibition of night work for women when, in case of serious emergency, the national interest demands it, there appears to be no provision which specifies that before granting an exception in such cases the employers' and workers' organisations must be consulted. The Committee would be grateful, therefore, if the Government would supply further information on this point.

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the first report (covering the period 1951 to 1953) supplied by the Government. However, the Committee ventures to point out that, while there is a substantial measure of conformity between the national legislation and the provisions of

the Convention, the following discrepancies appear to exist.

Section 9 (3) of the Eight-Hour Working Day Act of 1918 defines night work as work performed between 10 p.m. and 5 a.m.; the report states that orders issued after 1945 define night work as work performed between 10 p.m. and 6 a.m. It is not clear whether these orders supersede the 1918 legislation in respect of all the undertakings to which the Convention applies. In addition, no reference is made in the report to any specific legislation providing for a period of at least 11 consecutive hours' rest, including an interval of at least seven consecutive hours between 10 p.m. and 7 a.m. (Article 2 of the Convention.)

Section 9 (3) of the Eight-Hour Working Day Act of 1918 allows the Minister concerned, as an exceptional measure, to authorise specified groups of undertakings to employ women over 18 years of age at night if this is necessary for the uninterrupted operation of an undertaking or in the public interest. The report also states that the expansion and development of industry in Czechoslovakia since 1945 have made it necessary—at least temporarily—to employ women over 18 years of age in those branches of production where there is a shortage of male workers or where night shifts have been introduced in order to ensure supplies of electric power.

The Committee draws the attention of the Government to the fact that these exceptions are not covered either by the provisions of Article 4 (a) (cases of *force majeure* in connection with an interruption of work, etc.) or of Article 5 which provides that the prohibition of night work for women may be suspended, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

The Committee hopes that the Government will be able to take the necessary measures to establish conformity between the national legislation and the provisions of the Convention on the points indicated above.

The Committee would also be grateful if the Government would be good enough to supply, in its next report, the information requested in the form of annual report under points III (authorities entrusted with application), IV (decisions by courts of law) and V (inspection service reports, statistics of the number of workers, etc.).

*India* (ratification : 27.2.1950). With reference to previous observations, the Committee takes note with satisfaction of the statement made by the Government representative to the Conference Committee in 1954 to the effect that the Mines Act of 1952 provides that women shall not be employed between 7 p.m. and 6 a.m.; the Factories Act of 1948 has now been amended and provides "that there will be no change of shift except after a weekly holiday or any other holiday"; and that this amendment ensures a rest period of 11 consecutive hours at night for the women concerned.

The Committee would like to place on record its appreciation of the steps taken by the Government of India to give full effect to the provisions of this Convention.

*Pakistan* (ratification : 14.2.1951). With reference to the observation which it made in 1954, the Committee takes note with satisfaction of the following information supplied by the Government representative to the Conference Committee in 1954 and reproduced in this year's report. Provision exists for consultation of employers' and workers' organisations in the Standing Labour Committee and the Tripartite Labour Conference. Steps are also being taken to ensure that restrictions on the prohibition of night work by women are only relaxed in case of emergency. The Committee would appreciate further information regarding the measures taken in this connection.

*Syria* (ratification : 1.12.1949). With reference to the observations which it made in 1954, the Committee notes with satisfaction that the Government has enacted Decree No. 1851 of 9 September 1954, which defines the term "night" as the period between 6.30 p.m. and 5.30 a.m. and that this decree is applicable to all industrial undertakings throughout the country. In addition, steps have been taken to bring the provisions of the Convention to the attention of the parties concerned (by the publication of the Convention in the Official Gazette and semi-official reports and reviews). The Committee is glad to note that undertakings employing more than 15 workers must include in their rules of employment the prohibition of the night work of women, and by virtue of the Labour Code the rules of employment must be posted up on the premises of each undertaking.

The Committee takes note with interest of the information supplied by the Government regarding the measures taken to ensure conformity between the legislation and the Convention. However, the Committee would be grateful if the Government would be good enough to supply in its next report detailed information under point V of the report form relating, in particular, to the number of workers covered by the legislation, the number and nature of any contraventions and the application of any exceptions provided for in Articles 4 and 6 of the Convention.

*Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1949.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(*Guatemala.*)

*Cuba* (ratification : 29.4.1952). The Committee takes note with interest of the Government's first report, from which it appears that there is substantial conformity between the national legislation and the provisions of the Convention. However, the Committee would be grateful if the Government would indicate in its next report what measures are taken to ensure that the provisions of the Convention are known to the persons concerned, in conformity with Article 6, paragraph 1 (a) of the Convention.

*Czechoslovakia* (ratification : 12.6.1950). The Committee thanks the Government for the

information submitted in its first report (covering the period 1951-53). It ventures to point out, however, that the following discrepancies appear to exist between the provisions of the national legislation and those of the Convention.

Article 2 of the Convention. The report refers to orders issued since 1945 which define night work as work performed between 10 p.m. and 6 a.m. and which prohibit the night work of male young persons under 18 years of age. It is not clear from the report whether these orders supersede completely the 1918 legislation which defines night work as work done between 10 p.m. and 5 a.m. and whether there is any legislative provision specifying that a nightly rest period of at least 12 consecutive hours must be ensured.

Article 3, paragraph 2. The report states that during the last year of their training students of the training centres of the State Labour Reserves, as well as apprentices who do not come within the scope of these Reserves, may be employed at night, subject to certain safeguards as to their health, safety, etc.; in addition, as the eight-hour day is strictly observed in both cases, a rest interval of 16 hours is assured between two working shifts.

The Committee would be glad if the Government would state whether (1) this interval is assured in the event of a changeover in shifts; (2) the students and apprentices in question are between 16 and 18 years of age; (3) the night work of such young persons is authorised only in industries or occupations which are required to be carried on continuously and these exceptions are authorised by the competent authority after consultation with the employers' and workers' organisations concerned.

Article 3, paragraph 4. The report states that the Act of 1946, to regulate hours of work in bakeries, stipulates that in principle no person may be employed in bakeries between 10 p.m. and 6 a.m., but that an exception may be made in the case of young persons employed as bakers' apprentices who may be employed between the hours of 3 a.m. and 6 a.m. in the last six months of their period of training in order to enable them to learn the preparatory work of this trade; further, this measure is applied only in the case of bakeries which do not operate on several shifts. However, paragraph 4 of Article 3 of the Convention lays down that in the baking industry the interval between 9 p.m. and 4 a.m. may, for purposes of apprenticeship or vocational training of young persons who have attained the age of 16 years, be substituted by the competent authority (after consultation with the employers' and workers' organisations concerned) for the interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m. The Committee would be glad to be informed whether any measures have been taken, or are contemplated, to ensure compliance with this provision of the Convention.

Article 5. The report states that young workers over 16 years of age may be employed at night in those branches of industry where there is a shortage of labour or where—in pursuance of Government Ordinance No. 19 of

1951—hours of work are regulated so as to ensure the “uninterrupted transport of workers” and “the supplies of electricity, gas, heating or steam”; in such cases, day shifts are exceptionally replaced by night shifts.

The Committee would welcome further information regarding the branches of industry concerned and would point out that Article 5 of the Convention provides that the prohibition of night work may be suspended by the Government, for young persons between the ages of 16 and 18 years, only when in case of serious emergency the public interest demands it.

Article 6. The Committee would be glad to be informed whether—(a) the “Tradesmen’s Order”, which requires undertakings to maintain a list of the young persons employed by them, applies to all the undertakings covered by the Convention and (b) the above-mentioned lists contain details showing the dates of birth of all persons under 18 years of age. The Committee would be glad if the Government would be good enough to forward a copy of the text of this order.

The Committee would also appreciate it if the Government would be good enough to supply in its next report the information requested under the form of annual report in points III (authorities entrusted with application), IV (decisions by courts of law) and V (statistical and other information relating to the application of the Convention).

*India* (ratification : 27.2.1950). With reference to previous observations, the Committee takes note with satisfaction of the following information supplied by the Government representative to the Conference Committee in 1954, and referred to in this year’s report.

Article 2, paragraph 1 of the Convention (period of consecutive rest). The Bill to amend the Factories Act of 1948 has now been enacted and lays down that a rest period of 12 consecutive hours at night must be granted to all young persons under 17 years of age covered by the Factories Act, as well as to all young persons employed in mines under the provisions of the Mines Act, 1952.

Article 3, paragraph 2 (exception authorising the employment of young persons under 18 years of age for purposes of apprenticeship and vocational training). The Rules under the Employment of Children Act (which permit children to be employed at night as apprentices or for the purpose of receiving vocational training only in respect of activities which are required to be carried on continuously) will shortly be completed; the delay is due to the fact that it was necessary to consult the parties concerned.

Article 6, paragraph 1 (e) (registers of young persons employed). A circular has been issued to state governments requesting them to amend the form concerning certificates of fitness so as to include in this form the date of birth or the certified age. Several state governments had already complied with this requirement and the others are taking the necessary action to do so.

The Committee thanks the Government for the prompt action it has taken to eliminate the

discrepancies to which attention had been drawn and would be glad to receive in due course a copy of the Rules which are being framed under the Employment of Children Act.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the detailed information supplied by the Government in its first report. However, the Committee ventures to point out that the following discrepancies appear to exist between the national legislation and the provisions of the Convention.

Article 2, paragraph 1 of the Convention. Section 13 of Act No. 653 of 1934 defines the term “night” as a period of at least 11 consecutive hours, including the period between 10 p.m. and 5 a.m., whereas the Convention defines the term “night” as a period of at least 12 consecutive hours.

Article 2, paragraph 2. The legislation does not specify that in the case of young persons under the age of 16 years the period of nightly rest shall include the interval between 10 p.m. and 6 a.m.

Article 2, paragraph 3. The legislation does not make any provision regarding the prescribed interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m. in the case of young persons between 16 and 18 years of age.

Article 3, paragraph 2. Section 14 of Act No. 653 provides for an exception to the prohibition of night work for young persons over 16 years of age in certain specified industries which are required to be carried on continuously. However, the Convention stipulates that such exceptions may be granted only for purposes of apprenticeship or vocational training in the case of young persons between 16 and 18 years of age.

Article 3, paragraph 3. The legislation does not appear to provide that young persons employed in virtue of the provisions of paragraph 2 of this Article shall be granted a rest period of at least 13 consecutive hours between two working periods.

Article 3, paragraph 4. The legislation does not appear to specify that the exception provided for by the Convention is authorised in the baking industry only for purposes of apprenticeship or vocational training of young persons who have attained the age of 16 years.

Article 6, paragraph 1 (a). There appears to be no legislation which makes appropriate provision for ensuring that the laws or regulations giving effect to the provisions of the Convention are made known to the persons concerned.

Article 6, paragraph 1 (e). The legislation does not appear to require every employer to keep a register or to keep available official records showing the names and dates of birth of all employed persons under 18 years of age.

The Committee notes with interest that draft legislation designed to ensure harmony between the provisions of the national legislation and the Convention is now under consideration by the Ministry of Labour and hopes that



it will soon be possible for this legislation to be enacted.

*Pakistan* (ratification : 14.2.1951). With reference to the observations made by the Committee in 1954, the Government states that the proposed Bill to amend the Factories Act of 1934 has now reached an advanced stage and that Rules are being drafted under the Employment of Children Act; Regulations under the Mines Act are already in force and steps are being taken to restrict the night work of young persons in cases of serious emergency under the Mines Act.

The Committee expresses its appreciation of the action taken by the Government and hopes that it will soon be in a position to enact the relevant legislation and so ensure full conformity with the provisions of the Convention.

*Convention No. 92: Accommodation of Crews (Revised), 1949.*

Number of reports requested : 8.

Number of reports received : 8.

*Cuba* (ratification : 29.4.1952). The Committee thanks the Government for the information given in its first report on the application of the Convention. It notes that no mention is made in the report of the existence of any legislation or regulations which, in accordance with Article 3 of the Convention, member States that have ratified undertake to maintain in force to ensure the application of the provisions of Parts II, III and IV of the Convention.

The Committee therefore expresses the hope that in its next annual report the Government will be in a position to indicate the regulations or legislative provisions that have been adopted to implement the Convention.

*Finland* (ratification : 2.7.1950). The Committee takes note with interest of the detailed information supplied by the Government in its first report, which shows that the Convention is in general applied. However, the provisions of the national legislation which correspond to the provisions of Article 13, paragraph 2 (a), (b) and (c) of the Convention are based on the number of persons in the crew and not on the tonnage of the vessel. The Committee would be glad if the Government would be good enough to indicate in its next report the extent to which effect has been given to Article 13, paragraph 2 of the Convention.

*Portugal* (ratification : 29.4.1952). The Committee notes the statement in the Government's first report that the legislation in force does not give effect to the majority of the provisions of the Convention but that the Government is giving consideration to the question of bringing all legislation on merchant shipping up to date, so as to meet fully the requirements of the Convention. The Committee hopes that the steps necessary to discharge the obligations undertaken by the Government through the ratification of this Convention will be taken at an early date, and would be glad if the next report would include full information regarding the progress made in this direction.

*Convention No. 94: Labour Clauses (Public Contracts), 1949.*

Number of reports requested : 9.

Number of reports received : 8.

Reports not received : 1.

(Guatemala.)

*Austria* (ratification : 10.11.1951). The Committee noted with regret that the Government had not given any reply in its report to the observation which the Committee made in 1954.

It notes once again 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 this connection the Committee refers to Article 2, paragraph 1 of the Convention, which reads as follows : "Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which 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...." The Committee would be grateful if the Government would supply information on this point in its next report.

*Belgium* (ratification : 13.10.1952). The Committee examined with interest the first report communicated by the Government on the application of this Convention. It notes that, although the Government states that the workers covered by the Convention enjoy the same conditions of work and protection as workers in general, and although the general specifications contain certain provisions regarding conditions of work, the Government does not indicate whether labour clauses are inserted in public contracts.

The Committee therefore refers to Article 2, paragraph 1 of the Convention, which reads as follows : "Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which 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...." The Committee would be grateful if the Government would supply information on this point in its next report.

The Committee notes that the general specifications for public contracts are being revised and would like to point out that this revision would perhaps offer a suitable opportunity for requiring the insertion of labour clauses in public contracts if this is not done at present.

*Cuba* (ratification : 24.4.1952). The Committee has examined with interest the first report supplied by the Government on this Convention. It notes the constitutional provisions which are applicable to all workers in general, and the general specifications for public contracts, but it finds that no provision



seems to be made for the insertion in public contracts of labour clauses ensuring wages, hours of work and other conditions of labour, which are not less favourable than those established for work of the same character (Article 2 of the Convention). The Committee would therefore be glad if the Government would indicate in its next report whether such labour clauses are a part of all public contracts. If so, it would like to have some information on the following points.

Article 1 of the Convention. The definition given to public contracts and whether it conforms with the provisions of paragraph 1 of this Article; how far the Convention has been made applicable to contracts awarded by authorities other than central authorities (paragraph 2); the measures taken to ensure the application of the Convention to work carried out by subcontractors or assignees of contracts (paragraph 3); whether advantage has been taken of the exceptions which may be authorised under paragraphs 4 and 5.

Article 2. Whether the workers' and employers' organisations were consulted before the terms of the labour clauses were determined (paragraph 3).

Article 4. Whether there exist measures ensuring the enforcement of the laws, regulations or other instruments giving effect to the Convention, as set out in detail under this Article.

Article 5. Whether provision is made for adequate sanctions in cases where the labour clauses in public contracts are not applied (paragraph 1) and whether measures are taken for the protection of wages (paragraph 2).

*Finland* (ratification : 22.12.1951). The Committee has taken note with interest of the regulations concerning unemployment relief schemes which were attached to the Government's report. The Committee wishes to point out that not only contracts under unemployment relief schemes but all public contracts, as defined in Article 1 of the Convention, must include labour clauses (Article 2 of the Convention). The Committee refers to the report for 1952-53, in which the Government stated that "in order to ensure the complete application of the provisions of the Convention, measures will be taken to insert the appropriate labour clauses in public contracts" and it hopes that the Government will be able to take measures in the near future to ensure that all public contracts fulfil the conditions set out in the Convention.

In connection with the provision already made concerning contracts concluded under unemployment relief schemes, the Committee would like to know whether the labour clauses inserted in the contracts in question ensure wages and conditions of work which 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" (Article 2, paragraph 1 of the Convention) as this is not evident from the text communicated to the Office.

The Committee would be glad to be informed if employers' and workers' organisations are

consulted before the terms of the labour clauses are determined (Article 2, paragraph 3).

Finally the Committee would be glad to have information on the application of the Convention to work carried out by subcontractors (Article 1, paragraph 3) as well as on the effect given to those provisions of the Convention which relate to its practical implementation and enforcement (Articles 4 and 5).

*France* (ratification : 20.9.1951). The Committee takes note of the information supplied by the Government to the Conference at its last session and in its report, in reply to the request for further information made by the Committee. It would be glad if the Government would also supply additional data on points (b) and (c) of this observation, which read as follows :

(b) The Government's report does not contain any information on the manner in which the laws, regulations, etc., giving effect to the Conventions are brought to the notice of all the persons concerned (Article 4, paragraphs (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).

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the detailed first report communicated on the Convention. It takes note with much interest of the measures by which effect is now given to the provisions of the Convention and of the statement that when the new Trade Union Act came into force collective agreements would be made binding on all workers even if employed by public works contractors, concessionaires for public services, undertakings financed by the Government or other public authorities, and that consequently it would "no longer be necessary to issue special regulations requiring certain clauses to be included in public contracts as provided by the Convention". The Committee expresses its satisfaction at the far-reaching nature of the proposed Act but it points out that, in accordance with the terms of Article 2, paragraph 1 of the Convention, it will still be necessary for public contracts to include labour clauses; however, the Government will note that paragraph 3 of this same Article allows the competent authorities considerable latitude in determining the nature of these clauses.

The Committee would be grateful if the Government would indicate in its next report how effect is given to Article 4 (a) (iii), which relates to the posting of notices, and Article 4 (b) (i), which relates to records of wages and of time worked.

*Netherlands* (ratification : 20.5.1952). The Committee has examined with interest the first report submitted by the Government on this Convention.

The Committee finds that the information supplied does not show clearly whether all public contracts include clauses ensuring to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character, as specified in Article 2, paragraph 1 of the Convention. The Com-

mittee points out that this provision must be complied with by States having ratified the Convention, regardless of the nature of their social legislation and it would therefore be glad to know if labour clauses are included in all public contracts.

*United Kingdom* (ratification : 30.6.1950). The Committee thanks the Government for the information supplied in reply to the request for further information respecting Northern Ireland made at its previous meeting.

*Convention No. 95: Protection of Wages, 1949.*

Number of reports requested : 8.

Number of reports received : 7.

Reports not received : 1.

(*Guatemala.*)

*Austria* (ratification : 10.11.1951). The Committee notes with interest the new legislation and information supplied as regards the methods, etc., of the payment of wages for homeworkers, but regrets that the report contains no information in response to the observation which it made in 1954 as regards Article 6 of the Convention. The Committee therefore again requests the Government to be good enough to state whether there is any specific legislation prohibiting employers from limiting in any manner the freedom of the worker to dispose of his wages.

*Cuba* (ratification : 29.4.1952). The Committee takes note with interest of the detailed information supplied in the first report and draws the attention of the Government to the following points.

Article 4, paragraph 1 of the Convention. There appears to be no legislative provision prohibiting the payment of wages in the form of liquor of high alcoholic content or of noxious drugs.

Article 4, paragraph 2. No information is given concerning the measures taken to ensure that (a) where the partial payment of wages in the form of allowances in kind is authorised, such allowances are appropriate for the personal use and benefit of the worker and his family and (b) the value attributed to such allowances is fair and reasonable.

Article 7, paragraphs 1 and 2. It is not clear from the report whether any works stores are established for the sale of commodities to workers and, if so, what measures are taken to ensure the application of the provisions laid down in this Article.

Article 8, paragraph 2. There is no indication in the report of the steps taken to inform workers of the conditions under which and the extent to which deductions are made from wages.

Article 9. The report states that the legislation does not authorise deductions from wages for the purpose of obtaining or retaining employment, but it does not indicate which legislative provision gives effect to this Article of the Convention.

Article 12, paragraph 2. There does not appear to be any specific legislation which stipulates that the final settlement of all wages

due shall be effected upon the termination of the contract of employment.

Article 13, paragraph 2. There appears to be no legislation which prohibits the payment of wages in taverns or other similar establishments.

Article 14, clause (b). No information is given concerning the measures taken to keep workers informed, at the time of each payment of wages, of the particulars of their wages for the pay period concerned.

Article 15. It is not clear what measures are taken to make available, for the information of the persons concerned, the laws and regulations which give effect to the provisions of the Convention (clause (a)) or provide for the maintenance of adequate records in an appropriate manner (clause (d)).

The Committee hopes that the Government will be good enough to supply further information on the various points dealt with above and will take the necessary measures to bring its legislation into full conformity with the provisions of the Convention.

*France* (ratification : 15.10.1952). The Committee expresses its appreciation of the detailed information supplied by the Government in its first report, from which it appears that, with the exception of the points dealt with below, the Convention is applied.

Article 4, paragraph 1 of the Convention. The legislation does not appear to contain any provision prohibiting the payment of wages in the form of liquor of high alcoholic content or of noxious drugs.

Article 9. The report quotes section 51 a (1) of Book I of the Labour Code, which enumerates various undertakings in which deductions from wages are prohibited. While the report states that this prohibition is considered to be a principle which is applied generally, there appears to be no specific provision to this effect in the legislation.

The Committee would be glad if the Government would be good enough to supply further information on these points.

*Italy* (ratification : 22.10.1953). The Committee expresses its appreciation of the detailed information supplied by the Government in its first report which, apart from the points dealt with below, shows that there is conformity between the national legislation and the provisions of the Convention.

Article 7, paragraph 1 of the Convention. The report states that, under Italian legislation, no worker may be compelled to obtain goods provided by the employer or to make use of any stores set up by the employer in an undertaking. However, it is not clear which provision of the legislation ensures the application of this paragraph.

Article 7, paragraph 2. According to the report, supply services in undertakings are usually organised as co-operative societies, the legal structure of which excludes any form of profit for the employer. However, it is not clear whether any specific measures are taken to ensure that the provisions of this paragraph are strictly applied in all cases.

Article 15, clause (d). There appears to be no legislative provision requiring the maintenance of appropriate records in an approved form and manner.

The Committee hopes that the Government will be good enough to supply further information on the above-mentioned points and will take the necessary action to ensure full conformity with the provisions of the Convention.

*Netherlands* (ratification : 20.5.1952). The Committee thanks the Government for the detailed information supplied in its first report, from which it notes with satisfaction that the national legislation and practice seem to be in substantial conformity with the provisions of the Convention. However, the Committee would be grateful if the Government would be good enough to supply further information on the following point.

Article 15 (d) of the Convention. The national legislation does not appear to provide for the maintenance of adequate records in an approved form and manner.

*Norway* (ratification : 29.6.1950). The Committee takes note with interest of the following information supplied in this year's report in response to the observation made in 1954 as regards Article 13, paragraph 2 of the Convention. The Workers' Protection Act provides that wages shall be paid on or at the workplace during the working hours or as soon as possible after working hours. It has been assumed that conditions in Norway do not necessitate legal provisions which expressly prohibit payment of wages in taverns, etc. The Labour Inspection Services have never received information regarding the existence of abuses of this kind.

The Committee takes note with interest of the information submitted by the Government to the Conference Committee in 1954, to the effect that the exemption of Spitsbergen from the application of the Convention in accordance with Article 17 thereof, was discussed in the Norwegian Joint Committee on International Social Policy on 20 January 1950, and that the representatives of the Norwegian Employers' Federation and the General Confederation of Trade Unions in Norway had no objection to this exemption.

*Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949.*

Number of reports requested : 6.

Number of reports received : 6.

*Finland* (ratification : 22.12.1951). The Committee thanks the Government for the information which it has supplied in response to the observation made in 1954. The Committee notes that the laws and regulations in force do not lay down any conditions regarding the placing and recruitment of workers abroad. The Committee would be glad to know if this means that private fee-charging employment agencies not conducted with a view to profit are allowed to place and recruit workers abroad. If this is the case, the Committee expresses the hope that the Government will take measures

to ensure the strict application of Article 11 (c) of the Convention.

*Netherlands* (ratification : 20.5.1952). The Committee takes note with interest of the detailed information on the application of each Article of the Convention, supplied by the Government in its first report. However, the Committee would be glad if the Government would be good enough to supply in its next report further information on the following points.

Article 5, paragraph 2 (d) of the Convention. The report states that the only operations carried out by fee-charging employment agencies for the placing or recruitment of workers abroad relate to artists for whom there are no regulations whatever.

Article 6 (c). The report also states that there are no regulations whatever regarding the recruitment of artists and the placing of workers abroad by employment agencies not conducted with a view to profit.

The Committee would be glad to know if the Government contemplates the framing of regulations to ensure conformity with the provisions of Articles 5, 2 (d) and 6 (c).

*Pakistan* (ratification : 26.5.1952). The Committee notes the Government's statement in the report that no fee-charging employment agency exists in the country. The Committee ventures, however, to draw attention to Article 1, paragraph 1 (a) of the Convention, which defines a fee-charging employment agency as meaning, *inter alia*, any person who "acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker".

As this definition would appear to cover the labour contractors and other recruiting agents who, according to the report of the I.L.O. Labour Survey Mission on Labour Problems in Pakistan, act as intermediaries in the sense of this definition, the Committee would be grateful if the Government would be good enough to supply in its next report information on these agencies and to indicate what steps it has taken or intends to take with a view to abolishing them progressively, as provided for in Part II of the Convention.

*Sweden* (ratification : 18.7.1950). The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1954 and to which the Government refers in its report in reply to the observations made by the Committee in 1954.

*Turkey* (ratification : 23.1.1952). The Committee takes note with interest of the detailed information supplied by the Government in its first report, which states that a Bill is under consideration to bring the legislation into line with the Convention, in particular as regards persons who act as intermediaries between agricultural workers and employers. The Committee hopes that this legislation will be enacted at an early date and would be glad if the Government would be good enough to forward a copy of the text adopted.

*Convention No. 97: Migration for Employment (Revised), 1949.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(Guatemala.)

*Cuba* (ratification : 29.4.1952). The Committee learned with interest from the Government's first report that the only workers permitted to immigrate into Cuba are technicians, directors, administrators or managers of undertakings. The Committee feels unable, however, to agree with the Government's view that no effect need therefore be given to most of the provisions of the Convention, and hopes that the Government will find it possible to indicate in its next report—

(1) how the various provisions of the Convention are applied to the above-mentioned categories of immigrant workers ;

(2) what effect is given to Articles 3, 7 and 8 of the Convention as well as to its Annex III ;

(3) whether the Government has taken the measures provided for in the Convention in respect of Cuban residents who migrate to other countries for the purpose of finding employment, since the Convention under its Article 11 covers emigrants as well as immigrants.

Finally, the Committee would greatly appreciate it if the Government would supply statistical information on the approximate number of workers who have immigrated into and emigrated from Cuba in recent years.

*Italy* (ratification : 22.10.1952). The Committee took note with interest of the Government's first report on the effect given to the Convention and to Annexes I and II. It finds that very little information is given in the report on the application of the Convention to foreign workers who migrate to Italy for employment, and would be grateful, therefore, if the Government could include in its next report full particulars on the application of the relevant Articles of the Convention and of its Annexes.

Moreover, no information is contained in the report on the following provisions : Article 5 (b), Article 6, paragraph 1 (a), (c), (d), Article 8 of the Convention ; Articles 5, 7, 8 of Annex I, Articles 5, 6, 9, 10, 11, 13 of Annex II, and all of Annex III. The Committee would very much appreciate it, therefore, if the Government could supply full particulars on the effect given to these various provisions, including such data on practical measures of implementation as may be available.

*Netherlands* (ratification : 20.5.1952). The Committee took note with interest of the Government's first report, which contains information only on the effect given to the Convention in respect of workers who emigrate from the Netherlands. As no information is supplied in regard to workers who migrate to the Netherlands for employment, the Committee ventures to draw attention to Article 11, paragraph 1 of the Convention under which the term " migrant for employment " includes both emigrants and immigrants. The Committee would be most grateful, therefore, if the Government would be good enough to include in its

next report full information as regards foreign workers employed in the Netherlands, including, in particular, information on the effect given to Articles 6, 8 and 9 of the Convention.

The Committee also notes with regret that the Government's report does not contain any data whatever on the effect given to Annexes I, II and III of the Convention which were included in the Netherlands ratification of the Convention. In view of the important matters dealt with in these parts of the Convention, the Committee would appreciate it if the Government could supply full information in its next report on the effect given to the three Annexes as well as on the practical measures which have been taken to implement the Convention as a whole.

*Convention No. 98: Right to Organise and Collective Bargaining, 1949.*

Number of reports requested : 11.

Number of reports received : 10.

Reports not received : 1.

(Guatemala.)

*Brazil* (ratification : 18.11.1952). The Committee examined with interest the information given in the first report.

It noted in particular that the report showed that, in accordance with the constitutional structure of Brazil and the fact that the Convention had been passed by Congress and subsequently promulgated, it had become part of the law of the land and was therefore binding throughout the country. The Committee would be grateful if the Government could indicate whether this incorporation of the Convention into the law of the land is based on the provisions of the Brazilian Constitution or on case law, and whether prior legislative provisions which might be incompatible with the Convention should be considered as having thereby been tacitly amended or repealed.

The Committee also noted that the Government stated that no questions of principle relating to the application of the Convention had been submitted to the courts. Inasmuch as the Convention is considered in Brazil as a national law and that it concerns certain matters that are not expressly covered by Brazilian legislation, the Committee would be grateful if the Government could supply in subsequent reports any relative information on the decisions of the courts or other judicial bodies.

The Committee further noted that the report showed that the organisation of trade unions in Brazil, as regulated by the Act to codify labour legislation, prohibits any interference of workers' organisations in the affairs of employers' organisations and vice versa, or by each other's agents or members, as laid down in Article 2 of the Convention. It would be grateful if the Government could supply supplementary particulars in its next report on the means by which adequate protection is ensured to workers' and employers' organisations against such acts of mutual interference, in particular as regards " acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means with the object of

placing such organisations under the control of employers or employers' organisations".

*France* (ratification : 26.10.1951). See under Convention No. 87.

*Pakistan* (ratification : 26.5.1952). The Committee noted that in its first report the Government stated that the Convention was ratified on the assumption that by the time it came into force the Government would have adopted a trade union amendment Bill incorporating the provisions of Articles 1 and 2 of the Convention, but that in fact this Bill had not so far been adopted.

While appreciating the measures taken during the intervening period by the Government to give wide publicity to the text of the Convention, the Committee expresses the hope that the amendments proposed by the Government will come into force in the near future.

*Turkey* (ratification : 23.1.1953). The Committee notes with interest the first report submitted by the Government on the application of this Convention.

The Committee notes that as regards Article 2 of the Convention, the Government stated in its report that workers' and employers' organisations were not permitted to interfere with each other's activities. Since the report gives no particulars on this question, the Committee would be grateful if the Government could indicate in its next report the means by which this protection is ensured.

The Committee also notes that among other texts the Labour Act was mentioned in the report as applying the provisions of the Convention and, furthermore, that the report gave information on supervision of application of the Convention in undertakings covered by the Labour Code. In view of the fact, however, that certain undertakings are not covered by the Labour Code (small undertakings, agricultural undertakings and undertakings employing staff engaged entirely on non-manual work, etc.), the Committee would be grateful if the Government could give particulars in its next report on the means by which application of the Convention is ensured in such enterprises.

*United Kingdom* (ratification : 30.6.1950). The Committee thanks the Government for providing in its report, as requested in 1954, particulars relating to certain observations submitted by a workers' organisation with regard to the application of the Convention and to the effect given to these observations.

*Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951.*

Number of reports requested : 2.

Number of reports received : 1.

Reports not received : 1.

(*Mexico.*)

No observations.

*Convention No. 100: Equal Remuneration, 1951.*

Number of reports requested : 3.

Number of reports received : 2.

Reports not received : 1.

(*Mexico.*)

*Belgium* (ratification : 23.6.1952). The Committee wishes to thank the Government for its first report on the application of this important Convention and is glad to note that the principle of equal remuneration for men and women workers for work of equal value is already implemented in the state, provincial and other public administrations. As regards private employment, the Committee notes that the Government is studying the possibility of tabling legislation to reduce the 25 per cent. differential which at present exists between the minimum wage rates applicable to men and women workers (legislative decrees of April and September 1945 and May 1946). The Committee would be glad to be kept informed of the progress made.

In so far as the reduction of wage differentials in collective agreements is concerned, the Committee notes the statement in the report that the Government considers drawing the attention of the Joint Occupational Councils to the principle of equal remuneration, together with an invitation to reduce the existing differential between men's and women's wages when concluding collective agreements. The Committee would be glad if the Government would be good enough in this connection to supply information in its next report on the methods in operation for determining rates of remuneration other than minimum rates, and of the results of the action it has taken.

Finally, the report indicates that the National Labour Council decided in November 1953 to request the employers' and workers' organisations to draw up a list of jobs held exclusively or occasionally by women or performed equally by men and women workers and that the Government intends to make an inquiry into the comparative value attributed to professional work taking into account an objective evaluation of the work performed and of the actual value attributed to it when performed by women. The Committee will learn with interest of the methods followed in making these and other studies to promote an objective appraisal of jobs on the basis of the work performed, in accordance with Article 3 of the Convention.

*Yugoslavia* (ratification : 21.5.1952). The Committee wishes to thank the Government for the full information given in its first report and notes with interest that the Yugoslav Constitution provides for equal remuneration for men and women workers for work of equal value. The Committee would be glad if the Government would be good enough to indicate in its next report whether it has been found necessary, in giving effect to the above principle, to promote objective appraisals of jobs on the basis of the work performed, as contemplated in Article 3 of the Convention and, if so, what methods have been adopted to this effect.

The Committee would also appreciate it if information could be included in the next report on the practical application of the Convention, e.g. decisions of courts of law, conventions, etc.

## C. Reports Received and Reports Not Received by 21 March 1955

Number of Reports Requested : 1,175. Number of Reports Received : 1,077.

Number of Reports Not Received : 98.

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan . . . . .	0	—	5	4, 13, 14, 41, 45	5
Albania . . . . .	0	—	4	4, 5, 6, 21	4
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	—	33
Australia . . . . .	11	7, 8, 9, 15, 16, 21, 22, 26, 27, 63, 88	1	29	12
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	—	23
Belgium . . . . .	41	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29, 32, 33, 42, 43, 45, 50, 53, 55, 56, 58, 62, 64, 69, 74, 87, 89, 94, 100	0	—	41
Brazil . . . . .	12	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58, 98	0	—	12
Bulgaria . . . . .	55	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, 69, 77, 78, 79, 81, 88	0	—	55
Burma . . . . .	14	1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 41	0	—	14
Canada . . . . .	15	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 58, 63, 69, 74, 88	0	—	15
Ceylon . . . . .	13	4, 5, 6, 7, 8, 11, 15, 16, 18, 29, 41, 45, 63	0	—	13
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	—	34
China . . . . .	0	—	13	7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59	13
Colombia . . . . .	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	0	—	24
Cuba . . . . .	35	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 26, 30, 33, 42, 45, 87, 88, 89, 90, 92, 94, 95, 97, 98	0	—	35
Czechoslovakia . . . . .	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	0	—	34
Denmark . . . . .	20	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63, 87, 92	0	—	20
Dominican Republic	4	1, 5, 7, 10	0	—	4
Egypt . . . . .	5	19, 41, 45, 53, 63	0	—	5
Finland . . . . .	32	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, 92, 94, 96, 98	0	—	32

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—	52
Germany (Federal Republic)	17	2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26, 27	0	—	17
Greece . . . . .	20	1, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 29, 41, 42, 45, 52	1	2	21
Guatemala . . . . .	0	—	13	77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 97, 98	13
Haiti . . . . .	4	1, 14, 30, 81	0	—	4
Hungary . . . . .	18	2, 3, 6, 7, 10, 15, 16, 17, 18, 19, 21, 24, 26, 27, 41, 42, 45, 48	0	—	18
Iceland . . . . .	2	87, 98	0	—	2
India . . . . .	17	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 81, 89, 90	0	—	17
Indonesia . . . . .	4	19, 27, 29, 45	0	—	4
Iraq . . . . .	8	18, 19, 41, 42, 58, 77, 81, 88	0	—	8
Ireland . . . . .	30	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 42, 43, 44, 45, 49, 63, 69, 81, 89, 92	0	—	30
Israel . . . . .	7	1, 5, 10, 14, 20, 30, 52	0	—	7
Italy . . . . .	49	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, 39, 40, 42, 44, 45, 48, 52, 53, 55, 58, 59, 60, 69, 77, 78, 79, 81, 88, 89, 90, 94, 95, 97	0	—	49
Japan . . . . .	14	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29, 42, 50	0	—	14
Liberia . . . . .	0	—	1	29	1
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	—	27
Mexico . . . . .	29	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, 58, 62, 63, 87	3	6, 99, 100	32
Netherlands . . . .	35	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, 69, 74, 81, 87, 88, 94, 95, 96, 97	0	—	35
New Zealand . . . .	32	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, 84, 88, 89, 97, 99	0	—	32
Nicaragua . . . . .	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	0	—	29



Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Norway . . . . .	30	2, 5, 7, 8, 9, 11, 13, 14, 15, 18, 19, 22, 26, 27, 29, 42, 43, 49, 50, 53, 58, 59, 63, 69, 81, 87, 88, 92, 95, 96	0	—	30
Pakistan. . . . .	19	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 87, 89, 90, 96, 98	0	—	19
Peru . . . . .	4	24, 35, 37, 39	7	1, 4, 11, 14, 19, 41, 45	11
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	—	33
Portugal. . . . .	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92	0	—	12
Rumania . . . . .	0	—	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 24, 27	17
Spain . . . . .	0	—	32	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 48	32
Sweden . . . . .	27	2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 27, 29, 32, 42, 45, 58, 63, 81, 87, 88, 92, 96, 98	0	—	27
Switzerland . . . . .	17	2, 5, 6, 11, 14, 18, 19, 26, 27, 29, 44, 45, 62, 63, 81, 88, 89	0	—	17
Syria . . . . .	1	89	0	—	1
Turkey . . . . .	8	2, 14, 42, 45, 81, 88, 96, 98	0	—	8
Union of South Africa	7	2, 19, 26, 42, 45, 63, 89	0	—	7
United Kingdom . .	42	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, 69, 74, 81, 84, 86, 87, 88, 94, 95, 97, 98	0	—	42
United States . . .	3	53, 55, 58	0	—	3
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	—	30
Venezuela . . . . .	16	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 26, 27, 29, 41, 45	1	22	17
Viet-Nam . . . . .	4	4, 5, 6, 13	0	—	4
Yugoslavia . . . . .	25	2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 29, 45, 48, 100	0	—	25

D. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received before the session of the Committee <sup>1</sup>		Reports received before the session of the Conference	
		Number	Percentage	Number	Percentage
1931-32 . . . . .	447	406	90.8	423	94.6
1932-33 . . . . .	522	435	83.3	453	86.7
1933-34 . . . . .	601	508	84.5	544	90.5
1934-35 . . . . .	630	584	92.7	620	98.4
1935-36 . . . . .	662	577	87.2	604	91.2
1936-37 . . . . .	702	580	82.6	634	90.3
1937-38 . . . . .	748	616	82.4	635	84.9
1938-39 . . . . .	766	588	76.8	— <sup>2</sup>	—
1943-44 . . . . .	583	251	43.1	314	53.9
1944-45 . . . . .	725	351	48.4	523	72.2
1945-46 . . . . .	731	370	50.6	578	79.1
1946-47 . . . . .	763	581	76.1	666	87.3
1947-48 . . . . .	799	521	65.2	648	81.1
1948-49 . . . . .	806	666	82.6	695	86.2
1949-50 . . . . .	831	597	71.8	666	80.1
1950-51 . . . . .	907	705	77.7	761	83.9
1951-52 . . . . .	981	743	75.7	826	84.2
1952-53 . . . . .	1,026	840	81.8	917	89.3
1953-54 . . . . .	1,175	1,077	91.6	—	—

<sup>1</sup> 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.

<sup>2</sup> 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 (PARAGRAPHS 6 AND 8) OF THE CONSTITUTION)

#### A. General Observations

##### *Australia*

The Committee notes with satisfaction that practically all the reports requested from the Government on the application of Conventions to non-metropolitan territories arrived in time to enable it to examine them. The Committee was glad to learn that the Government has recently communicated a formal declaration by virtue of which it undertakes to apply the provisions of the Underground Work (Women) Convention, 1935 (No. 45), to New Guinea and Papua.

Finally, from the information contained in the report on the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27), it would appear that this Convention could be declared applicable to all the territories for whose international relations Australia is responsible.

##### *Belgium*

In 1953 and 1954 the Committee expressed the hope that the Government would be able to send reports on all ratified Conventions, and would be able to state, with regard to those not declared applicable, the local circumstances which prevented their application. The Committee notes with satisfaction that the Government has undertaken to send reports on all ratified Conventions. However, the only reports which have been received in time to be examined by the Committee are those in respect of Conventions which have been declared applicable with or without modifications. Consequently, in preparing its table showing the application of all Conventions to non-metropolitan territories, the Committee was obliged to make use of the last information (supplied as far back as 1949) received in respect of Conventions which have not been extended to the Belgian Congo and Ruanda-Urundi. The Committee feels that, if more recent information had been supplied, it would have been in a position to note an even greater measure of progress in the development of social legislation in these territories. The Committee hopes that next year it will be

able to examine reports on the application to the Belgian Congo and Ruanda-Urundi of all the Conventions which have been ratified by Belgium.

The Committee notes with satisfaction that, as the result of the suggestions which it has made in previous years, the Government has communicated to the Director-General of the International Labour Office declarations by which it undertakes to apply the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27), and the Night Work (Women) Convention (Revised), 1948 (No. 89) to its non-metropolitan territories.

Finally, as a result of its examination of the reports, the Committee would like to suggest to the Government that a number of Conventions, in particular, the Right of Association (Agriculture) Convention, 1921 (No. 11), the Weekly Rest (Industry Convention), 1921 (No. 14), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), which appear to be already applied by the local legislation, could be declared applicable in the near future.

##### *Denmark*

The Committee learned with interest that the Government has communicated declarations of application, without modification in respect of Conventions Nos. 6, 11, 14, 15, 16, 19 and 87 and with modifications in respect of Conventions Nos. 5 and 7, to Greenland. The Committee is also glad to note that the reports supplied on the application of Conventions to Greenland contain more detailed information than in the past. It expresses the hope that further detailed information will be supplied in future and that all reports will be drawn up in accordance with the forms of annual report adopted by the Governing Body.

The Committee also hopes that detailed information will become available on the application of all ratified Conventions in the Faroe Islands.

*France*

The Committee is most grateful to the Government for sending reports on the application of practically all ratified Conventions to all its territories and, in particular, for the reports supplied in respect of overseas territories and associated territories. The Committee hopes that the Government will be good enough to continue to supply such reports and that it will reply to the request which it made to all governments to supply in their future reports more information (statistical, etc.) on the practical application of Conventions. The Committee also notes with satisfaction that many local measures have been taken during the past two years designed to apply the Labour Code for Overseas France.

The Committee also learned with satisfaction that the French Government has communicated to the Governments of Morocco and Tunisia the text of two Recommendations adopted by the International Labour Conference at its 36th Session. Although the obligation to do so is not laid down in the Constitution, the Committee feels that this step is in conformity with the spirit of article 35, paragraph 4 of the Constitution, which provides for the communication to the governments of non-metropolitan territories of the texts of the Conventions ratified by the metropolitan government in cases where "the subject matter of the Convention is within the self-governing powers" of the territory. The Committee therefore expresses its appreciation to the Government for the action it has taken. Finally, the Committee notes that some of the declarations recently communicated by the Government refer to the Comoro Islands. The Committee would be grateful if the Government would be good enough to state if the reports on the application of Conventions to Madagascar also relate to the application of Conventions to these islands.

*Algeria and Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

Last year the Committee asked the Government to be good enough to communicate as soon as possible a statement indicating which of the Conventions are applicable, with or without modification, to Algeria and the Overseas Departments, and which are considered as inapplicable by reason of local conditions. The Committee realises that, owing to the fact that a preliminary examination must be made of this question, the Government has perhaps not been able to communicate its statement in sufficient time for the Committee to deal with it. The Committee hopes that the Government will spare no effort to send in the statement in question as soon as possible. Finally, the Committee notes that, while a certain amount of progress has been made as regards the reports for Algeria, there is still room for marked improvement as regards reports for Overseas Departments, which should contain all available information on local measures to give effect to the metropolitan legislation which is applicable to these Departments and should be drawn up in conformity with the forms of report adopted by the Governing Body.

*Overseas Territories and Associated Territories.*

Because of the continued improvement (to which it has already drawn attention) in the reports for these territories the Committee feels that, with the coming into force of the Labour Code for Overseas France and the local measures issued in application of this Code, it may be possible for the Government to communicate further declarations of application for a considerable number of Conventions. This is the case, in particular, as regards the Right of Association (Agriculture) Convention, 1921 (No. 11), the Holidays with Pay Convention, 1936 (No. 52), the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95) and, subject to any modification which may appear necessary, as regards several other Conventions and, in particular, the Labour Clauses (Public Contracts) Convention, 1949 (No. 94) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

*French Establishments in Oceania.*

Last year the Committee had to draw the attention of the Government to the fact that the reports supplied for these territories contained insufficient information. The Committee is pleased to note that this year the reports received were very detailed and in the majority of cases contained all the information requested in the forms of report adopted by the Governing Body.

*Morocco.*

The Committee notes with regret that the Government has supplied only 15 reports on the application of Conventions ratified by France. The Committee feels that, had a greater number of reports been sent in by the Government, it would have been possible to indicate in the chart relating to the application of Conventions that, in a number of respects, the legislation on labour conditions in Morocco is in conformity with international labour standards. The Committee hopes that next year the Government will be good enough to supply reports on all the Conventions ratified by France. Finally, in 1954 the Committee pointed out that, on the basis of the information contained in the reports, it appeared that a number of Conventions could be declared applicable or accepted, and asked the Government to be good enough to consider this possibility. The Committee would be grateful if the Government would state whether it has been able to give effect to this suggestion.

*Tunisia.*

The Committee regrets to note that this year the Government has supplied only four reports on the application of Conventions ratified by France. As regards this territory also, the Committee feels that, had a greater number of reports been supplied by the Government, it would have been possible to indicate in the chart on the application of Conventions that in a number of cases Tunisian legislation on

labour conditions is in conformity with the standards laid down by the International Labour Organisation. The Committee hopes that next year the Government will be good enough to supply reports on all the Conventions ratified by France.

In 1954 the Committee noted that, from the information contained in the reports, it appeared that a number of Conventions could be accepted or be declared applicable, and asked the Government to be good enough to consider this possibility. The Committee would be grateful if the Government would state whether it has been possible to take any action in this respect.

### *Italy*

The Committee notes with satisfaction that since its last meeting the Government has communicated to the Director-General of the International Labour Office a further declaration in virtue of which it accepts on behalf of the Trust Territory of Somaliland the obligations laid down in Conventions Nos. 4 and 45 without modification and in Conventions Nos. 3 and 42 subject to modification.

The Committee also thanks the Government for sending in reports on the application in this territory of all the Conventions ratified by Italy. It expresses the hope that in its next report the Government will supply all the information requested in the relevant forms of report adopted by the Governing Body and, in particular, information relating to the practical application (statistics, etc.) of Conventions. Finally, the Committee would be grateful if the Government would consider communicating copies of its annual reports to the local organisations of employers and workers or at least to the tripartite bodies which are consulted by the Administration on all questions relating to labour laws and regulations.

### *Netherlands*

#### *Netherlands Antilles.*

The Committee thanks the Government for the reports which it has supplied on the application of a number of Conventions. These reports, which in general are drawn up in a satisfactory manner, have led the Committee to believe that declarations of acceptance could be made in respect of a number of Conventions, in particular the Right of Association (Agriculture) Convention, 1921 (No. 11), the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), and the Night Work (Women) Convention (Revised), 1948 (No. 89). The Committee therefore expresses the hope that the Government will be good enough to consider this possibility.

#### *Netherlands New Guinea.*

The Committee also takes note of the information contained in the general report supplied as regards Netherlands New Guinea, which states that it is not yet possible to apply the majority of Conventions, but that their provisions will be taken into account in the local

regulations which are now being drafted. The Committee expresses the hope that the Government will soon be in a position to supply detailed reports on the application in New Guinea of the Conventions ratified by the Netherlands and ventures to draw the Government's attention to the fact that it has declared two Conventions (the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)) to be applicable to this territory.

### *Surinam.*

The Committee hopes that next year the Government will also be able to supply reports on the application of Conventions ratified by the Netherlands and, in particular, on those Conventions the provisions of which have been accepted on behalf of this territory.

### *New Zealand*

The Committee thanks the Government for the detailed information supplied in its report on the application of Conventions to the Cook Islands. It hopes that next year the Government will also be able to supply detailed information on the application of Conventions to Western Samoa.

### *Portugal*

The Committee thanks the Government for the reports which it has supplied on the application of ratified Conventions to all non-metropolitan territories with the exception of Macao and Mozambique. It hopes that next year the Government will be able to supply reports on these two territories in sufficient time for the Committee to examine them.

The Committee notes that some of the reports on the application of Conventions to Timor state that, as a result of the new constitutional status of this territory, the former special legislation respecting indigenous workers is now obsolete. The Committee would be grateful if the Government would be good enough to state in its next report—(a) whether, because this legislation is obsolete, the legislation which was formerly applicable to non-indigenous workers only is extended automatically to indigenous workers and (b) whether any amendments which may have taken place in the constitutional status of other overseas territories have had similar results.

### *Union of South Africa*

The Committee wishes to thank the Government for the reports which it has supplied on the application to South-West Africa of all the Conventions ratified by the Union of South Africa. From the information supplied it appears that declarations of application might be made in respect of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) and the Night Work (Women) Convention (Revised), 1948 (No. 89).

*United Kingdom*

The Committee thanks the Government for the detailed information which it has given in its reports. It notes that reports have been supplied for all non-metropolitan territories with the exception of the Channel Islands and the Isle of Man. As regards these two territories, the Committee takes note of the information contained in a letter from the Government to the Director-General of the International Labour Office, to the effect that the position of these two territories as regards each of the Conventions ratified by the United Kingdom is being given most careful consideration. As regards Conventions ratified by the United Kingdom since October 1950, in so far as they concern these islands, the subject matter is within their self-governing powers. The Government adds that, in the case of such Conventions, article 35, paragraph 4 of the Constitution of the International Labour Organisation applies. Finally, the Government states that it hopes to be able to include more detailed information in its reports for next year.

The Committee notes with satisfaction that, in the majority of the United Kingdom non-

metropolitan territories, effect is given to the provisions of a considerable number of the ratified Conventions for which reports have been supplied. It hopes that next year the Government will be good enough to supply reports on the application of all ratified Conventions.

*United States*

The Committee thanks the Government for the information which it has supplied on the application of ratified Conventions to its non-metropolitan territories. It hopes that the Government will be able to send detailed reports for each of these territories, indicating what measures of implementation it may have been necessary to take at the local level, and will supply all available information (statistical and otherwise) on the practical application of these Conventions to the territories.

The Committee hopes that the Government will also be good enough to send reports on the measures it has taken to apply ratified Conventions to the Panama Canal Zone in respect of which it reserved its decision when it ratified these Conventions in 1938.

**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 : 2.

Reports not received : 3.

(*Netherlands: Surinam; United Kingdom: Channel Islands, Isle of Man.*)

*Denmark**Faroe Islands.*

The Committee took note of the Government's reply to the observation made in 1954, in which it is stated that the Convention is at present inapplicable to the territory but that the question of setting up an adequate unemployment insurance system will be taken up by the local Faroe authorities at a later date.

The Committee hopes that the Government will spare no effort to encourage the local authorities to implement the provisions of this Convention.

**CONVENTION No. 3 : MATERNITY PROTECTION, 1919**

Number of reports requested : 10.

Number of reports received : 10.

No observations.

**CONVENTION No. 4 : NIGHT WORK (WOMEN), 1919**

Number of reports requested : 16.

Number of reports received : 16.

*France**Martinique.*

The Committee notes that, according to the Government's report, during the sugar-refining period a few women are often employed at night in sewing up bags filled with sugar. It is clear to the Committee that none of the exceptions provided by the Convention is applicable to this type of work. The Committee would therefore be grateful if the Government would indicate the measures it intends to take to ensure the application of the provisions of the Convention.

*Morocco.*

The Committee notes that the report of the Government indicates that, during the period under review, there were few infringements of the legislation relating to night work for women. The Committee would be grateful if the Government would, as far as available statistics permit, give in its next report details of the number of workers protected by the legislation as well as the number and nature of the infringements.

*Italy**Trust Territory of Somaliland.*

The report states that, according to the declaration registered, the exceptions provided for in Article 4 of the Convention are extended to continuous work which may be authorised by the labour inspectorate when such works are deemed to be "necessary for the economy of the Territory". The Committee would be

glad if the Government would be good enough to indicate more precisely in its next report what it means by "necessary for the economy of the Territory" and to state as far as possible what were the authorisations which were granted, in the course of the period under review, by the labour inspectorate under these exceptions.

CONVENTION No. 5 : MINIMUM AGE (INDUSTRY), 1919

Number of reports requested : 13.

Number of reports received : 11.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

*Denmark*

*Faroe Islands.*

The Committee hopes that the Government will soon be in a position to supply information concerning the manner in which the Convention is applied.

*France*

*Togoland.*

The Committee thanks the Government for communicating the draft text of the local orders due to be promulgated in 1954 to carry out the provisions of section 118 of the Labour Code. The Committee would be grateful if the Government would indicate in its next report whether the draft text in question has been promulgated.

CONVENTION No. 6 : NIGHT WORK OF YOUNG PERSONS (INDUSTRY), 1919

Number of reports requested : 17.

Number of reports received : 17.

*Denmark*

*Faroe Islands.*

See under Convention No. 5.

*Greenland.*

The Committee takes note of the information supplied by the Government, which states that there are no regulations relating to night work but that, in actual fact, the provisions of the Convention are observed. The report also states that children under 18 years of age are not employed during the night in any form of industrial undertaking between 10 p.m. and 4 a.m. However, the Committee points out that Article 3 of the Convention lays down that the term "night" signifies a period of at least 11 consecutive hours including the interval between 10 p.m. and 5 a.m. The Committee hopes that the Government will take the necessary action to enact legislation which is in conformity with the provisions of the Convention.

*France*

*Algeria.*

In 1954 the Committee had noted that the Algerian legislation defined the term "night" as the interval between 10 p.m. and 4 a.m., and had drawn the attention of the Government to the fact that, according to Article 3, paragraph 1 of the Convention, "the term 'night' signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning" and that according to the terms of paragraph 3 of the same Article it is possible in the case of bakeries to substitute "the interval between nine o'clock in the evening and four o'clock in the morning" for "the interval between ten o'clock in the evening and five o'clock in the morning".

The report supplied this year confines itself to repeating the information supplied during the previous years. The Committee would be grateful if the Government would indicate the measures it intends to take to abolish the difference existing between the Algerian legislation and the terms of the Convention.

*French Equatorial Africa.*

In 1954 the Committee had asked the Government to indicate whether the draft orders fixing conditions of employment of children in application of section 118 of the Overseas Labour Code had come into force. This year's report confines itself to enumerating the local orders which have been issued in the different territories of French Equatorial Africa. The Committee would be grateful if the Government would be good enough to supply detailed information on these orders and, in general, to submit its report in accordance with the form adopted by the Governing Body.

CONVENTION No. 7 : MINIMUM AGE (SEA), 1920

Number of reports requested : 5.

Number of reports received : 3.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

*Italy*

*Trust Territory of Somaliland.*

The Convention has been declared applicable to Italian Somaliland subject to the following modifications.

Article 2 : the employment of children of less than 14 years on small boats (*sambuchi*), upon which are employed not only members of the same family but members of the same tribe, is authorised ; Article 4 : whereas the Convention requires a register to be kept of all persons under the age of 16 years, the legislation requires a register to be kept of all adolescents under 18 years. The Committee notes that Ordinance No. 12 of 25 June 1953 only permits the exception allowed under Article 2 of the Convention regarding vessels upon which only members of the child's family are employed, who assume the



responsibility for him. In these circumstances, as the Government on the one hand does not make use of the modification provided in its declaration with regard to Article 2, and as the modification of the application of Article 4 on the other hand goes beyond the terms of the Convention, the Committee ventures to point out to the Government that it might envisage the renunciation of the reservations contained in the formal declaration of acceptance.

CONVENTION NO. 8 : UNEMPLOYMENT  
INDEMNITY (SHIPWRECK), 1920

Number of reports requested : 5.

Number of reports received : 3.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

CONVENTION NO. 9 : PLACING OF SEAMEN, 1920

Number of reports requested : 1.

Number of reports received : 1.

No observations.

CONVENTION NO. 10 : MINIMUM AGE  
(AGRICULTURE), 1921

Number of reports requested : 1.

Number of reports received : 1.

No observations.

CONVENTION NO. 11 : RIGHT OF ASSOCIATION  
(AGRICULTURE), 1921

Number of reports requested : 4.

Number of reports received : 2.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

CONVENTION NO. 12 : WORKMEN'S  
COMPENSATION (AGRICULTURE), 1921

Number of reports requested : 4.

Number of reports received : 2.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

CONVENTION NO. 13 : WHITE LEAD  
(PAINTING), 1921

Number of reports requested : 16.

Number of reports received : 16.

*France*

*Cameroons.*

See under French West Africa.

*French Somaliland.*

See under French West Africa.

*French West Africa.*

The Committee notes that in its previous reports the Government indicated that the Convention had been made applicable to its territories by a decree of 28 December 1937 and promulgated by means of local orders.

As the provisions of the Convention, and particularly Articles 1 (1) and 2 (2), are not "self-executing" but require the adoption of rules of application, the Committee would be grateful if the Government would indicate whether it does not consider that the adoption of some measures of application is necessary; this would seem to be the case in view of the fact that regulations to this effect exist in other territories administered by the Ministry of Overseas France.

*St. Pierre and Miquelon.*

The Committee has noted with satisfaction that, according to the Government's report, an order entirely forbidding the employment of white lead and sulphate of lead in painting is to be issued very shortly. It would be grateful if the Government would indicate in its next report whether the order has been promulgated.

*Togoland.*

See under French West Africa.

CONVENTION NO. 14 : WEEKLY REST  
(INDUSTRY), 1921

Number of reports requested : 13.

Number of reports received : 13.

*Denmark*

*Faroe Islands.*

See under Convention No. 5.

*Greenland.*

The Committee has taken note with interest of the first report supplied since the Convention was declared applicable to Greenland without modifications. It would be grateful if the Government would supply further information in its next report on a number of points.

The Committee notes that the regulations of 1954 mentioned in the Government's report govern the conditions of work of state-employed workers. It would be glad to know whether the Government envisages the adoption of measures to ensure that workers in private undertakings benefit from the weekly day of rest in the absence of collective agreements.

The Committee would like to know whether any use has been made of the exception authorised under Article 3 with regard to undertakings in which only members of the family are employed. The Committee understands that work on Sundays may take place, since the regulations refer to additional rates of pay for Sunday work; it would therefore be glad to know whether provision is made for the authorisation of such exceptions in accordance with

the terms of Article 4. If exceptions are effectively authorised by the Government in virtue of Articles 3 and 4, the Committee would be glad to have a list of these exceptions, as required by Article 6.

The Government states that no exceptions are authorised under Article 7; the Committee points out that, although clause (b) of this Article need not be followed up if the rest period is always granted to the staff collectively, measures must in any case be taken to oblige employers to make known the days and hours of rest (clause (a)).

#### *France*

##### *Cameroons.*

The Committee would be grateful if the Government would inform it of the measures taken to give effect to Article 7 of the Convention, which provides that the days and hours of collective rest should be made known by means of notices and by the drawing up of a roster in cases where the rest period is not granted collectively.

See also under French Equatorial Africa.

##### *French Equatorial Africa.*

The report contains no information concerning any exceptions which may have been made in application of Articles 3 and 4 of the Convention. The Committee would be grateful if the Government would indicate in its next report whether it had made use of any of the exceptions authorised by these Articles and, if so, to communicate a list of these exceptions in accordance with the provisions of Article 6 of the Convention.

##### *French Somaliland.*

The Committee would be grateful if in its next report the Government would communicate a copy of Order No. 1545 of 23 December 1953 concerning the application of the weekly rest.

##### *New Caledonia.*

See under French Equatorial Africa.

#### *New Zealand*

##### *Cook Islands and Western Samoa.*

The Committee notes the Government's assurance that the weekly day of rest is strictly adhered to, but it would be grateful if the Government would include in its next report information on the measures taken to make known the days and hours of weekly rest (Article 7 of the Convention). The Committee would also like to know whether use has been made of the permissive clauses of Articles 3 and 4 under which exceptions may be authorised. If so, the Committee hopes that the Government will be good enough to indicate in its next report whether provision is made for compensatory periods of rest (Article 5) and to communicate a list of any such exceptions (Article 6).

#### CONVENTION NO. 15 : MINIMUM AGE (TRIMMERS AND STOKERS), 1921

Number of reports requested : 5.

Number of reports received : 3.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

#### CONVENTION NO. 16 : MEDICAL EXAMINATION OF YOUNG PERSONS (SEA), 1921

Number of reports requested : 5.

Number of reports received : 3.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

#### *Denmark*

##### *Greenland.*

In its report the Government states that the Convention is of no practical importance in the case of Greenland in view of the fact that there are no vessels of over 200 tons registered in the territory. However, the Committee would like to point out that, in virtue of Article 1, the Convention applies to all ships and boats of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned. It would therefore be grateful if the Government would be good enough to indicate whether provisions exist ensuring that the employment of young persons under 18 years of age is subject to a medical examination, repeated at intervals of not more than one year, as required by Articles 2 and 3 of the Convention.

#### CONVENTION NO. 17 : WORKMEN'S COMPENSATION (ACCIDENTS), 1925

Number of reports requested : 5.

Number of reports received : 3.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

#### CONVENTION NO. 18 : WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES), 1925

Number of reports requested : 3.

Number of reports received : 3.

#### *Denmark*

##### *Faroe Islands.*

The Committee notes with satisfaction that the application of the provisions of the Convention in this Territory is ensured by the metropolitan legislation. It would, however, be grateful if the Government would be good enough to supply, separately, in its next report, information concerning the number of cases of occupational diseases which may have been reported, as well as any other available information on the practical application of the Convention.

## CONVENTION NO. 19 : EQUALITY OF TREATMENT (ACCIDENT COMPENSATION), 1925

Number of reports requested : 9.

Number of reports received : 6.

Reports not received : 3.

*(Netherlands: Surinam; United Kingdom: Channel Islands, Isle of Man.)**Denmark**Greenland.*

As the Government indicates that "no rules exist on the subject", the Committee would be glad if an indication could be given in the next report whether this statement refers to regulations concerning equality of treatment or to regulations concerning workmen's compensation for industrial accidents. The Committee ventures to draw attention, in this connection, to Article 3 of the Convention, which provides for the setting up of an accident compensation system within a period of three years.

## CONVENTION NO. 22 : SEAMEN'S ARTICLES OF AGREEMENT, 1926

Number of reports requested : 3.

Number of reports received : 1.

Reports not received : 2.

*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

## CONVENTION NO. 23 : REPATRIATION OF SEAMEN, 1926

Number of reports requested : 1.

Number of reports received : 1.

No observations.

## CONVENTION NO. 24 : SICKNESS INSURANCE (INDUSTRY), 1927

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

## CONVENTION NO. 25 : SICKNESS INSURANCE (AGRICULTURE), 1927

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

## CONVENTION NO. 26 : MINIMUM WAGE-FIXING MACHINERY, 1928

Number of reports requested : 11.

Number of reports received : 9.

Reports not received : 2.

*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

## CONVENTION NO. 27 : MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS), 1929

Number of reports requested : 1.

Number of reports received : 1.

No observations.

## CONVENTION NO. 29 : FORCED LABOUR, 1930

Number of reports requested : 76.

Number of reports received : 73.

Reports not received : 3.

*(Netherlands: Surinam; United Kingdom: Channel Islands, Isle of Man.)**Australia**Nauru, Norfolk Island and New Guinea.*

In 1954 the Committee had requested the Government to furnish information on the application of Article 2, paragraph 2 (c) of the Convention. The report for this year contains the information requested and it appears that the above-mentioned provisions of the Convention are enforced in these territories.

*Papua.*

In 1949 and 1954 the Committee had noted that certain provisions of the ordinance of 1925-34 concerning native cultivation were not in full conformity with Article 19 of the Convention. The report for the period 1953-54 states that, according to the new regulations, the whole of the produce of a plantation is the property of the villagers as provided for by Article 19 of the Convention. The Committee takes note with interest of this information.

Furthermore, the Committee notes that under Article 12 of the Convention, which provides in its paragraph 2 that every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed, the report indicates that it is not feasible to issue certificates but that a record is made of such employment and that it is administrative policy that the work shall be equitably distributed. The Committee would be grateful if the Government would be good enough to give, in its next report, more information on the way in which these records are kept and the steps taken to identify individual workers.

Finally, the Committee notes with interest that the Native Regulation 127, 2 (i) (b), is virtually never enforced and that the greater percentage of portage is carried out by voluntary labour. In these circumstances, the Committee expresses the hope that the Government will be able to repeal this regulation.

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

The Committee thanks the Government for the detailed statistics appended to its report concerning free workers and prisoners employed on public works. The Committee notes that the plan for the abolition of all unpaid work other than that of an educational character did not come into force on the prescribed date but

was to come into force, according to the report, on 1 January 1955. The Committee would be grateful if the Government would inform it of the date on which this text came into force.

#### *Denmark*

##### *Faroe Islands and Greenland.*

In 1954 the Committee had requested the Government to furnish information on the application of Article 2, paragraph 2 (c) of the Convention. The report for this year contains the information requested and it appears that the above-mentioned provisions of the Convention are enforced in these territories.

#### *France*

##### *Overseas Territories.*

In 1954 the Committee asked 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. The Committee notes with satisfaction that the Government has made a formal declaration to this effect and wishes to thank the Government for taking this action.

##### *Algeria and Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

In 1954 the Committee had asked the Government if it 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 was carried out under the supervision and control of a public authority and the said person was not hired to or placed at the disposal of private individuals, companies or associations. The Committee would be grateful if the Government would be good enough to supply this information in its next reports.

##### *Cameroons.*

In 1954 the Committee had asked the Government to supply for this territory the same information as requested for Algeria. The Committee thanks the Government for the information which it has supplied on the application of Article 25 of the Convention, which provides that the illegal exaction of forced or compulsory labour shall be punished as a penal offence. The Committee notes, however, that the Government has furnished no information in respect of the provisions of Article 2, paragraph 2 (c) of the Convention, according to which any work or service exacted from any person as a consequence of a conviction should be carried out under the supervision and control of a public authority and that the said person should not be hired to or placed at the disposal of private individuals, companies or associations. The Committee would be grateful if the Government would supply information on this point in its next report.

##### *Togoland.*

The Committee thanks the Government for the information which it supplied in response

to the request which it made in 1954. It notes, however, that it is not clear from this information that the only persons liable to forced labour in the prisons are persons convicted in a court of law. It would be grateful if the Government would be good enough to state whether, in conformity with the Convention, persons under remand are not liable for compulsory labour.

#### *New Zealand*

##### *Cook Islands and Western Samoa.*

In 1954 the Committee had requested the Government to give information on the application of Article 2, paragraph 2 (c) and Article 25 of the Convention. The reports for this year contained the information requested, and it appears that the above-mentioned provisions of the Convention are enforced in this territory.

#### *United Kingdom*

In 1954 the Committee had requested the Government to be good enough to give information on the application of Article 2, paragraph 2 (c) and Article 25 of the Convention for the following territories: 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. The Committee was glad to note that the information requested was given in the reports received and that these provisions of the Convention are fully applied.

##### *Bechuanaland.*

With regard to the application of Article 11 the Government indicates that the tribal rule of the territory is a sufficient guarantee of the prohibition of forced labour on the part of children or aged or sick persons. It adds, however, that it cannot guarantee that the age limits of 18 to 45 years are rigidly applied.

With regard to the medical examination required whenever possible, under the terms of paragraph 1 (a) of Article 11, the Government states that the vast size of the territory and the small number of doctors residing therein makes it impossible for these examinations to be carried out in all cases but that here also native custom prevents the employment of unfit persons.

The Committee notes this information and, while it appreciates the difficulties that the Government has to face, it expresses the hope that the Government will spare no effort to ensure the application of the provisions of Article 11 of the Convention. The Committee would be grateful if the Government would indicate in its next report the progress it has been able to make in this direction.

##### *Bermuda, British Guiana.*

In 1954 the Committee had requested the Government to give information on the application of Article 2, paragraph 2 (c) of the Convention. The reports for this year contain the information requested, and it appears that the above-mentioned provisions of the Convention are enforced in these territories.

*North Borneo.*

The report states that the abolition of forced or compulsory labour has been under constant consideration by the Government. It mentions the Forced Labour (Unification and Amendment) Ordinance, 1950 and the Native Administration (Amendment) Ordinance, 1950 which have abolished compulsion for portage.

The Committee takes note with interest of this information.

*Gilbert and Ellice Islands.*

The Committee wishes to thank the Government for its very detailed report on the application of the Convention. It appears from this report that the only form of forced or compulsory labour which still exists in the territory is communal work or services, as permitted in Article 2, paragraph 2 (d) of the Convention.

*Federation of Malaya.*

In 1949 and 1954 the Committee had noted that, in case of necessity, forced labour could be imposed upon any industrial workers for a maximum period of three hours over and above the normal eight hours, and it had expressed the hope that the new Employment Code, designed to do away with this discrepancy between the local legislation and the Convention, would come into force in the near future. The report for this year states that the new Employment Code is at present in the hands of a subcommittee of the Federal Legislative Council and that the above-mentioned provisions were, in practice, never enforced.

The Committee wishes to thank the Government for this information and hopes that it will be able to indicate in the near future that all forms of compulsory labour provided for in the legislation have been abolished.

*Seychelles.*

In 1954 the Committee had asked the Government to indicate whether Ordinance No. 18 of 1945, which provides for the possibility of demanding compulsory labour for the cultivation of crops, had been repealed. In its reply the Government indicates that measures are being taken to repeal this ordinance. The Committee hopes that, in its next report, the Government will be able to state that this ordinance has been repealed and that the provisions of the Convention are fully applied.

*Singapore.*

In 1954 and in previous years the Committee had noted that, in case of necessity, forced labour could be imposed upon industrial workers for a maximum period of three hours over and above the normal eight hours, and had requested the Government to indicate whether the new Labour Code, from which this provision would be omitted, had come into force. The report for the period 1953-54 states that, in fact, the powers granted by these provisions have never, so far as can be ascertained, been made use of, and that it is intended to omit them from the new Labour Ordinance which is now under consideration by the colony's Legislative Council and expected to become law in the near future.

The Committee takes note of this information and hopes that the Government will soon be able to indicate that the above-mentioned provisions, which are not in harmony with the Convention, have been abolished.

*Uganda.*

The Government indicates in its report that a certain amount of compulsory labour still has to be imposed on the population in order to ensure the completion of public works such as the construction of roads or buildings (schools, etc.) in durable materials. The Government adds that every effort is made to reduce this labour. The Committee has noted this information. It would be grateful if the Government would keep it informed of the progress made towards the final elimination of labour of this kind, which does not appear to come within the types of forced labour authorised by the Convention.

*Zanzibar.*

In 1954 the Committee had stated that it would be grateful if the Government would indicate in its next report the measures proposed for the abolition of the wartime regulations concerning compulsory cultivation. In its report the Government stated that the draft legislation for the purpose of abolishing these regulations had been drawn up and was to be submitted to the Legislative Council. The Committee has noted this information. It hopes that the plan in question, which will put an end to the discrepancy which has existed for several years between the local legislation and the terms of the Convention, will not be long in coming into force.

## CONVENTION No. 32: PROTECTION AGAINST ACCIDENTS (DOCKERS) (REVISED), 1932

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

## CONVENTION No. 33: MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT), 1932

Number of reports requested : 9.

Number of reports received : 9.

No observations.

## CONVENTION No. 35: OLD-AGE INSURANCE (INDUSTRY, ETC), 1933

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

CONVENTION No. 36 : OLD-AGE INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 37 : INVALIDITY INSURANCE  
(INDUSTRY, ETC.), 1933

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 38 : INVALIDITY INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 39 : SURVIVORS' INSURANCE  
(INDUSTRY, ETC.), 1933

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 40 : SURVIVORS' INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 41 : NIGHT WORK (WOMEN)  
(REVISED), 1934

Number of reports requested : 16.  
 Number of reports received : 15.  
 Reports not received : 1.  
*(Netherlands: Surinam.)*

See under Convention No. 4.

CONVENTION No. 42 : WORKMEN'S  
COMPENSATION (OCCUPATIONAL DISEASES)  
(REVISED), 1934

Number of reports requested : 4.  
 Number of reports received : 1.  
 Reports not received : 3.  
*(Netherlands: Surinam; United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 43 : SHEET-GLASS WORKS,  
1934

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 44 : UNEMPLOYMENT  
PROVISION, 1934

Number of reports requested : 2.  
 Number of reports received : 0.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 45 : UNDERGROUND WORK  
(WOMEN), 1935

Number of reports requested : 4.  
 Number of reports received : 2.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

No observations.

CONVENTION No. 50 : RECRUITING  
OF INDIGENOUS WORKERS, 1936

Number of reports requested : 39.  
 Number of reports received : 37.  
 Reports not received : 2.  
*(United Kingdom: Channel Islands, Isle of Man.)*

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

The Government states in its report that the draft decrees and orders mentioned during previous years had been concluded too late for their analysis to be included in this year's report. The Committee hopes that the Government's next report will contain detailed information on the provisions of these various texts.

*United Kingdom**British Somaliland.*

The Committee thanks the Government for the detailed report which it supplied on the provisions of the local legislation which give effect to the Convention. The Committee notes with interest the provisions of section 12 of the ordinance on indigenous labour (Chapter 110), according to which any agreement concluded by an employer should in general correspond to the provisions of the legislation and to any international Convention relating to indigenous labour which has been or will be made applicable in the protectorate. The Committee has also taken note of the Government's statement that legislative provisions or regulations which might be necessary to give effect to the provisions of Articles 19 to 24 of the Convention will be made whenever recruitment of workers is undertaken for employment outside the protectorate.

*Gambia.*

The Committee took note of the statement in the Government's report that it is at present contemplating the adoption of legislation to modify the ordinance relating to manpower in order to ensure the application of Article 4 of the Convention. The Committee would be grateful if the Government would indicate in its next report whether this intention has been carried out and would supply information on the legislative or other provisions ensuring the application of Articles 7, 8, 9, 12, 14 and 17 of the Convention.

*Uganda.*

The Government's report states, with regard to Article 9 of the Convention (according to which public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility), that public officers in no case recruit workers for private undertakings. The Committee would be grateful if the Government would indicate in its next report whether there exist legislative or other provisions prohibiting officers to make such recruitments.

## CONVENTION NO. 53 : OFFICERS' COMPETENCY CERTIFICATES, 1936

Number of reports requested : 7.

Number of reports received : 7.

No observations.

## CONVENTION NO. 55 : SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN), 1936

Number of reports requested : 6.

Number of reports received : 6.

No observations.

## CONVENTION NO. 56 : SICKNESS INSURANCE (SEA), 1936

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

## CONVENTION NO. 58 : MINIMUM AGE (SEA), 1936

Number of reports requested : 6.

Number of reports received : 6.

No observations.

## CONVENTION NO. 62 : SAFETY PROVISIONS (BUILDING), 1937

Number of reports requested : 1.

Number of reports received : 0.

Reports not received : 1.

(Netherlands: Surinam.)

No observations.

## CONVENTION NO. 63 : CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

No observations.

## CONVENTION NO. 64 : CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS), 1939

Number of reports requested : 41.

Number of reports received : 39.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

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

The Government's report quotes three new legislative ordinances concerning contracts of employment, safety, industrial hygiene, the keeping of a work book and the institution of safety and hygiene committees in undertakings. In addition, the Government indicates that particulars of the decree of 30 June 1954 will be supplied in the next report. The Committee has taken note of this information and hopes that the decree in question will give effect to all the provisions of the Convention.

*United Kingdom**Dominica.**Grenada.**St. Lucia.**St. Vincent.**Tobago.**Trinidad.*

In 1954 the Committee had noted that the workers in 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 that the workers are employed by the hour, day or week for an indeterminate period of time and are not bound to stay in their jobs for a period of six months or more. The reports received this year merely refer to this statement.

The Committee is fully aware of the difficulties that the Government would encounter in passing legislation which, in the circumstances existing in these territories, would in general have no practical application. Nevertheless, the Committee wishes to point out that some of the provisions of this Convention, particularly those of Article 19 which deals with contracts drawn up in one territory and relating to employment in a territory under a different administration, may be considered of practical importance in those territories where the demographic pressure leads workers to seek employment outside the territory. The Committee expresses the



hope that the Governments concerned will study the possibility of applying the above-mentioned provisions of the Convention.

#### *Gambia.*

The Government indicates in its report that it is considering the adoption of an ordinance for the purpose of giving effect to the provisions of the Convention. The Committee hopes that this legislative project will not be long in coming into force and that the Government will thus be in a position to supply detailed information on the way in which the different provisions of the Convention are applied.

#### *Gilbert and Ellice Islands.*

The report sent by the Government on the application of this Convention merely refers to the legislation in force and states that the provisions of the Convention are applied by this legislation.

The Committee expresses the hope that the next report of the Government will be prepared in the manner called for in the report form adopted by the Governing Body and will contain all the information asked for in this form.

#### *Gold Coast.*

The Government's report indicates that the provisions of the ordinance of 1948 concerning labour, as modified by Ordinance No. 43 of 1949, give effect to the Convention in so far as they relate to manual workers, office workers and apprentices. The Committee has noted that the provisions of the Convention are to be applied to all contracts of employment of a duration equal to or more than six months and particularly, according to the terms of Article 19 of the Convention, to contracts involving the employment of a worker in a territory under a different administration. The Committee would be grateful if the Government would, in its next report, supply detailed indications of the manner in which the Convention is applied.

#### *Jamaica.*

The report states that, although the provisions of the Convention are not applied by legislation, they are to a large extent observed in practice, as all recruitment of workers for employment outside the island is conducted through the Labour Department, which insists on adherence to the requirements of the Convention.

The Committee takes note of this information and hopes that the Government will consider the possibility of applying those provisions of the Convention dealing with migrant workers through legislation. The Committee would also be glad if the Government would be good enough to indicate whether any measures are envisaged for applying the provisions of the Convention to contracts made for employment inside the territory.

#### *Seychelles.*

The report indicates that some of the provisions of the Convention are not applied and that the necessary regulations have not been adopted. The Committee notes, however, that

the provisions in question include some relating to possibilities of exception which the Government may decide not to use. The Committee would be grateful if the Government would indicate in its next report whether the necessary regulations have been adopted to give effect to Articles 3 (paragraphs 3 and 4), 4, 11, 12 and 13 of the Convention. In addition, the Committee notes that under Article 10 of the Convention, which provides for the transfer of a contract from one employer to another, the Government makes reference to section 18 of Ordinance No. 25 of 1945, which imposes fines or imprisonment upon any person who incites a worker to break the contract which binds him to his employer. As it is not clear to the Committee whether these provisions are sufficient to ensure the application of Article 10 of the Convention the Committee would be grateful if the Government would indicate in its next report the measures it intends to take in this connection.

#### *Sierra Leone.*

In 1954 the Committee had noted that the legislation of the territory was not entirely in harmony with the provisions of the Convention, and it had asked the Government to indicate what progress had been made in revising the revised draft ordinance concerning employers and workers which had been mentioned in the previous reports. This year the Government indicates in its report that no progress has been made with regard to the revision of the ordinance in question but that when it is revised the legislative provisions with a view to giving effect to the provisions of the Convention will be included in it. The Committee hopes that the draft legislation in question will not be long in being adopted, thus bringing the legislation into harmony with the provisions of the Convention.

#### *Singapore.*

The report states that migration of indigenous workers from Singapore to work in other territories has hitherto been almost non-existent, and that, if at any time in the future such migration should begin, the necessary legislation would be considered.

The Committee ventures to point out that certain provisions of the Convention (as, for example, Article 19 (1), (h), (i)) provide for measures to be taken by the administration of the territory for the employment of workers coming from outside the territory. The Committee would like to know whether there is any migration of workers to Singapore and, if so, what measures are contemplated to protect such workers and ensure the application of the above-mentioned provisions of the Convention.

#### *Uganda.*

The Committee notes that, as regards Article 7 of the Convention, which provides that every worker who enters into a contract shall be medically examined, the Government refers to section 49 (or 47) of the ordinance of 1951 concerning employment (Chapter 83). The Committee would be grateful if the Government would indicate in its next report the legislative or other provisions providing for medical

examination in the case of a worker entering into a written contract without having been "recruited" in the sense of part V of the ordinance. Article 12 of the Convention provides that the contract shall be subject to termination by agreement between the parties under conditions to be prescribed by the regulations. The Government's report does not indicate that any provisions have been prescribed to give effect to this Article. The Committee would be grateful if the Government would state whether it intends to adopt legal provisions to this effect or whether it considers that the provisions of the common law are sufficient.

CONVENTION NO. 65: PENAL SANCTIONS  
(INDIGENOUS WORKERS), 1939

Number of reports requested : 44.

Number of reports received : 42.

Reports not received : 2.

(United Kingdom: Channel Islands, Isle of Man.)

*United Kingdom*

*Basutoland.*

In 1950 the Committee had indicated in its report that the Penal Sanctions (Indigenous Workers) Convention, 1939 "does not cover sanctions imposed on persons responsible for breaking a common law; the only sanctions covered by a Convention are those for breaches of the contract of employment, strictly speaking. It follows, therefore, that the provisions applicable to persons who cause wilful damage or who neglect persons who are handicapped or in need, or are guilty of fraud as regards advances of wages, are not necessarily in contradiction with the terms of the Convention". The Committee wishes to draw the attention of the Government to the above and hopes that the Government will be able to reconsider the problem of the abolition of penal sanctions in the light of these considerations.

*Bechuanaland.*

The Committee would be grateful if the Government would be good enough to state in its next report whether the penal sanction, imposed in case of breach of the contract of employment, laid down in section 40, paragraph 1 (a) of the Native Labour Proclamation (Cap. 64 of the Laws) is applicable to non-adult persons. If so, the Committee would be glad if the Government would take steps—in conformity with Article 2, paragraph 2 of the Convention—to abolish immediately all penal sanctions imposed on non-adult persons in case of breaches of contract of employment.

*British Guiana.*

The report indicates that, due to the special circumstances in this territory, it has not yet been possible to pass the new legislation which is intended to repeal section 35 of the Labour Ordinance, which provided for penal sanctions for breach of contract. The Committee took note of this information. It is aware of the difficulties being encountered by the Government and it expresses the hope that the Govern-

ment will do its best to repeal, as soon as possible, this provision of the Labour Ordinance which, according to a previous report, is not applied in practice.

*British Somaliland.*

The report states that, with the repeal of the Master and Servant Ordinance (Cap. 108) by the Contracts of Employment (Indigenous Workers) Ordinance, No. 6 of 1953, no penal sanctions within the meaning of the Convention exist other than those provided for in the Departmental Servants' Ordinance, No. 5 of 1945. Section 3 of the last-named ordinance lays down that any person employed in a government department who is guilty of certain acts which prejudice the department is liable to a fine; section 6 of this ordinance lays down that this fine may be enforced by deduction from the pay of the person concerned.

The Committee is inclined to take the view that sanctions of this kind do not come within the scope of the provisions of the Convention but should rather be considered as disciplinary measures.

*Brunei.*

The Committee notes with satisfaction that the last two penal sanctions which existed in the penal code were repealed by section 8 of Enactment No. 24 of 1 December 1953.

*Gilbert and Ellice Islands.*

The Committee notes with satisfaction that Ordinance No. 6 of 1951 repealed Labour Regulation No. 1 of 1915, which was the only legislation which permitted the making of rules by an employer and the application of limited penal sanctions for breaches of contract.

*Federation of Malaya.*

The report states that the only penal sanction still existing is never invoked in practice and will be repealed at a suitable opportunity. The Committee expresses the hope that the Government will be able, when the new labour code is enacted, to abolish this provision of the Penal Code.

*Mauritius.*

The Committee notes with satisfaction that the report indicates that the belated discovery was made of a penal clause in the Lesser Dependencies Ordinance of 1904 and this has been repealed by Ordinance No. 45 of 1953.

*Northern Rhodesia.*

In its report for the period 1948-49 the Government stated that it had been recognised that all penal sanctions for breach of contract should be abolished progressively and as soon as possible, and that in 1948 the African Labour Advisory Board had recommended the repeal of sections 72 (paragraph 1 (d)), 74 (paragraph 3) and 81 (paragraph 2) of the Employment of Natives Ordinance. The report for this year states that the Government has agreed that there is no objection to the repeal of the penal sanction provided for in section 72 (paragraph 1 (d)) of the above-mentioned ordinance at the

earliest opportunity. The report adds that the Northern Rhodesian Farmers' Union has made representations for the retention of these sanctions against deserters. The Committee takes note of this information. It hopes that the Government will bear in mind that, in virtue of Article 2, paragraph 1 of the Convention, it has undertaken to abolish progressively and as soon as possible all penal sanctions for any breaches of contract of employment.

#### *Sarawak.*

The report indicates that penal sanctions for breaches of contract no longer exist, and that the new Labour Ordinance came into effect from 1 July 1952. The Committee took note of this information with satisfaction.

#### *Sierra Leone.*

The report states that the legislation is not in conformity with the Convention. The Committee hopes that the Government will not fail to make every possible effort to abolish progressively penal sanctions for breaches of contract of employment. The Committee would be particularly glad to know whether there are any provisions which stipulate, in accordance with Article 2, paragraph 2 of the Convention, that penal sanctions shall not be imposed for breaches of contract of employment by non-adult persons.

#### *Swaziland.*

The report states that no progress has been made as regards the application of the Convention. The Committee would be grateful if the Government would be good enough to explain in its next report the reasons which prevent it from abolishing "progressively" all penal sanctions for breaches of contract of employment, as laid down in Article 2, paragraph 1 of the Convention.

#### *Tanganyika.*

In its previous reports the Government had indicated that it intended to bring into force new legislation concerning employment which would permit the abolition of certain penal sanctions and that, according to the administrative instructions issued in October 1953, labour officials have been invited not to institute proceedings against workers who leave their employment when under a month's contract. The Committee thanks the Government for this information and hopes that the proposed legislation will not be long in coming into force.

#### *Uganda.*

The report indicates that the only penal sanction still in existence is provided in section 61, 1 (d) of the ordinance concerning employment and that, although this provision is very rarely used, its repeal in the near future is under careful consideration. The Committee has taken note of this information and hopes that the Government will soon be in a position to indicate that this penal sanction has been abolished.

#### *Zanzibar.*

The Committee notes with satisfaction that a number of penal sanctions were abolished by Decrees No. 25 of 1951 and No. 10 of 1952. However, the Committee notes that, according to the Government's report, non-adult persons are not expressly exempted from the sanctions imposed by section 53 of the Labour Decree of 1946, but that the application of these provisions of the Decree to persons under 15 years of age is limited to contracts concluded for a period of not more than one month. The Committee would be grateful if the Government would be good enough to state in its next report what measures it intends to take to abolish immediately all penal sanctions for breaches of contract of employment by non-adult persons, in accordance with Article 2, paragraph 2 of the Convention.

#### CONVENTION No. 69 : CERTIFICATION OF SHIPS' COOKS, 1946

Number of reports requested : 3.

Number of reports received : 0.

Reports not received : 3.

(*Netherlands : Netherlands Antilles ; United Kingdom : Channel Islands, Isle of Man.*)

No observations.

#### CONVENTION No. 74 : CERTIFICATION OF ABLE SEAMEN, 1946

Number of reports requested : 1.

Number of reports received : 0.

Reports not received : 1.

(*Netherlands : Netherlands Antilles.*)

No observations.

#### CONVENTION No. 81 : LABOUR INSPECTION, 1947

Number of reports requested : 4.

Number of reports received : 1.

Reports not received : 3.

(*Netherlands : Surinam ; United Kingdom : Channel Islands, Isle of Man.*)

#### *Netherlands*

#### *Netherlands Antilles*

The Committee notes with interest the detailed information supplied by the Government in its first report, from which it appears that the organisation of the labour inspection service which is in the course of establishment will be in conformity with the provisions of the Convention. The Committee hopes that in its next report the Government will be able to indicate that the labour inspection service has begun to function.

#### CONVENTION No. 84 : RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES), 1947

Number of reports requested : 41.

Number of reports received : 40.

Reports not received : 1.

(*United Kingdom : Southern Rhodesia.*)

*Italy**Trust Territory of Somaliland.*

The Committee noted that, according to section 3 of Ordinance No. 2 of 20 February 1954, the regional commissioners are empowered to suspend the right of any association to act and that the final decision as to the dissolution of an association lies with the "Administrator". The Committee would be glad to know whether the Government proposes to confer upon an association dissolved in this manner a right to appeal to a judicial court against its dissolution.

*United Kingdom*

The Committee has examined the reports supplied by the Government on the measures giving effect to the provisions of the Convention. The Committee notes with satisfaction that, generally speaking, according to the reports received, it appears that the Convention is applied throughout the non-metropolitan territories of the United Kingdom. The Committee nevertheless feels that the attention of the Government should be drawn to the following points.

(1) In certain territories the term "workman" is defined as any person employed in "any trade or industry". The Committee believes that it is correct in assuming that this definition does not exclude any category of workers and, in particular, covers agricultural workers.

(2) In certain territories the Registrar appointed to register newly constituted trade unions may refuse to register an applicant union if he is of the opinion that a trade union sufficiently representative of the trade concerned is already in existence. There are several variations of essentially the same provision. The Committee believes that it is correct in assuming that such provisions are intended to prevent a multiplication of trade unions, a factor which in the long run could only weaken the trade union movement as a whole. Provisions of the type cited, as well as others prohibiting any trade union or federation of trade unions from including workers of different trades, need careful examination in view of the possibility of their being applied in a manner which could be open to criticism. The Committee would be glad to have any details regarding the practical application of any provisions of this character.

(3) The Committee notes that in certain territories appeals against a decision on the part of the Registrar to refuse to register a trade union or to notify cancellation of registration lie to the Governor, or in certain cases, to the Governor in Council. The Committee suggests that the possibility of providing that appeals against the decisions of the Registrar should, as is the case in the great majority of territories, come before the Supreme Court, should be further examined in the case of territories where this is not already the practice.

*Falkland Islands.*

The report merely refers to the legislation giving effect to the Convention. The Com-

mittee would be grateful to the Government if it could present its next report on the lines of the report form adopted by the Governing Body.

*Fiji.*

The Committee notes with satisfaction that the legislation in force gives effect to the provisions of the Convention. However, the Committee would be grateful if the Government would be good enough to supply supplementary information on the two following points: (a) section 8 (a) of the Industrial Association Ordinance (Cap. 79), 1945, provides that "an applicant for membership of the Association shall be regularly and normally engaged in the industry which the Association represents and shall not be a member of another industrial association". It appears to the Committee that this provision might, in fact, prevent seasonal or casual workers from becoming members of a union; (b) section 27 of the same ordinance provides that "nothing in this ordinance or in the constitution or rules of an industrial association shall relieve any native from his obligations under any regulation made by the Fijian Affairs Board". The Committee would be glad to know if any of those regulations deal with questions covered by this Convention, and would be glad if the Government would keep it informed of any such regulations which might, in the future, be adopted on this matter.

CONVENTION NO. 86 : CONTRACTS  
OF EMPLOYMENT (INDIGENOUS WORKERS), 1947

Number of reports requested : 31.

Number of reports received : 31.

*United Kingdom.*

The Committee has referred in its general report to the extent to which protective measures of the character specified in this Convention are becoming unnecessary in view of the almost complete disappearance of forced labour, the abolition of penal sanctions for breach of contract, the progressive discontinuance of recruitment systems in the sense envisaged in Convention No. 50 and the increasing rarity of long-term contracts of employment.

In this connection the Committee has noted that in the majority of British West Indian territories, for example, while the Convention has been declared to be applicable without modification, the Governments have not felt it to be necessary to take any legislative action to supplement such protective laws as may already exist dealing, for instance, with recruited workers, since in practice either long-term contracts are not entered into by workers at all, or if they are, they are entered into in such circumstances as to give full assurance that the worker has complete freedom of choice in the matter and understands fully the terms of the contract to which he is a party. This is notably the case where West Indian workers proceed to the United States on long-term contracts. Not only do the workers spontaneously offer themselves but the terms of their employment are settled in model form after full discussion between the Governments concerned and steps

are taken to ensure that applicants, who are nearly all literate, fully understand them.

In such circumstances the Committee does not feel called upon to propose the adoption of legislation which would be merely formal in character. Nevertheless, it would wish to be assured that the abuses which the Convention was designed to prevent not only are absent now but will not recur. It would therefore request that details of any concerted arrangements for engagement of workers for long periods should continue to be reported upon, together with indications of administrative measures taken to ensure that the provisions of the Convention are observed.

In certain territories in other parts of the world, where the system of long-term contracts is still fairly prevalent, the legal provisions giving effect to the Convention apply to all manual workers. While the Committee might be prepared to accept the proposition that non-manual workers in general are likely to be literate within the meaning of Article 2 of the Convention, its view would be influenced to some extent by the coverage of the term "manual worker". The Committee would be glad therefore if the territorial governments concerned could be invited to furnish information on the practical implications of the definition given to the term "manual worker" and the extent to which non-manual workers are in practice parties to long-term contracts.

#### *Gambia.*

The report indicates that a Bill for the purpose of giving effect to the provisions of the Convention is at present under consideration. The Committee hopes that the Bill in question will not be long in being adopted so as to ensure the application of the Convention which was declared applicable without modification to this territory at the time of its ratification in 1950.

#### *Kenya.*

The report indicates that under section 3 of the ordinance relating to employment the provisions of the Convention are applied to various categories of wage earners who receive a wage below the amounts fixed by a decision of the Governor. This wage is at present 4s. per day, 24s. per week and 100s. per month. The report adds that the majority of indigenous workers receive wages within these limits and enjoy the protection of the legislation. Finally, the Government is considering the possibility of raising these amounts in order to extend the field of application of the legislation. The Committee would be grateful if the Government would supply all information it thinks would assist in enabling the Committee to satisfy itself that this provision would have the effect of excluding, in conformity with Article 2 of the Convention, only literate workers whose freedom of choice in employment is satisfactorily safeguarded. The Committee would be grateful if the Government would indicate whether, in conformity with Article 2, paragraph 2, the exclusion of workers in receipt of earnings higher than the amount fixed has been decided upon after consultation with the employers' and

workers' organisations representative of the interests concerned.

#### *Mauritius.*

The report merely cites the legislative provisions which provide that contracts must be approved by the Government. The Committee expresses the hope that next year the Government will be able to submit its report in accordance with the form of report adopted by the Governing Body.

The Committee also notes that the two ordinances referred to in the report do not prescribe the maximum period of service as laid down in Article 3 of the Convention and are only applicable to "recruited" workers, or to workers who enter into a contract of employment outside the territory, whereas the provisions of the Convention also cover workers who make a contract of employment for work inside the territory without having been recruited. The Committee expresses the hope that the Government will be able to extend the scope of the legislation to all workers covered by the Convention.

#### *Seychelles.*

The report indicates that, under the terms of section 11 (2) of Ordinance No. 25 of 1945, a contract for employment within the territory may be for a period of three years, whereas Article 3 (2) of the Convention provides that it shall in no case exceed 12 months. The Government states that the possibility of ending this discrepancy is being considered. The Committee hopes that the proposal in question will not be long in being adopted, in order to ensure the application of the Convention, which was declared applicable without modification to this territory at the time of its ratification in 1950.

#### *Sierra Leone.*

The report states that there are no provisions which give effect to Article 4 of the Convention.

The Committee expresses the hope that the necessary legislation will soon be adopted so as to ensure the application of the Convention which was declared applicable without modification to the territory when the Convention was ratified in 1950.

#### *Southern Rhodesia.*

The Government indicates that the necessary measures will be adopted to apply all the provisions of the Convention. The Committee expresses the hope that the full application of the Convention will be ensured as soon as possible.

#### *Uganda.*

The report of the Government indicates that the ordinance and regulations concerning employment (Chapter 83) which give effect to the provisions of the Convention, apply to all workers whose wages do not exceed an amount fixed by the Governor. At the present time, this maximum is 150s. per month. The Committee would be grateful if the Government would supply all information it thinks would

assist in enabling the Committee to satisfy itself that this provision would have the effect of excluding, in conformity with Article 2 of the Convention, only literate workers whose freedom of choice in employment is satisfactorily safeguarded. The Committee would also be grateful if the Government would state whether, in accordance with Article 2, paragraph 2, the exclusion of workers in receipt of earnings higher than the amount fixed was decided upon after consultation of the employers' and workers' organisations representative of the interests concerned.

#### *Zanzibar.*

The report indicates that the Government is considering the possibility of bringing the legislation into harmony with the provisions of the Convention. The Committee hopes that the proposal in question will not be long in being adopted so as to ensure the application of the Convention which was declared applicable without modification to this territory at the time of its ratification in 1950.

#### CONVENTION NO. 87 : FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

Number of reports requested : 13.

Number of reports received : 12.

Reports not received : 1.  
(*Netherlands : Surinam.*)

#### *France*

#### *Cameroons.*

The Committee notes with interest that the report supplied for the period 1952-53 contained information indicating that effect had been given in this territory to the principles laid down in this Convention. It notes, however, that the report for the period 1953-54 indicates that no new development has occurred during this period and simply refers to the previous report.

As the French Government has issued local orders for most of its other territories promulgating the decree extending the Convention to these territories, the Committee would be grateful if the Government would indicate in its next report whether a similar order has been issued in respect of the Cameroons.

#### *Madagascar.*

See under Cameroons.

#### CONVENTION NO. 88 : EMPLOYMENT SERVICE, 1948

Number of reports requested : 4.

Number of reports received : 1.

Reports not received : 3.

(*Netherlands : Surinam ; United Kingdom : Channel Islands, Isle of Man.*)

No observations.

#### CONVENTION NO. 89 : NIGHT WORK (WOMEN) (REVISED), 1948

Number of reports requested : 2.

Number of reports received : 2.

No observations.

#### CONVENTION NO. 94 : LABOUR CLAUSES (PUBLIC CONTRACTS), 1949

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

(*United Kingdom : Channel Islands, Isle of Man.*)

No observations.

#### CONVENTION NO. 98 : RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

Number of reports requested : 2.

Number of reports received : 0.

Reports not received : 2.

(*United Kingdom : Channel Islands, Isle of Man.*)

No observations.

#### CONVENTION NO. 99 : MINIMUM WAGE FIXING MACHINERY (AGRICULTURE), 1951

Number of reports requested : 1.

Number of reports received : 1.

No observations.

C. Reports Received and Reports Not Received by 21 March 1955

(Five-Yearly Review)

Number of reports expected : 3,314. Number of reports received : 2,419. Number of reports not received : 895.

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>Australia :</i>				
Nauru . . . . .	11	7, 9, 15, 16, 21, 22, 26, 27, 29, 63, 88	1	8
New Guinea . . . . .	12	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 63, 88	0	—
Norfolk Island . . . . .	10	7, 9, 15, 16, 21, 22, 27, 29, 63, 88	2	8, 26 —
Papua . . . . .	12	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 63, 88	0	—
<i>Belgium :</i>				
Belgian Congo . . . . .	7	12, 17, 18, 29, 50, 64, 89	34	1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 21, 22, 23, 26, 27, 32, 33, 42, 43, 45, 53, 55, 56, 58, 62, 69, 74, 87, 94, 100
Ruanda-Urundi . . . . .	7	12, 17, 18, 29, 50, 64, 89	34	1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 21, 22, 23, 26, 27, 32, 33, 42, 43, 45, 53, 55, 56, 58, 62, 69, 74, 87, 94, 100
<i>Denmark :</i>				
Faroe Islands . . . . .	20	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63, 87, 92	0	—
Greenland . . . . .	20	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63, 87, 92	0	—
<i>France :</i>				
Algeria . . . . .	39	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 26, 29, 33, 41, 43, 44, 45, 49, 52, 53, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 94, 95, 98	13	17, 18, 19, 24, 27, 35, 36, 37, 38, 42, 55, 56, 92
Cameroons . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—
French Equatorial Africa	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—
French Guiana . . . . .	43	2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 27, 29, 33, 35, 41, 42, 43, 44, 45, 49, 52, 53, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 94, 95	9	12, 24, 36, 37, 38, 55, 56, 92, 98



Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>France (cont.):</i>				
French Settlements in Oceania . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—
French Somaliland. . . . .	51	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, 88, 92, 94, 95, 98	1	69
French West Africa . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—
Guadeloupe. . . . .	44	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 29, 33, 35, 41, 42, 43, 44, 45, 49, 52, 53, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 94, 95, 98	8	24, 27, 36, 37, 38, 55, 56, 92
Madagascar. . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	
Martinique . . . . .	44	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 29, 33, 35, 41, 42, 43, 44, 45, 49, 52, 53, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 94, 95, 98	8	24, 27, 36, 37, 38, 55, 56, 92
Morocco . . . . .	14	3, 4, 12, 13, 14, 17, 18, 19, 27, 41, 42, 52, 88, 95 (89 <sup>1</sup> )	38	2, 5, 6, 8, 9, 10, 11, 15, 16, 22, 23, 24, 26, 29, 33, 35, 36, 37, 38, 43, 44, 45, 49, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 92, 94, 98
New Caledonia . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—
Réunion . . . . .	18	8, 9, 14, 15, 16, 17, 18, 19, 22, 23, 26, 35, 42, 53, 58, 69, 74, 88	34	2, 3, 4, 5, 6, 10, 11, 12, 13, 24, 27, 29, 33, 36, 37, 38, 41, 43, 44, 45, 49, 52, 55, 56, 62, 63, 77, 78, 81, 87, 92, 94, 95, 98
St. Pierre and Miquelon . . . . .	52	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, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	0	—

<sup>1</sup> Voluntary report.

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>France (cont.):</i>				
Togoland. . . . .	51	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 26, 27, 29, 33, 35, 36, 37, 38, 41, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 92, 94, 95, 98	1	23
Tunisia. . . . .	4	13, 19, 88, 95	48	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 22, 23, 24, 26, 27, 29, 33, 35, 36, 37, 38, 41, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 92, 94, 98
<i>Italy:</i>				
Trust Territory of Somaliland	52	2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 48, 52, 53, 55, 58, 59, 60, 65, 69, 77, 78, 79, 81, 84, 88, 89, 90, 94, 95, 97	0	—
<i>Netherlands:</i>				
Netherlands Antilles. . .	20	2, 5, 11, 12, 13, 17, 19, 21, 26, 29, 33, 41, 42, 45, 48, 63, 81, 87, 88, 97	15	6, 8, 9, 15, 16, 22, 23, 27, 58, 62, 69, 74, 94, 95, 96
Netherlands New Guinea	35 <sup>1</sup>	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, 69, 74, 81, 87, 88, 94, 95, 96, 97	0	—
Surinam . . . . .	0	—	35	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, 69, 74, 81, 87, 88, 94, 95, 96, 97
<i>New Zealand:</i>				
Cook Islands and Niue . .	32	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, 84, 88, 89, 97, 99 (47 <sup>1</sup> , 61 <sup>1</sup> , 101 <sup>1</sup> )	0	—
Tokelau Island . . . . .	32 <sup>2</sup>	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, 84, 88, 89, 97, 99	0	—
Western Samoa . . . . .	32 <sup>2</sup>	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, 84, 88, 89, 97, 99	0	—
<i>Portugal:</i>				
Angola. . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
Cape Verde . . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
Macao . . . . .	0	—	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92
Mozambique . . . . .	0	—	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92
Portuguese Guinea . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
Portuguese Indies . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
S. Tomé and Principe . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92

<sup>1</sup> General note on the application of Conventions.

<sup>2</sup> Voluntary reports.

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>Portugal (cont.):</i>				
Timor . . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
<i>Union of South Africa:</i>				
South West Africa. . . .	7	2, 19, 26, 42, 45, 63, 89	0	—
<i>United Kingdom:</i>				
Aden . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Bahamas . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Barbados. . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Basutoland <sup>3</sup> . . . . .	25	2, 5, 11, 12, 17, 19, 24, 25, 26, 29, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 64, 65, 84, 86	17	7 <sup>4</sup> , 8 <sup>4</sup> , 15 <sup>4</sup> , 16 <sup>4</sup> , 22 <sup>4</sup> , 32 <sup>4</sup> , 56 <sup>4</sup> , 63, 69 <sup>4</sup> , 74 <sup>4</sup> , 81, 87, 88, 94, 95, 97, 98
Bechuanaland <sup>3</sup> . . . . .	25	2, 5, 11, 12, 17, 19, 24, 25, 26, 29, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 64, 65, 84, 86	17	7 <sup>4</sup> , 8 <sup>4</sup> , 15 <sup>4</sup> , 16 <sup>4</sup> , 22 <sup>4</sup> , 32 <sup>4</sup> , 56 <sup>4</sup> , 63, 69 <sup>4</sup> , 74 <sup>4</sup> , 81, 87, 88, 94, 95, 97, 98
Bermuda . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
British Guiana . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
British Honduras . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
British Somaliland. . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Brunei . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Channel Islands . . . . .	0	—	42	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, 69, 74, 81, 84, 86, 87, 88, 94, 95, 97, 98
Cyprus. . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Dominica. . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Falkland Islands . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98

<sup>3</sup> Territory without sea coast.

<sup>4</sup> Maritime Conventions.

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (cont.):</i>				
Fiji . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Gambia . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Gibraltar . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Gilbert and Ellice Islands	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Gold Coast . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Grenada . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Hong Kong. . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Jamaica . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Kenya . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Leeward Islands . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Federation of Malaya . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Malta . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Isle of Man . . . . .	0	—	42	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, 69, 74, 81, 84, 86, 87, 88, 94, 95, 97, 98
Mauritius . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Nigeria . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (cont.):</i>				
North Borneo . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Northern Rhodesia <sup>3</sup> . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Nyasaland <sup>3</sup> . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
St. Helena . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
St. Lucia . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
St. Vincent . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Sarawak . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Seychelles . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Sierra Leone . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Singapore . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Solomon Islands. . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Southern Rhodesia <sup>3</sup> . . .	8	5, 17, 19, 29, 45, 50, 64, 86	34	2, 7 <sup>4</sup> , 8 <sup>4</sup> , 11, 12, 15 <sup>4</sup> , 16 <sup>4</sup> , 22 <sup>4</sup> , 24, 25, 26, 32 <sup>4</sup> , 35, 36, 37, 38, 39, 40, 42, 43, 44, 56 <sup>4</sup> , 63, 65, 69 <sup>4</sup> , 74 <sup>4</sup> , 81, 84, 87, 88, 94, 95, 97, 98
Swaziland <sup>3</sup> . . . . .	25	2, 5, 11, 12, 17, 19, 24, 25, 26, 29, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 64, 65, 84, 86	17	7 <sup>4</sup> , 8 <sup>4</sup> , 15 <sup>4</sup> , 16 <sup>4</sup> , 22 <sup>4</sup> , 32 <sup>4</sup> , 56 <sup>4</sup> , 63, 69 <sup>4</sup> , 74 <sup>4</sup> , 81, 87, 88, 94, 95, 97, 98
Tanganyika . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Trinidad and Tobago . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98

<sup>3</sup> Territory without sea coast.<sup>4</sup> Maritime Conventions.

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (cont.):</i>				
Uganda <sup>a</sup> . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
Zanzibar . . . . .	32	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, 64, 65, 84, 86	10	63, 69, 74, 81, 87, 88, 94, 95, 97, 98
<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	—
Trust Territory of Pacific Islands . . . . .	3	53, 55, 58	0	—
Panama Canal Zone . . . . .	0	—	3	53, 55, 58

<sup>a</sup> Territory without sea coast.

## 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)

#### A. Observations and Requests for Supplementary Information (by Country)

##### *Afghanistan*

Referring to the observation which it had made in 1954, the Committee would be grateful if the Government would, when it next supplies information, indicate whether, as it appeared to the Committee from the provisions of the Constitution of 11 November 1931 to which the Government referred, the National Assembly is in fact the body invested with the legislative powers.

##### *Albania*

The Committee would be grateful if the Government would supply information on the measures which it has been able to take to bring before the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session, and communicate all the information requested in the special Memorandum adopted by the Governing Body.

##### *Argentina*

The Committee would be grateful if the Government would be good enough to state what measures have been taken to bring all the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities, and communicate the information requested in the special Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities.

##### *Australia*

The Committee would be grateful if the Government would supply information on the measures taken to bring before the competent authorities Conventions Nos. 91, 92, 93 and 98 and Recommendation No. 87, as well as all the Conventions and Recommendations adopted by the Conference at its 35th and 36th Sessions.

##### *Belgium*

The Committee would be grateful if the Government would supply information on the measures it has been able to take to bring before the competent authorities Conventions Nos. 91, 92 and 93, which were adopted by the Conference at its 32nd Session.

##### *Bolivia*

The Committee notes the statement made by the Government representative at the 37th Session of the Conference, which indicated that all the necessary measures had been taken to hasten the submission of the Conventions and Recommendations to the National Congress. As no new information has been communicated since then, the Committee hopes that the Government will spare no effort to bring before the competent authorities all Conventions not yet ratified, as well as all Recommendations, adopted by the Conference since its 31st Session.

##### *Brazil*

The Committee notes with interest the detailed information which the Government representative communicated to the Conference at its 37th Session, according to which the competent authority in Brazil, in the sense of article 19 of the Constitution of the I.L.O., is the National Congress. The Committee hopes that the Government will be able to supply as soon as possible information on the measures taken to bring before the competent authorities Conventions Nos. 90, 91, 93, 94, 97, 102 and 103 and Recommendations Nos. 84, 86, 87, 94 and 95, as well as the two Recommendations adopted by the Conference at its 36th Session.

##### *Bulgaria*

The Committee notes that this year again the Government failed to supply any information in reply to the requests made at its last two sessions. The Committee hopes that the



Government will be in a position to inform the Conference of the reasons for its persistent silence and will submit relevant information on the measures taken to bring unratified Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

#### *Burma*

The Committee notes with interest the information given by the Government representative at the 37th Session of the Conference, according to which the Conventions and Recommendations were considered for the purposes of their ratification or their acceptance as international agreements falling within the scope of section 213 of the Constitution, which required that these texts be submitted for the approval of the Parliament. The Committee ventures to draw the attention of the Government to the fact that, as stated in the special Memorandum adopted by the Governing Body, Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation. Finally, the Committee would be grateful if the Government would indicate in its report next year whether government proposals are appended to Conventions and Recommendations submitted to Parliament and, if so, what are these proposals.

#### *Ceylon*

The Committee would be grateful if the Government would be good enough to indicate in its report next year what are the proposals submitted with the Conventions and Recommendations brought before the competent authorities.

#### *Chile*

The Committee thanks the Government for the detailed information which it has supplied regarding the measures taken to bring before the competent authorities certain of the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee hopes that the Government will soon be able to supplement this information and to indicate the measures which it has taken to bring before the competent authorities Conventions Nos. 87, 91, 92, 93, 97, 100, 101, 103 and Recommendations Nos. 86, 91, 93, 94, and 95.

#### *China*

The Committee notes the statement of the Government representative at the 37th Session of the Conference, in which he said that he was unable to supply the information requested concerning the submission of Conventions and Recommendations to the competent authorities, and that he would ask the Minister of the Interior to communicate this information as soon as possible. Since no information has been received since that date, the Committee hopes that the Government will be able to supply at

the next session of the Conference information on any action taken to bring before the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session.

#### *Colombia*

The Committee notes that for the second time in succession, instead of supplying information on the measures taken to bring before the competent authorities the Conventions and Recommendations adopted by the Conference, the Government has supplied more or less detailed reports on the provisions of the national law and practice giving effect to these texts. The Committee can only refer to the observation which it made in 1954 and again draw the attention of the Government to the obligation imposed by paragraphs 5 (*b*) and (*c*) and 6 (*b*) and (*c*) of article 19 of the Constitution, and hopes that the Government will be good enough to supply the information on the measures taken to bring before the competent authorities the Conventions and Recommendations adopted by the Conference since its 32nd Session.

#### *Costa Rica*

The Committee notes that no information had been supplied by the Government in reply to the requests made at its two previous sessions. It hopes that the Government will be in a position at the next session of the Conference to explain the reasons for its persistent silence and to submit information on the measures so far taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

#### *Cuba*

The Committee would be grateful if the Government would supply information on any action taken to bring before the competent authorities Convention No. 102 and Recommendations Nos. 88 and 94, as well as the two Recommendations adopted by the Conference at its 36th Session.

#### *Czechoslovakia*

Referring to the observation made in 1954, the Committee would be grateful if the Government would state what action it has so far been able to take to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 33rd Session and Recommendation No. 87 adopted at the 32nd Session. The Committee would also be grateful if the Government would state, as requested by the special Memorandum adopted by the Governing Body, what authority it considers as competent for the purposes of article 19 of the Constitution.

#### *Dominican Republic*

The Committee would be grateful if the Government would supply the information on the measures taken to bring before the com-

petent authorities Convention No. 99 and Recommendations Nos. 89, 91 and 92, as well as all the Conventions and Recommendations adopted by the Conference at its 35th and 36th Sessions.

#### *Ecuador*

The Committee would be grateful if the Government would indicate the measures it has been able to take to bring before the competent authorities Recommendations Nos. 87, 91 and 92, as well as all the Conventions and Recommendations adopted by the Conference at its 31st, 33rd and 35th Sessions.

#### *Egypt*

The Committee notes the information supplied by the Government representative at the 37th Session of the Conference, according to which a committee had been set up to examine the Conventions and Recommendations adopted by the Conference since its 31st Session, with a view to bringing them before the competent authority. The Committee hopes that the Government will soon be in a position to supply information on action taken to bring unratified Conventions and Recommendations adopted by the Conference at its 31st Session before the competent authorities.

#### *Ethiopia*

The Committee notes that in spite of repeated requests the Government has so far failed to supply any information on the measures taken to bring Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities. The Committee hopes that the Government will be in a position to explain to the Conference the reasons for its persistent silence and to submit information on the measures so far taken to fulfil the obligation of bringing Conventions and Recommendations before the competent authorities, as laid down by article 19 of the Constitution.

#### *France*

The Committee notes with satisfaction the new procedure recently adopted by the French Government for bringing Conventions and Recommendations adopted by the Conference before the competent authorities. It would, however, be grateful if the Government would be good enough, when next supplying information, to indicate whether any proposals are made at the time of submission of Recommendations and, if so, what are these proposals.

#### *Greece*

The Committee notes the statement of the Government to the Conference according to which a solution will shortly be found to the problem arising from the traditional procedure, which does not allow the Government to submit Conventions which it does not propose to ratify. The Committee hopes that this solution will soon be reached so that the Government will be

able to supply information on the measures which it has been able to take to bring before the competent authorities the Conventions and Recommendations adopted by the Conference since its 33rd Session.

#### *Guatemala*

The Committee notes that the Government has supplied no information in response to the observations which it made during its two previous meetings (1953 and 1954). It would be grateful if the Government would supply, as soon as possible, information on the measures which it has been able to take to bring before the competent authorities Conventions Nos. 91, 92 and 93 and Recommendation No. 87, as well as all the Conventions and Recommendations adopted by the Conference since its 33rd Session.

#### *Haiti*

The Committee has examined the information supplied by the Government, according to which the Department of Labour is considered as the competent authority for the purposes of article 19 of the Constitution of the International Labour Organisation. The Committee would be grateful if the Government would be good enough to state what provisions of the national Constitution grant such competence to the Department of Labour. It would also be grateful if the Government would be good enough to state whether the Recommendations adopted by the Conference at its 36th Session have, in fact, been brought before the competent authorities.

#### *Hungary*

The Committee notes the information given by the Government representative to the Conference at its 37th Session, according to which the Conventions adopted by the Conference were brought before the competent authorities who were now examining them. The Committee would be grateful if the Government would be good enough to supplement this information by indicating which are the authorities regarded as competent, as requested in the special Memorandum adopted by the Governing Body. The Committee would also be grateful if the Government would be good enough to state whether the Recommendations adopted by the Conference since its 31st Session have also been brought before the competent authorities.

#### *Indonesia*

The Committee notes the statements of the Government representative at the 37th Session of the Conference, according to which the Conventions had been submitted to the Cabinet with a view to transforming them into national law and practice. In view of this statement, the Committee would be glad to know whether the Government regards the Cabinet as the competent authority according to the terms of article 19 of the Constitution and, if so, in

virtue of what provisions of the national Constitution this is done.

### *Iran*

The Committee would be grateful if the Government would indicate the measures which it has been able to take to bring before the competent authorities the Conventions and Recommendations adopted by the Conference since its 34th Session.

### *Iraq*

The Committee has taken note of the statement of the Government representative to the Conference at its 37th Session, according to which all the Conventions will be brought before the competent authorities as soon as the new Labour Code has been promulgated. The Committee thinks it should draw the attention of the Government to the fact that the maximum period allowed under article 19 of the Constitution for bringing before the competent authorities the texts of the Conventions and the Recommendations adopted by the Conference is 18 months from the closing of each session. The Committee expresses the hope that the Government will fulfil its obligations as soon as possible and bring before the competent national authorities Conventions Nos. 87, 89 and 90, as well as all the Conventions and Recommendations adopted by the Conference since its 32nd Session.

### *Israel*

The Committee would be grateful if the Government could state what measures it has so far taken to bring unratified Conventions and Recommendations adopted by the Conference since its 34th Session before the competent authorities.

### *Italy*

The Committee notes with interest the detailed information which the Government representative communicated to the Conference at its 37th Session. It would be grateful if the Government would supply, as soon as possible, information regarding the measures which it has been able to take to bring before the competent authorities all the Conventions and Recommendations adopted by the Conference since its 34th Session.

### *Lebanon*

The Committee notes the statement of the Government representative at the 37th Session of the Conference, according to which it had not been found possible to obtain the information requested by the Committee of Experts concerning the submission of Conventions and Recommendations to the competent authorities. As no information has been supplied by the Government since that time, the Committee hopes that the Government will be in a position to explain at the next session of the Conference the reasons for its persistent silence and to give

information on measures so far taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

### *Liberia*

The Committee notes the statement of the Government representative at the 37th Session of the Conference, according to which it had not been found possible to obtain the information requested by the Committee of Experts concerning the submission of Conventions and Recommendations to the competent authorities. As no information has been supplied by the Government since that time, the Committee hopes that the Government will be in a position to explain at the next session of the Conference the reasons for its persistent silence and to give information on measures so far taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

### *Libya*

The Committee notes with interest the information given by the Government representative at the 37th Session of the Conference, according to which the texts of Conventions and Recommendations were to be brought before the Council of Ministers for transmission to the two Chambers which constitute the competent authority. The Committee hopes that the Government will be in a position to submit to the Conference at its next session relevant information on the measures so far taken to bring the Conventions and Recommendations adopted by the Conference since its 35th Session before the competent authorities.

### *Mexico*

The Committee notes that the Government has supplied no information in reply to the observations which it made at its two previous meetings. The Committee would be grateful if the Government would indicate, as soon as possible, the measures which it has been able to take to bring before the competent authorities Recommendations Nos. 91 and 92, as well as all the Conventions and Recommendations adopted by the Conference at its 32nd, 33rd, 35th and 36th Sessions.

### *Pakistan*

The Committee would be grateful if the Government would state what measures it has been able to take to bring the Recommendations adopted by the Conference at its 36th Session before the competent authorities.

### *Panama*

The Committee notes that in spite of repeated requests the Government had so far failed to supply any information on the measures taken to bring Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities. The Com-

mittee hopes that the Government will be in a position to explain to the Conference the reasons for its persistent silence and to submit information on the measures so far taken to fulfil the obligation of bringing Conventions and Recommendations before the competent authorities, as laid down by article 19 of the Constitution.

#### *Peru*

The Government supplied the Office with information concerning the legislative provisions giving effect to the two Recommendations adopted by the Conference at its 36th Session. The Committee thanks the Government for this information but nevertheless feels obliged to draw its attention to the fact that article 19 of the Constitution provides for two separate obligations. On the one hand, paragraphs 5 (c) and 6 (c) provide that member States "shall inform the Director-General of the International Labour Office of the measures taken... to bring the Convention [or Recommendation] before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them". On the other hand, according to paragraphs 5 (e) and 6 (d), when the Convention or Recommendation has been brought before the competent authorities, "Members... shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Convention [or Recommendation]...". Since the Governing Body has not yet made any selection from the Recommendations adopted at the 36th Session for the purpose of asking for reports under article 19 of the Constitution, Peru was not required to supply the information that it submitted to the Office. On the other hand, the Committee draws the attention of the Government to the obligations established by paragraphs 5 (b) and (c) and 6 (b) and (c) of article 19 of the Constitution and hopes that the Government will shortly take steps to inform the Director-General of the measures taken to bring the Conventions and Recommendations adopted by the Conference since its 31st Session before the competent authorities.

#### *Poland*

The Committee would be grateful if the Government could arrange to indicate, in the information next supplied, whether the unratified Conventions and the Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions have been brought before the competent authorities and if it would be good enough to indicate, in reply to the request made in the special Memorandum adopted by the Governing Body, what authority is considered as competent for the purposes of article 19 of the Constitution.

#### *Portugal*

The Committee notes the information supplied by the Government, according to which the

competent authority varies according to the subject matter of the Conventions and Recommendations, and that it may be the Ministry of Labour, the Ministry of Economy, the Ministry of Foreign Affairs or the Ministry for Overseas. The Committee would be grateful if the Government would specify the provisions of the National Constitution which confer this competence upon the different ministries. The Committee would also be grateful if the Government would indicate whether the Recommendations adopted by the Conference at its 33rd and 36th Sessions have, in fact, been brought before the competent authorities.

#### *El Salvador*

The Committee notes the information which the Government communicated to the Conference at its 37th Session, according to which the provisions of certain Conventions are already substantially applied under the various chapters of the national Constitution. The Committee therefore considers that it is justified in concluding that the Government will experience no difficulty in bringing before the competent national authorities as soon as possible all the Conventions and Recommendations adopted by the Conference since its 31st Session.

#### *Syria*

The Committee notes with interest the information given by the Government representative to the Conference at its 37th Session, according to which Parliament was the competent authority to which Bills were submitted by the Cabinet for decision. The Committee would be grateful if the Government would be good enough to state what measures it has so far taken to bring the unratified Conventions and the Recommendations adopted by the Conference since its 31st Session before the competent authorities.

#### *Thailand*

The Committee would be grateful if the Government would be good enough to state what measures it has so far taken to bring the two Recommendations adopted by the Conference at its 36th Session before the National Assembly.

#### *Turkey*

The Committee notes with satisfaction the information supplied by the Government representative to the Conference at its 37th Session according to which Conventions and Recommendations are examined by the Turkish Grand National Assembly during the budgetary discussions. The Committee would be grateful if the Government would indicate next year whether this submission of Conventions and Recommendations is accompanied by proposals on the part of the Government and, if so, what are these proposals.

United States

The Committee would be grateful if the Government would indicate the measures which it has been able to take to bring before the competent authorities the Conventions and Recommendations adopted by the Conference at its 35th and 36th Sessions. The Committee hopes that when communicating this information the Government will be in a position to supply information regarding the periodical consultations which it may have been able to arrange, in accordance with paragraph 7 (b) (ii) of article 19 of the Constitution, between the federal and the state authorities with a view to promoting co-ordinated action to give effect to the provisions of the Conventions and Recommendations.

Uruguay

The Committee notes the information which the Government representative communicated to the Conference at its 37th Session. The

Committee would be grateful if the Government would supplement this information by indicating the measures it has been able to take to bring before the competent authorities Convention No. 96 and Recommendations Nos. 87, 88, 91, 92 and 96.

Venezuela --

The Committee notes with satisfaction the information communicated by the Government representative to the Conference at its 37th Session and according to which the Minister of Labour is studying the procedure for bringing Conventions and Recommendations before the competent authorities. The Committee hopes that this study will not be long in producing results and that the Government will be able to indicate in the near future the measures it has been able to take to bring before the competent authorities all the Conventions and Recommendations adopted by the Conference since its 31st Session.

B. Position of the Individual States Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

(31st to 36th Sessions of the International Labour Conference, 1948-53)

Note. The number of the Convention or Recommendation is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

States	Sessions of which the decisions have been submitted	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Afghanistan . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Albania . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Argentina . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Australia . . . . .	31st, 32nd (C94, 95, 96, 97 ; R84, 85, 86), 33rd and 34th	32nd (C91, 92, 93, 98 ; R87), 35th and 36th
Austria . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Belgium . . . . .	31st, 32nd (C94, 95, 96, 97, 98 ; R84, 85, 86, 87), 33rd, 34th, 35th and 36th	32nd (C91, 92, 93)
Bolivia . . . . .	32nd (C96)	31st, 32nd (C91, 92, 93, 94, 95, 97, 98 ; R84, 85, 86, 87), 33rd, 34th, 35th and 36th
Brazil . . . . .	31st (C87, 88, 89 ; R83), 32nd (C92, 95, 96, 98 ; R85), 33rd, 34th and 35th (C101 ; R93)	31st (C90), 32nd (C91, 93, 94, 97 ; R84, 86, 87), 35th (C102, 103 ; R94, 95) and 36th
Bulgaria . . . . .	31st (C88 ; R83)	31st (C87, 89, 90), 32nd, 33rd, 34th, 35th and 36th
Burma . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Canada . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—

States	Sessions of which the decisions have been submitted	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Ceylon . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Chile . . . . .	31st (C88, 89, 90 ; R83), 32nd (C94, 95, 96, 98 ; R84, 85, 87), 34th (C99 ; R89, 90, 92), 35th (C102) and 36th	31st (C87), 32nd (C91, 92, 93, 97 ; R86), 33rd, 34th (C100 ; R91), 35th (C101, 103 ; R93, 94, 95)
China . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Colombia . . . . .	31st	32nd, 33rd, 34th, 35th and 36th
Costa Rica . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Cuba . . . . .	31st, 32nd, 34th, 35th (C101, 103 ; R93, 95)	33rd, 35th (C102 ; R94) and 36th
Czechoslovakia . . . . .	31st, 32nd (C91, 92, 93, 94, 95, 96, 97, 98 ; R84, 85, 86)	32nd (R87), 33rd, 34th, 35th and 36th
Denmark . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Dominican Republic . . . . .	31st, 32nd, 33rd and 34th (C100 ; R90)	34th (C99 ; R89, 91, 92), 35th and 36th
Ecuador . . . . .	32nd (C91, 92, 93, 94, 95, 96, 97, 98 ; R84, 85, 86), 34th (C99, 100 ; R89, 90) and 36th	31st, 32nd (R87), 33rd, 34th (R91, 92) and 35th
Egypt . . . . .	31st (C88 ; R83) and 32nd (C98)	31st (C87, 89, 90), 32nd (C91, 92, 93, 94, 95, 96, 97 ; R84, 85, 86, 87), 33rd, 34th, 35th and 36th
Ethiopia . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Finland . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
France . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Germany (Federal Republic) <sup>1</sup>	34th, 35th and 36th	—
Greece . . . . .	31st and 32nd	33rd, 34th, 35th and 36th
Guatemala . . . . .	31st, 32nd (C94, 95, 96, 97, 98 ; R84, 85, 86)	32nd (C91, 92, 93 ; R87), 33rd, 34th, 35th and 36th
Haiti . . . . .	36th	31st, 32nd, 33rd, 34th and 35th
Hungary . . . . .	31st, 32nd (C91, 92, 93, 94, 95, 96, 97, 98 ; R84, 85, 86), 34th (C99, 100 ; R89, 90) and 35th (C101, 102, 103 ; R93, 95)	32nd (R87), 33rd, 34th (R91, 92), 35th (R94) and 36th
Iceland . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
India . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Indonesia <sup>2</sup> . . . . .	—	33rd, 34th, 35th and 36th
Iran . . . . .	31st, 32nd and 33rd	34th, 35th and 36th
Iraq . . . . .	31st (C88 ; R83)	31st (C87, 88, 90), 32nd, 33rd, 34th, 35th and 36th
Ireland . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Israel <sup>3</sup> . . . . .	32nd, 33rd and 35th (C101 ; R93)	34th, 35th (C102, 103 ; R94, 95) and 36th

<sup>1</sup> The Federal Republic of Germany became a Member of the Organisation at the 34th Session.

<sup>2</sup> Indonesia became a Member of the Organisation at the 33rd Session.

<sup>3</sup> Israel became a Member of the Organisation at the 32nd Session.

States .	Sessions of which the decisions have been submitted	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Italy . . . . .	31st, 32nd and 33rd	34th, 35th and 36th
Japan <sup>1</sup> . . . . .	35th and 36th	—
Lebanon . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Liberia . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Libya <sup>2</sup> . . . . .	—	35th and 36th
Luxembourg . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Mexico . . . . .	31st, 34th (C99, 100 ; R89, 90)	32nd, 33rd, 34th (R91, 92), 35th and 36th
Netherlands . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
New Zealand . . . . .	31st, 32nd, 33rd, 34th and 35th	36th
Norway . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Pakistan . . . . .	31st, 32nd, 33rd, 34th and 35th	36th
Panama . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Peru . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Philippines . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Poland . . . . .	35th and 36th	31st, 32nd, 33rd and 34th
Portugal . . . . .	31st, 32nd, 34th and 35th	33rd and 36th
El Salvador . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Sweden . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Switzerland . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Syria . . . . .	31st (C89)	31st (C87, 88, 90 ; R83), 32nd, 33rd, 34th, 35th and 36th
Thailand . . . . .	31st, 32nd, 33rd, 34th and 35th	36th
Turkey . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
Union of South Africa . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
United Kingdom . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—
United States . . . . .	31st, 32nd, 33rd and 34th	35th and 36th
Uruguay . . . . .	31st, 32nd (C91, 92, 93, 94, 95, 97, 98 ; R84, 85), 34th (C99, 100 ; R89, 90), 35th and 36th (R97)	32nd (C96 ; R87), 33rd, 34th (R91, 92) and 36th (R96)
Venezuela . . . . .	—	31st, 32nd, 33rd, 34th, 35th and 36th
Viet-Nam <sup>3</sup> . . . . .	33rd, 34th, 35th and 36th	—
Yugoslavia . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	—

<sup>1</sup> Japan became a Member of the Organisation after the closure of the 34th Session.

<sup>2</sup> Libya became a Member of the Organisation at the 35th Session.

<sup>3</sup> Viet-Nam became a Member of the Organisation at the 33rd Session.



C. Statistical Table Showing the Position of States Members with Regard to the Obligation to Submit the Decisions of the Conference to the Competent Authorities

(31st to 36th Sessions of the International Labour Conference, 1948-53)

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)		36th Session (June 1953)
	Position		Position		Position		Position		Position		Position on 21.3.55
	on 20.3.50	on 21.3.55	on 27.3.51	on 21.3.55	on 17.3.52	on 21.3.55	on 16.3.53	on 21.3.55	on 15.3.54	on 21.3.55	
All the decisions have been submitted . .	16	39	17	32	21	33	25	33	25	33	28
Some of these decisions have been submitted	7	6	2	11	1	1	4	7	3	5	1
None of these decisions has been submitted (including cases in which no information has been supplied by the government) . .	37	15	42	18	42	30	35	24	38	28	37
Number of States which were Members of the Organisation at the time of the session	60	60	61	61	63	63	64	64	66	66	66

<sup>1</sup> At this session the Conference adopted only one Recommendation.

## APPENDIX IV

### REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

#### A. General Remarks concerning Reports Submitted by Governments

##### GENERAL INTRODUCTION

During the current year governments were required under the terms of article 19 of the Constitution (unratified Conventions and Recommendations) to submit reports on five texts, namely three Conventions and two Recommendations, all of which concern the protection of children and young persons in non-industrial employment.

The texts in question are the following: a Convention on the minimum age for admission to employment; a Convention and a Recommendation on the medical examination of children and young persons for fitness for employment; and a Convention and a Recommendation concerning restriction of night work of children and young persons.

All the texts in question relate exclusively to non-industrial occupations, with the exception of the Medical Examination of Young Persons Recommendation, 1946, which is of wider scope and on which governments were asked to supply information only in so far as non-industrial employment is concerned.

The four other Conventions and Recommendations were adopted by the Conference in order to supplement the series of texts establishing standards for the protection of children and young workers in industrial occupations by an equivalent series for non-industrial occupations.

Thus, in the sphere of minimum age, the Minimum Age (Non-Industrial Employment) Convention, 1937 (No. 60), which revised a Convention on the same subject adopted in 1932, was introduced to ensure protection equivalent to that given in industry by the Minimum Age (Industry) Convention, 1919 (No. 5). Moreover, the problem of minimum age in employment at sea, in agriculture and as trimmers and stokers, was dealt with in separate Conventions adopted in 1920 and 1921.

Similarly, in the case of night work of children and young persons, the Convention and Recommendation adopted in 1946 covering the field of non-industrial employment were designed to supplement the protection granted in industry

by the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), subsequently revised in 1948.

Finally, medical examination of children and young persons for fitness for employment forms the subject of two separate Conventions, covering industrial and non-industrial occupations respectively, both of which were adopted in 1946. A Recommendation concerning the same subject, but of more general scope, was adopted at the same time; and a Convention adopted in 1921 also establishes conditions relating to medical examination for children and young persons employed at sea.

The reasons for which questions relating to the employment of children and young persons on non-industrial work were thus treated separately from employment in industry are clear; it was primarily in industry, for instance, that the need for such protection first made itself felt with the greatest urgency, on account of the specially laborious nature of certain industrial work. Furthermore, the national legislation of various countries originally contained provisions essentially applicable to industry, a fact which rendered it more easy to secure adoption of Conventions covering industrial work among the States concerned. It is also legitimate to suppose that this was due to some extent to the fact that supervision and enforcement of the application of protective standards for young persons were more readily guaranteed in the case of industrial work than for non-industrial work, the latter often being carried out in smaller and more scattered undertakings, or requiring special supervisory measures, as in the case of domestic service and itinerant trades. Accordingly, it was for industry only that Conventions concerning the protection of young persons were first adopted.

However, it subsequently became clear that it was necessary to extend such protection to non-industrial occupations; in particular it was realised that non-industrial work was often as fatiguing, dangerous and harmful to health as industrial work and that the number of children and young persons employed in non-industrial occupations frequently exceeded that of young

persons in industry. It was further ascertained that wherever protective legislation covered only certain branches of activity, children and young persons ran the risk of being employed in workplaces excluded from the scope of legal protection, where working conditions were in general worse. As regards minimum age for employment, for example, the International Labour Conference recommended (in a resolution passed in 1945 concerning the protection of children and young persons) that this age should, wherever possible, be established simultaneously at the same level in the various fields of economic activity and individually as regards employment in industrial occupations and non-industrial occupations of a predominantly urban character, in order to obviate the risk that stricter regulations applied to industrial work might result in causing displacement of the youngest workers into employment inadequately covered by regulations, where they would receive less protection. In consequence, Conventions dealing with children and young workers engaged in non-industrial occupations were established to complete the texts primarily adopted for industry.

Even in instances, however, where standards applying both to industry and to non-industrial occupations were adopted at the same time (as, for example, in the case of medical examination of young persons for fitness for employment), it was found preferable to establish two separate Conventions, in order that each might be ratified independently of the other.

While for the foregoing reasons questions relating to the employment of children and young persons in non-industrial occupations formed the subject of separate texts, with which the reports before the Committee this year are concerned, it is no less true that these questions are in many respects closely linked with those arising from employment of children and young persons in industry. Thus, in spite of the differences which occasionally distinguish them, the provisions contained in Conventions and Recommendations relating to non-industrial occupations often greatly resemble those found in texts dealing with industry. Furthermore, in the majority of countries, current legislation applies indiscriminately to industrial and non-industrial work, as may be ascertained from the reports submitted by governments on the five texts selected by the Governing Body.

These five texts may be grouped according to their subject matter under three headings—minimum age, medical examination, and night work of young persons (non-industrial work).

In the table appended to the present report will be found a list of States which have submitted reports on the above-mentioned texts. The number of reports received varies from 33 to 38, according to the text in question, and if regard is had to the number of States that have ratified the Conventions in question and from which reports under article 19 are therefore not called for, it can be seen that the proportion of member States discharging the obligation to make reports under this provision is almost 60 per cent.

The conclusions drawn from the reports submitted by governments will be found below under the various headings.

## MINIMUM AGE (NON-INDUSTRIAL OCCUPATIONS) CONVENTION (REVISED), 1937 (No. 60)

### *Introduction*

The Treaty of Versailles provided in the Annex to its Labour Part that the International Labour Conference should at its First Session deal with the question of the age of admission to employment. Consequently, the first Convention fixing the minimum age in industry was adopted in 1919 and the Conventions relating to employment in agriculture and at sea were adopted in the following years. In 1932 the protection of children was extended to all fields when the Convention prohibiting the employment of children under 14 years in non-industrial occupations was adopted. This age limit was subsequently raised to 15 when the Convention concerning non-industrial occupations was revised, together with the Conventions relating to industrial and maritime employment. The new text concerning the age for the admission of children to non-industrial employment provided for other modifications of lesser importance, such as raising from 12 to 13 years the minimum age for light work outside school hours and providing for a system of registration of young persons in employment.

A comparison between the four original Conventions, all of which set a minimum age of 14 years for admission to employment, shows that although the first three of these texts concerning industry, agriculture and work on board ship were ratified by a considerable number of countries—the first by 34, the second by 23, and the third by 35 countries—the original Convention concerning non-industrial occupations, which set the minimum age at 14, was ratified by eight governments only. This striking difference, in a field where a certain uniformity in the measures for the protection of children would be expected, seems to be due to the scope of the Convention relating to non-industrial occupations which applies to any employment not dealt with in the other three Conventions; it is clear that few countries will have the necessary legislation, and that there will be less pressure for the ratification of the Convention dealing with non-industrial occupations, since a greater need is felt for legislation fixing minimum age or raising minimum age in respect of employment in mines, industrial undertakings, or at sea, where children necessarily incur the greatest risk to their health and development. Another reason for the small number of ratifications is probably the fact that the supervision and inspection of conditions of work in non-industrial occupations cannot be ensured as easily as in industrial undertakings.

The object of the Convention is to ensure that children under 15 years of age should not be employed in non-industrial occupations. It provides, however, that children over 13 may engage in light work outside school hours subject to suitable safeguards and that permits may be issued authorising the appearance of children in public entertainment. Provision for higher ages in certain types of employment is made. Finally, the Convention sets out the manner in which the national laws and regula-

tions shall ensure the enforcement of its provisions.

The Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 came into force on 29 December 1950.<sup>1</sup> It has been ratified by Bulgaria, Cuba, Italy, New Zealand and Uruguay. By virtue of article 22 of the Constitution of the I.L.O. these States are required to supply annual reports on the application of the Convention<sup>2</sup>, and observations made by the Committee in this connection are to be found in Appendix I above.

As indicated in table B below, 36 governments<sup>3</sup> have fulfilled the obligation laid down in article 19 of the Constitution and have supplied reports on the position of their law and practice in regard to the Convention.

### *Content of Reports*

Most of the reports communicated by governments contain sufficient information to make it possible for the Committee to form an opinion on the effect given in different countries to the basic provision of the Convention, that is, the minimum age for admission to employment. In some cases the reports were very detailed (Austria, Canada, Denmark, Ireland, Norway and Viet-Nam) and others showed the position with regard to each individual provision of the Convention (the Federal Republic of Germany, Japan, Sweden, the United Kingdom and the United States). The remaining governments indicate in broad lines the national legislation and practice implementing the principles laid down in the Convention.

### *Position of Law and Practice in Regard to the Matters Dealt with in the Convention*

The Committee indicates below the conclusions which may be drawn from the information contained in the reports as regards the position of the law and practice in the different countries relating to the provisions of the Convention. In this connection it may be pointed out that the minimum age for admission to employment is established by national legislation in most countries, either directly in the form of prohibition of employment of children under a certain age, or indirectly in the form of a minimum school-leaving age. In exceptional cases considerable powers are vested in the local authorities, as in Ireland and the United Kingdom, or the question is dealt with by bipartite or tripartite bodies, as in Australia, the Union of South Africa and the United States.

*Scope (Article 1 of the Convention).*

This Article of the Convention requires the competent authority of ratifying States to define the line of division separating non-industrial occupations from the types of employ-

ment covered by other minimum age Conventions. In the case of the present Convention it appears from the reports communicated that such a definition would be superfluous in many cases, since the age of admission of children to employment is based on measures which are general in character and cover industrial as well as non-industrial occupations.

Paragraph 3 of this Article provides for the exclusion from the scope of the Convention of employment in sea fishing and work done in technical and professional schools. The first of these categories is not mentioned specifically in the reports received, but a number of governments indicate that practical work for the purpose of vocational training is permitted before the minimum age for admission to employment is reached. It is pointed out in this connection that this clause of the Convention is so worded as to permit of the term "technical school" being interpreted to cover any private or public establishment of this kind.

Many of the reports communicated fail to indicate the position regarding employment in establishments in which only members of the employer's family are employed or on domestic work in the family, which may be excluded from the scope of the Convention in virtue of paragraph 4 of this Article. However, it is interesting to note that where work by members of the employer's family has been exempted from the minimum age provision, the relevant legislation generally specifies, in conformity with the terms of the Convention, that this exemption does not apply to employment which is harmful or dangerous (Austria, Denmark, the Federal Republic of Germany, the United States, etc.). On the other hand, domestic work frequently seems to be excluded from the minimum age provisions even in the case of children who are employed by persons other than members of their own family (Austria, certain provinces of Canada, the Dominican Republic, the Federal Republic of Germany, Japan, Sweden, Switzerland, etc.).

### *Minimum Age for Employment (Article 2).*

This Article lays down the main principle of the Convention. It prohibits the employment of children under 15 years of age, or children over that age who are still obliged to attend school, in non-industrial occupations and it is to be noted that the Convention is particularly strict about authorising any exceptions to this general prohibition of employment. Thus, apart from work in the family, which may be excluded from the scope of the Convention under the provisions of Article 1, the only types of work in which children under 15 may engage are the strictly regulated cases of light work outside school hours and of appearances in public entertainment. The information supplied by governments on this Article of the Convention was therefore analysed with particular care and the Committee bore in mind the fact that where effect was given to this provision of the Convention it could be claimed that the Convention itself was largely implemented and that there was no major obstacle to its eventual ratification.

A minimum age of 15 years or more is prescribed by the legislation of a number of Australian states and Canadian provinces, and of

<sup>1</sup> The Convention has not so far been the subject of any declaration under article 35 of the Constitution to non-metropolitan territories.

<sup>2</sup> Cuba and Uruguay ratified this Convention only recently, and reports under article 22 were not due this year. Bulgaria and Italy have communicated their first annual reports.

<sup>3</sup> The ratification of the Convention by Cuba was registered on 7 December 1954, i.e. after the despatch of the report requested under article 19 of the I.L.O. Constitution.

Japan, Norway, Poland, Switzerland, United Kingdom, certain states of the United States and Yugoslavia; however this prescription is often subject to certain exceptions not included in the Convention. Moreover, it appears from the reports of Cuba, Iceland and Luxembourg that the employment of children under 15 years is prohibited in practice in these countries also. A 14-year age limit has been fixed by law or is applied in practice in a considerable number of countries having submitted reports (e.g. Argentina, Austria, Belgium, Chile, Denmark, Dominican Republic, France, the Federal Republic of Germany, Ireland, Israel, the Netherlands, El Salvador, Sweden, Viet-Nam). A 15-year age limit is applied in certain areas and for certain occupations in the Union of South Africa; lower ages for admission to employment exist in Ceylon and Greece; in India<sup>1</sup> a minimum age of 12 or 14 years is prescribed for certain types of employment in some States; in Pakistan the legislation provides for certain prohibitions in the case of children under 10, 12 or 15 years as the case may be; children are admitted to employment in the Philippines provided they can read and write; the Government of Afghanistan states that no legislation exists concerning the minimum age of admission to employment; and the reports from Colombia, Finland and Turkey do not contain any information concerning the age of admission to employment in non-industrial occupations.

It can be seen from the foregoing that the 15-year minimum age limit prescribed by the Convention only exists in a limited number of countries. Moreover, both in these States and in those where a 14-year age limit is laid down, exceptions not authorised by the Convention are frequently permitted. Thus, children who have attained a specified standard of education may be admitted to employment before they reach the prescribed age in Argentina and Chile; exceptions are authorised in Argentina, Australia and El Salvador if the children are the family breadwinners or must support themselves; in the United Kingdom a lower minimum age is fixed in Northern Ireland; schooling may be interrupted in certain cases in the provinces of Canada and certain states of the United States; in Switzerland certain public establishments are excluded from the scope of the minimum age provisions; the scope of the relevant provisions in Belgium is more limited than that of the Convention; children are admitted to employment during the school holidays in Iceland and Sweden; in India only given urban areas are covered by the minimum age provisions; in Norway certain occupations are excluded from the scope of the relevant legislation and in Yugoslavia lower minimum ages are fixed in some occupations.

#### *Employment on Light Work (Article 3).*

This Article allows the employment on light work outside school hours of children over 13 years of age, subject to certain restrictions. Its importance lies in the fact that it authorises precisely the type of non-industrial occupation

which is most current in countries where the employment of children is suitably safeguarded and the prohibition of which would raise most difficulties. It is therefore unfortunate that comparatively little information is available on the extent to which light work has been permitted outside school hours and consequently of any difficulties which might have arisen in this connection. The task of estimating the exact position of the national legislation with regard to this provision of the Convention is further complicated by the fact that this Article contains prescriptions relating to the work of children over 13 years of age, under 14 years and over 14 years of age, so that it is rare to find complete concordance in the terms of national legislation unless it has been patterned on the Convention or prohibits light work altogether.

It appears from the information available that in a small number of countries such as the Dominican Republic, the Netherlands, Poland, certain states of the United States and Viet-Nam, children under the prescribed minimum age of 14, 15 or 16 years as the case may be, may not engage in any type of work and that no exceptions exist concerning employment on "light work"; and that, in other States such as Denmark, the Federal Republic of Germany, Luxembourg and Norway, children over 13 years may undertake only strictly specified work such as messenger services or light domestic work. In some other countries also the employment of children on light work outside school hours is regulated, though not necessarily in the manner set out in the Convention (e.g. Australia, Canada, Ireland, Japan, the Philippines, Sweden, the United Kingdom and certain states of the United States).

The reports from Canada, as regards certain provinces, from the Federal Republic of Germany, Sweden and the United Kingdom (not including Northern Ireland), show that the relevant legislation and regulations prescribe a two-hour daily maximum as set by the Convention; light work is prohibited on Sundays in certain provinces of Canada, Japan, Sweden, Switzerland and, at night, in certain provinces of Canada, the Federal Republic of Germany, Japan, the Philippines, El Salvador, Sweden, Turkey and the United States. It should be noted, however, that in many cases exceptions to these rules are authorised.

#### *Public Entertainment (Article 4).*

This Article, which is permissive in character, provides that children may be authorised to appear in public entertainment and in the making of films, subject to suitable safeguards. A considerable number of governments state that the normal minimum age for such employment is higher than for other types of work but nearly all the reports show that children may be employed in theatrical or other productions if a permit has been granted by the appropriate authority (Austria, Belgium, certain provinces of Canada, Chile, Denmark, the Dominican Republic [in practice], France, the Federal Republic of Germany, Greece, Ireland, Israel, Japan, Sweden, the United Kingdom, Viet-Nam). In Norway and many states of the United States employment in theatrical pro-

<sup>1</sup> Article 9 of the Convention contains special provisions with regard to the territories in respect of which the Indian legislature had jurisdiction to apply them.

ductions appears to be excluded from the minimum age regulations.

In the States, where young children are allowed to participate in public entertainment provision is generally made for safeguards relating to the nature of the employment and its conditions, which correspond at least in some respects to those prescribed by the Convention (certain states of Australia, Austria, Canada, the Dominican Republic, France, Ireland, Japan, the United Kingdom, certain states of the United States).

#### *Higher Ages in Certain Occupations (Article 5).*

This Article provides that national laws or regulations shall fix higher ages for admission to employment which, by its nature or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it and it is left to governments to specify both the higher ages in question and the types of employment to which such ages should apply. With the exception of a small number of cases where no information is supplied, all the reporting countries show that higher ages are prescribed for the admission to employment which is considered dangerous to the health, life or morals of young persons. It is to be noted, however, that in certain cases where the reports indicate the types of employment for which higher ages are prescribed, these appear to be frequently in the field of industrial rather than non-industrial occupations.

#### *Higher Ages for Itinerant Trading, etc. (Article 6).*

This Article lays down that minimum ages higher than 15 years must be fixed in the case of employment in itinerant trading, at stalls outside shops or in itinerant occupations. However, since these higher ages are to be fixed "in cases where the conditions of such employment require that a higher age should be fixed", governments are allowed considerable latitude in deciding how far the principle contained in this Article should be applied and it is therefore understandable that many reports do not mention what effect is given to its provisions.

Nevertheless, it appears that a number of governments have found it advisable to take special measures to protect children employed in itinerant trading and similar occupations. Thus, a minimum age of 16 years or more is prescribed in Argentina (for girls only), in Austria, the Dominican Republic, the Federal Republic of Germany, Ireland (in certain areas and unless a permit is granted), Japan, Sweden, the United Kingdom, and Viet-Nam; in addition, Greece has fixed a higher minimum age for such occupations but this higher age is still less than 15 years. In certain parts of Canada, in Ireland, Sweden and the United States, either no such provision is made or children under the normal age for admission to employment may engage in street trading.

#### *Enforcement of the Provisions (Article 7).*

The necessary measures to ensure the implementation of the provisions of the Convention are set out in this Article.

A considerable number of governments indicate in their reports that the national laws and regulations provide for an adequate system of

inspection and supervision as provided in paragraph (a) of this Article (Australia, Austria, Denmark, the Dominican Republic, Ireland, Japan, Luxembourg, the Netherlands, Poland, El Salvador, Sweden, Turkey, the United Kingdom, the United States, Viet-Nam) but more limited effect seems to be given to the requirement (paragraph (b)) that employers should keep registers of young workers in their employment (Australia, Chile, Denmark, the Dominican Republic, the Federal Republic of Germany, Greece, Japan, Turkey, the United Kingdom, the United States). Measures for facilitating the identity and supervision of young persons employed in itinerant trade and occupations (paragraph (c)) are mentioned only in the reports from Australia, Ireland, the United Kingdom and the United States. On the other hand, most national legislations prescribe penalties for breaches of the relevant provisions of the law (paragraph (d)).

#### *Co-operation by Employers' and Workers' Organisations*

Information on the manner in which employers' and workers' organisations co-operate in the application of legislation and regulations concerning the minimum age for admission of children to employment is supplied in the reports from the Federal Republic of Germany, Greece, Israel, Japan, the Netherlands, Pakistan, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States and Viet-Nam. This co-operation generally takes the form of complaints in the case of infractions or of consultation before the adoption of new regulations or legislation.

#### *Federal States*

The reports communicated by Argentina and the Federal Republic of Germany indicate that the question of minimum age in non-industrial occupations is appropriate for action by the federal authorities, whilst the Governments of Australia, India, Pakistan, Switzerland and the United States state that the question falls partly in the federal field and partly in the field of the constituent states or cantons; in Canada the provisions of the Convention are regarded as appropriate for action by the provincial legislatures. The extremely detailed reports supplied by some of these States set out very clearly the varied conditions and difficulties existing in the different constituent states or provinces. However, a hopeful note is struck in reports such as that of the United States, where it is indicated that everything is being done to stimulate uniform action to meet the standards of the Convention.

#### *Modifications in the National Legislation*

The Committee found on examination of the reports that only the Norwegian Government states that legislation has been modified with a view to giving effect to the provisions of the Convention. On the other hand, a fair number of governments indicate that measures are being considered to ensure the implementation of some or all of the provisions of the Convention.

Thus, in the Federal Republic of Germany a Bill concerning the protection of young workers

is being prepared, in India it is proposed to enact a law relating to the minimum age for admission to employment, and in the Netherlands a Bill providing for a 15-year minimum age for girls has already been tabled.<sup>1</sup> The reports from the United Kingdom, Viet-Nam and Yugoslavia indicate that the provisions of the Convention are being borne in mind in connection with revisions of the legislation now under consideration.

A more extensive conformity with the standards set by the Convention may also be expected in a number of States whose reports refer to the special consideration being given to the question of a higher school-leaving age (Austria, Belgium, Ireland).

### *Difficulties of Application*

The Committee noted with interest the information supplied by governments concerning difficulties preventing or delaying the ratification of the Convention. Among the reasons specifically mentioned by governments, the chief is certainly the lower minimum age for employment fixed in the countries in question (Austria, Belgium, France, the Federal Republic of Germany, Ireland, the Netherlands, the Philippines, El Salvador, Sweden). The more restricted scope of the national legislation constitutes a difficulty in certain countries, either as regards the non-industrial occupations covered by the law (Belgium, the Federal Republic of Germany, Sweden, Turkey), or as regards the areas covered (India). Some reports show that the introduction of general compulsory education, one of the first steps towards establishing a minimum age, is still pending (Pakistan, El Salvador, the Union of South Africa).

Various other obstacles to the full implementation of the provisions of the Convention are mentioned in reports. In some cases these are of constitutional order, as in the federal States where the question of minimum age is appropriate, in whole or in part, for action by the constituent states, provinces or cantons (e.g. Australia, Canada, Switzerland). Frequently, however, the difficulties concern points of secondary importance such as the minimum age for light work, light work on public holidays, etc. (Japan, Viet-Nam). The unfavourable effect on production is mentioned in one report (the Netherlands) and others refer to the need for many children to earn their living at an early age in order to contribute to the family budget (Greece, El Salvador).

### *Ratification Prospects*

The ratification of the Convention in the near future may be expected from two States. The Government of Luxembourg states that a Bill proposing ratification is being examined by the Council of State and the Yugoslav Government reports that the labour Bill now being prepared is being drafted with a view to permitting the ratification of the Conventions concerning the protection of young workers.

Moreover, amongst the reports from the countries in which a 15-year minimum age is

applied and in which, consequently, there is conformity with the standard set by the Convention, there are three which show that ratification would be possible with no change, or practically no change, in the legislation (Japan, Norway, Poland).

### *Conclusion*

The Committee devoted particular attention to the study of the reasons which have prevented wider ratification of the Convention. It finds that behind all the obstacles to ratification mentioned by governments lies the considerable expenditure involved both on the national and family level if the minimum age of admission to employment is to be raised. The Committee is well aware that this element is of major importance; however, the raising of the school-leaving age leads one to believe that such difficulties on a national level will progressively disappear. As regards the material difficulties on the family level, it seems that the constant extension of social security schemes, particularly the institution of family allowances, widows' and orphans' benefits, accident compensation, etc., which are designed to maintain the family income in all circumstances, will gradually alleviate the material necessity for children to seek employment at an early age.

In conclusion, the Committee finds that although comparatively few States are in a position to give effect to the provisions of the Convention, the question of the minimum age in non-industrial occupations, as in other branches of the economy, is constantly engaging the attention of the governments of the countries which have submitted reports and the Committee feels justified in believing that the efforts being made by all progressive States towards improvements in the field of compulsory education, social security, and conditions of work will also render possible a higher minimum age for admission to employment in the not too distant future.

MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946 (No. 78) AND MEDICAL EXAMINATION OF YOUNG PERSONS RECOMMENDATION, 1946 (No. 79)

### *Introduction*

At the end of the war there was general agreement that international standards should be drawn up concerning the medical examination of children and young persons to ascertain their fitness for employment. The framing of such standards seemed particularly necessary at that time, as to counteract the effects of the war on the health of young persons was a particularly urgent problem. In 1945 and 1946, therefore, the Conference examined the question of the medical examination of children and young persons to ascertain their fitness for both industrial and non-industrial employment and adopted two Conventions and a Recommendation. One of the two Conventions deals with medical examinations in industry and the other in non-industrial employment; as has already been pointed out, the Conference, recognising that a Convention concerning industry would

<sup>1</sup> The Committee has been informed that this Bill has now been passed into law.



be easier to ratify than one covering non-industrial occupations as well, considered that by drawing up two distinct Conventions it would facilitate their ratification separately. On the other hand, as a Recommendation is an instrument which by definition does not require ratification, the Conference considered it unnecessary to adopt two separate Recommendations which would for the most part merely have repeated one another. Thus the single Recommendation which was adopted contains a number of suggestions concerning methods of applying both the Conventions.

The question on which governments were requested to supply information for 1954 was the protection of children and young persons in non-industrial occupations; reports were required on the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) and the Medical Examination of Young Persons Recommendation, 1946 (No. 79). The only information required in connection with the Recommendation concerned the state of law and practice concerning medical examinations for fitness for employment in non-industrial occupations.

Broadly speaking, the Convention states that children and young persons under 18 years of age (or 21 years of age in occupations involving high health risks) may not be admitted to employment in non-industrial occupations until they have been ascertained to be fit for the work in question by a thorough medical examination. It also states that the continued employment of such children or young persons shall be subject to the repetition of the medical examinations at regular intervals of not more than one year up to the age of 18 years or up to the age of 21 years in occupations involving high health risks. These medical examinations may not involve a child or young person concerned or his parents in any expense. The Convention also states that appropriate measures are to be taken to provide vocational guidance and physical and vocational rehabilitation for children and young persons found by medical examination to be unsuitable for certain types of work or to have physical handicaps or limitations. Employers are required to file the work permits or work books showing that there are no medical objections to employment and keep them available for the labour inspectors.

The Recommendation contains detailed rules for the application of the Convention; in particular, it deals with the scope of the regulations, medical examinations, measures to be taken on behalf of persons found by medical examination to be unfit or partially unfit for employment, the responsible authorities and methods of enforcement.

The Convention, which came into force on 29 December 1950, has so far been ratified by nine Members<sup>1</sup> (Argentina, Bulgaria, Cuba, France, Guatemala, Israel, Italy, Poland and Uruguay). Under article 22 of the Constitution, these Governments are required to submit annual reports on the application of the Con-

vention.<sup>1</sup> The comments of the Committee on some of these reports are to be found in Appendix I above.

Table B below shows that 38 governments have fulfilled the obligation under article 19 of the Constitution to report on the state of law and practice in their respective countries showing the extent to which effect has been given to the provisions of the Convention and the Recommendation. Thirty-four governments<sup>2</sup> have submitted reports on both the Convention and the Recommendation, while four of the States which have ratified the Convention (Bulgaria, France, Italy and Poland) have submitted reports on the Recommendation.

### *Content of Reports*

Most of the reports submitted on this Convention contain information from which could be assessed the state of law and practice in the different countries and the difficulties which may prevent some of them from giving effect to the provisions of the Convention. Some countries, such as Austria, Canada, the Federal Republic of Germany and the United Kingdom, have provided extremely detailed information, and in some cases (Argentina, Australia, Belgium, Denmark, Greece, Japan, Sweden and the United States) detailed information concerning each separate Article is supplied. In particular, the report of the United States Government is extremely detailed and states the situation with regard to each Article of the Convention in the different states as well as in certain non-metropolitan territories.

On the other hand, the reports from certain countries (Afghanistan, Chile, Finland, Iceland, India, the Netherlands and Pakistan) merely contain general statements.

On the Recommendation, some countries (Belgium, France, the Federal Republic of Germany, Italy, New Zealand, Sweden and the United States) have sent in separate detailed reports, while others merely refer to the information given on the Convention.

### *Position of Law and Practice in Regard to the Matters Dealt with in the Convention and Recommendation*

A survey of the different reports reveals to some extent the state of law and practice in the different countries in regard to the matters dealt with in the Convention and Recommendation and which render it possible to ascertain to what extent the two instruments have been applied. The results of this survey are given below, the subjects being taken in the order followed by the Convention.

<sup>1</sup> Argentina, Cuba, Israel and Uruguay ratified this Convention only recently and reports of the type required concerning ratified Conventions were not due this year. Bulgaria and Italy sent in their first reports this year. France and Poland sent in their reports in previous years. The report from Guatemala had not been received when the Committee met.

<sup>2</sup> Two of these States, Argentina and Cuba, ratified the Convention after reporting on it in accordance with article 19. The ratification by Argentina was registered on 12 February 1955 and that of Cuba on 7 September 1954.

<sup>1</sup> No declarations have yet been received stating that the Convention is being applied in non-metropolitan territories (in accordance with article 35 of the Constitution).



*Scope* (Article 1 of the Convention ; Paragraphs 1 and 2 of the Recommendation).

The Convention applies to children and young persons employed for wages or working directly or indirectly for gain in non-industrial occupations, which are defined as all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.

The Recommendation gives a more detailed definition of the scope of the Convention ; a list of the public and private undertakings and services to which the Convention should be applied is given in Paragraph 1.

The reports submitted reveal that in the countries where medical examinations to ascertain fitness for employment are compulsory the relevant legislation usually applies to all children and young persons rather than to those employed in non-industrial occupations. This is true of Argentina, Belgium, Cuba, Denmark, the Federal Republic of Germany (Lower Saxony), Greece, the Philippines, Sweden, Turkey and the United States (most of the states). In other countries (Colombia, Japan, El Salvador and Yugoslavia), medical examinations are compulsory for adults as well as for young workers.

Although the legislation in some countries makes no distinction between industrial and non-industrial occupations, and in others treats young persons in exactly the same way as adults, medical examination is rarely compulsory for all occupations ; in Sweden the obligation does not apply to certain categories of occupations, while in Belgium and Denmark domestic service is not covered. Sometimes, as in the Union of South Africa and Yugoslavia, the obligation only applies to apprentices in general or, as in Norway, to pupils in pre-vocational schools, or to certain more or less restricted groups of undertakings, such as undertakings and offices employing more than 50 workers (Japan), undertakings or occupations specified by order of the government (Austria), shops and storehouses (Queensland and Western Australia), work involving particularly strenuous efforts or danger to the life and health of young persons under 18 years of age (Norway). In Yugoslavia all workers, irrespective of age, are covered. The occupations concerned may be even more specifically designated (public officials in Australia, Ceylon, Ireland and the United Kingdom ; theatrical performances and the making of cinematographic films in Austria ; X-rays in the federal legislation of the Federal Republic of Germany ; persons engaged in the handling of food, projectionists in cinemas and elevator operators in Canada ; persons employed in hotels, restaurants, theatres and other occupations bringing them into close contact with the public in Turkey, etc.). In some of the last-mentioned cases the legislation would appear to be based on a desire to protect the health of the general public rather than the reasons underlying the Convention.

In addition, there are cases where the medical examination of all children and young persons is not compulsory, but the competent authorities may prohibit the employment of a child or young person in an occupation likely to injure his health. They may also, as in Viet-Nam,

order a medical examination or, as in the United Kingdom, attach certain conditions to employment. In this connection, Ceylon has regulations similar to those of the United Kingdom but no effect has been given to them.

In certain cases where medical examinations are not generally compulsory before admission to employment, they nevertheless take place while the persons concerned are at school, usually during their last year at school (the Federal Republic of Germany, the United Kingdom). In the United Kingdom the parents are advised of the fitness for employment of their children on the basis of these examinations, while in the Federal Republic of Germany the books in which the results of the examinations are registered are sent to the labour offices, which take the findings into account and may order a medical examination to ascertain whether a young person is fit for a particular occupation.

Lastly, it appears that in certain countries, such as New Zealand and the United Kingdom, any person, irrespective of age, may obtain treatment from the national health service free of charge.

As the laws and regulations concerning the medical examination of children and young persons, in the countries where such laws and regulations exist, usually apply both to industry and to non-industrial employment, no provisions exist similar to those in Article 1, paragraph 3 of the Convention, which states that the competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.

After the definition of the Convention's scope comes a provision admitting certain exceptions to the general rule, which states that national laws or regulations may exempt from the application of the Convention employment in family undertakings in which only parents and their children or wards are employed and on work which is recognised as not being dangerous to the health of the children or young persons. On the other hand, the Recommendation states that without prejudice to this discretion, governments should endeavour to extend the application of the regulations concerning medical examination for fitness for employment to all occupations carried on for profit, without consideration of the family relationship between the persons engaged in them.

Only a few governments submitted information on this subject. In Belgium, Japan and certain states of the United States, family undertakings are left outside the scope of the legislation ; in the case of Belgium the exemption covers a wider field than that admitted in the Convention.

*Medical Examinations before Employment* (Article 2 of the Convention ; Paragraphs 3 to 8 of the Recommendation).

Article 2, paragraph 1 of the Convention states that children and young persons under 18 years of age shall not be admitted to employment or work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination.

In several of the countries, the governments of which submitted reports, there are laws and regulations similar in tenor to the text of the Convention, under which children and young persons may not enter employment unless they are found to be fit for the work in question by a medical examination. The age below which children and young persons are required to undergo such examinations varies from country to country; in some countries (Argentina, Cuba, Denmark, the Dominican Republic, the Philippines, Sweden and Turkey) it is fixed at 18 years, as in the Convention; on the other hand, in some countries it is lower (Greece, 16 years) and in others higher (Belgium, 21 years).

To turn more particularly to the federal States, the extremely detailed report submitted by the United States Government indicates that the age up to which medical examination is compulsory is 18 years in 11 states, 17 years in one state and 16 years in 15 states and the District of Columbia. In many of the other states medical examinations are not compulsory, but may be ordered by the official responsible for issuing the employment certificates.

In Australia two states (Queensland and Western Australia) require medical examinations; however, the latter take place not before but after admission to employment. In addition, examinations are only compulsory up to the age of 16 years in Western Australia, while in both states they are compulsory only if the competent inspector or medical officer considers them desirable (and also in Queensland on the request of the worker, the employer or the Department of Labour).

In Canada the matter lies within the competence of the provincial legislatures and there is no general legislation making certification of physical fitness a condition of entering employment. The report of the Canadian Government describes the regulations in force in certain provinces, where medical examination is compulsory either, in the case of young persons, as part of the compulsory school system or for certain specific occupations (irrespective of age).

In the Federal Republic of Germany the legislation of one Land (Lower Saxony) makes medical examination compulsory for all young persons under 18 years of age, while federal laws and regulations only require medical examination for certain specific occupations (X-rays).

In Switzerland the cantonal authorities have the power to make the admission of young workers under 15 years of age into certain occupations dependent on the production of a health certificate.

As has already been seen, in certain other countries medical examinations are compulsory irrespective of the age of the worker, either as part of the apprenticeship system (the Union of South Africa, Yugoslavia), which covers large numbers of young persons (at least up to the age of 16 years in Yugoslavia), or, for both adults and young workers, for entry to certain occupations (Colombia, Japan, El Salvador and Yugoslavia).

Occasionally, as in the Dominican Republic, medical examinations are only carried out if the employer so requests.

Lastly, in some cases, as has already been seen, workers may obtain medical treatment

from the national health service (New Zealand, the United Kingdom).

Paragraph 2 of this Article of the Convention states that the medical examination for fitness for employment must be carried out by a qualified physician approved by the competent authority and be certified either by a medical certificate or an endorsement on the work permit or work book.

Several of the countries in which medical examination is compulsory (Argentina, Colombia, Greece, Japan, the Philippines, most of the states in which medical examination is compulsory in the United States, and Yugoslavia), have ruled that examinations must be carried out by physicians approved by the competent authorities, whereas in others (Belgium, Denmark) the examination may be carried out by any doctor; sometimes, as in the Federal Republic of Germany (Lower Saxony) and Turkey, the factory doctor is responsible for examination. Fitness for work is usually certified by a medical certificate and occasionally by endorsement of the work book or work permit.

Paragraph 3 of this Article provides that the document certifying fitness for employment may prescribe specified conditions of employment or may be issued for a specified job or group of jobs or occupations. Only a few reports contain information on this question, but they show that in some cases effect has been given to this provision.

Some of the reports also contain details on the measures taken as regards the matters dealt with in paragraph 4 of this Article, which provides that national legislation shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing that document.

More detailed provisions concerning medical examinations are to be found in Paragraphs 3 *et seq.* of the Recommendation supplementing this Convention.

Paragraph 3 of the Recommendation states that without prejudice to the medical examination on entry into employment, it is desirable that children should undergo a medical examination before the end of their compulsory school attendance, the results of which could be used by the vocational guidance services. Some reports (in particular those from Belgium, the Federal Republic of Germany, New Zealand, the United Kingdom and the United States) state that medical examinations form part of the compulsory education system and are in most cases used in the vocational guidance of the children concerned.

Paragraph 4 of the Recommendation indicates the clinical and other tests which should be carried out during the medical examination on entry into employment and adds that the examination should be accompanied by advice on health care. The reports from some countries (in particular Belgium, Colombia, France and Japan) show that measures have been taken corresponding to a varying degree to the recommendations contained in this Paragraph.

Paragraph 6 states that the findings of the examination should be entered in full on an index card to be kept in the files of the medical service and that the information entered on the

medical certificate (or in the endorsement on the work permit or work book) intended to come to the knowledge of the employer should be explicit enough to indicate the limitations of fitness for employment and the precautions to be taken, but should on no account include confidential information. Only a few reports contain information on this point, but they show that the above principles are generally observed in certain countries (in particular in Argentina, France, Poland and certain states of the United States).

*Repetition of Medical Examinations* (Article 3 of the Convention; Paragraph 5 of the Recommendation).

Article 3, paragraphs 1 and 2 of the Convention states that the fitness of a child or young person for employment in which he is engaged shall be subject to medical supervision until he has attained the age of 18 years, and that the continued employment of a child or young person under 18 years of age shall be subject to the repetition of medical examinations at intervals of not more than one year. Paragraph 3 of the same Article adds that in certain special cases examinations must take place more frequently.

In certain countries which have not ratified the Convention (Argentina, Austria, Belgium, the Federal Republic of Germany (Lower Saxony), Japan, the Philippines, Sweden and the United States (New Mexico and Virginia)) the law provides for the repetition of medical examinations at intervals not exceeding one year. In other countries (Greece and several states of the United States) re-examination is compulsory every time the child changes employment. In Turkey the law provides that all workers employed in arduous or dangerous jobs must undergo medical examinations; however, effect has not yet been given to this provision. In some countries (Denmark and some states of the United States) medical re-examinations may be required in certain cases without being compulsory at regular intervals.

The principle of more frequent examinations where certain special risks are involved has been accepted in some countries (Belgium, where in jobs involving serious risks medical examinations may be required at monthly intervals, Bulgaria, the Federal Republic of Germany (X-rays), the Philippines and Sweden). However, in a number of occupations involving special risks the protection is even fuller than that provided in the Convention, as the employment of children and young persons in such occupations is prohibited (Argentina, Greece, the Philippines, El Salvador, Turkey, the United States and Viet-Nam).

Paragraph 5 of the Recommendation states that periodical examinations should be carried out in the same way as the examinations on entry into a given employment and should be accompanied by appropriate advice on health care and, if necessary, by supplementary vocational guidance with a view to a change of occupation.

This principle seems to have been followed to a greater or lesser degree in several countries (in particular in Argentina, Belgium, Japan, the Philippines and Sweden).

*Extension of Medical Examinations until the Age of 21 Years* (Article 4 of the Convention; Paragraph 7 of the Recommendation).

Article 4 of the Convention provides that in occupations which involve high health risks medical examination and re-examination for fitness for employment shall be required until at least the age of 21 years and that national rules or regulations shall either specify, or empower an appropriate authority to specify, the occupations concerned.

This Article is supplemented by Paragraph 7 of the Recommendation, which points out the desirability of extending compulsory medical examination until at least 21 years for all young workers and states that as a minimum the degree of risk calling for the extension of medical examination until 21 years should be estimated liberally.

In this connection, it has already been seen that in Belgium medical examination is compulsory until 21 years of age for all workers, while in others (e.g. Sweden and Yugoslavia) medical examination is compulsory for both adults and young persons in certain categories of strenuous occupations. In yet other countries (Colombia, France, Japan and El Salvador) there are general provisions of medical examination which apply both to adults and young persons. Lastly, in the Philippines medical examination can be made compulsory up to the age of 21 years in all occupations involving serious risks to health.

*Free Medical Examinations* (Article 5 of the Convention).

The Convention provides that medical examinations shall not involve a child or young person, or his parents, in any expense.

This principle has been applied in countries with legislation providing for the establishment of systems of compulsory medical examination on the lines described above, and in other countries, such as the United Kingdom, which provide for medical examination as part of the compulsory education system or by the national health service.

*Vocational Guidance or Physical and Vocational Rehabilitation of Children and Young Persons Unsuitable to Certain Types of Work or with Physical Handicaps or Limitations* (Article 6 of the Convention; Paragraphs 9 and 10 of the Recommendation).

Article 6 of the Convention states that appropriate measures are to be taken for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuitable to certain types of work or to have physical handicaps or limitations. To achieve this end the Convention provides, *inter alia*, for co-operation between the labour, health, educational and social services concerned.

The reports received show that less has been done to provide guidance or physical rehabilitation than has been done to provide actual medical examinations. However, action has been taken in a number of countries (Argentina, the Federal Republic of Germany, Japan, the Philippines and the United States) and is under

consideration elsewhere (Belgium). In certain countries physical rehabilitation facilities are available to all nationals either as part of the general public health and employment service programme (Sweden) or at school (certain provinces of Canada, the United Kingdom).

The Convention also provides for the issue of temporary work permits or medical certificates valid for limited periods or laying down special conditions of employment to children and young persons whose fitness for employment is not clearly determined. Legislation on these lines is only found in a small number of countries (Sweden, certain states of the United States).

The Recommendation specifies the measures which should be taken to give effect to Article 6 of the Convention in relation to children or young persons found by medical examination to be partially or totally unfit for employment. The reports submitted show that some at least of these proposals have been applied in a number of countries (in particular Argentina, Bulgaria, France, the Federal Republic of Germany, Japan, the Philippines, Sweden and the United States).

*Supervision and Enforcement* (Article 7 of the Convention; Paragraphs 11-14 of the Recommendation).

Lastly, the Convention and the Recommendation lay down certain measures for supervision and enforcement.

Under Article 7 of the Convention the employer is required to file and keep at the disposal of the labour inspectors either the medical certificate or the work permit or work book showing that there are no medical objections to the employment of the child or the young person concerned (paragraph 1). Effect seems to have been given to this measure in a variety of ways in a number of countries (Argentina, France, the Federal Republic of Germany (Lower Saxony), Greece, Japan, Sweden and the United States), while in others (Belgium, Yugoslavia) the fact that the employer is required to keep lists of his employees containing information on their fitness for employment seems to lead to the same result in practice.

Paragraph 2 of the same Article states that national laws or regulations are to determine the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on behalf of their parents in street trading or in any other occupation carried on in the streets or in places to which the public have access. Paragraph 14 of the Recommendation indicates the measures to be taken with regard to young workers in this category; the measures include the obligation to obtain individual licences renewable annually.

The reports submitted contain little information on this subject. In certain states of the United States children and young persons must undergo medical examinations to obtain street traders' licences, while in the United Kingdom persons under 18 years of age may be refused such licences on grounds of physical or mental

unsuitability. On the other hand, in Belgium this provision seems a difficult one to apply for two reasons: first, the relevant legislation does not apply to family undertakings, and secondly, where the children concerned are working on their own account identification measures may be difficult.

Paragraphs 11 and 12 of the Recommendation specify which authorities should be responsible for medical examination (a body of examining doctors qualified in industrial hygiene and with wide experience of the problems of the health of children and young persons) and contain provisions relating to co-operation between these medical services and the services responsible for authorising the employment of children and young persons. Only a few reports (those from France, Japan and the United States) contain information indicating that the suggestions concerning examining doctors have to a certain extent been followed. The suggestions relating to co-operation between the medical services and the employment services have been more widely accepted.

Lastly, Paragraph 13 of the Recommendation contains a certain number of detailed proposals on methods of enforcement and in particular on the notification of the authorities by employers engaging workers young enough to be required to undergo medical examinations. Little information has been received on this subject and certain countries (France, Japan) have stated that, in view of the existing provisions concerning the enforcement of the legislation on compulsory medical examination, measures of the kind suggested by the Recommendation do not seem to be necessary.

#### *Federal States*

Some of the federal States which have submitted reports on the Convention and the Recommendation (Argentina, which has meanwhile ratified the Convention, the Federal Republic of Germany) state that the federal authorities are competent to enact legislation to give effect to both instruments, and one Land in the Federal Republic of Germany (Lower Saxony) has enacted legislation in this field.

The United States Government considers that the subjects dealt with in the Convention and the Recommendation lie partly within the competence of the federal Government and partly within that of the states. The situation is the same in India. In Switzerland the subject lies to a great extent within the competence of the cantonal authorities, while in Canada the matter lies almost entirely within the competence of the provincial governments.

#### *Modifications in the National Legislation*

A number of reports indicate that amendments of varying degrees of importance have already been made in national legislation or will probably be made in the near or not too distant future.

Among the governments which have recently amended their legislation on this subject, the Government of the Dominican Republic states in its report that section 226 of the 1951 Labour Code, which provides for the medical examination of young persons under 18 years of age,

was influenced by international standards. Similarly, two Acts adopted in Denmark in 1954 contain regulations concerning compulsory medical examination to ascertain fitness for employment similar to the provisions of the Convention; on the other hand, the Danish Government states that it has been unable to introduce certain provisions of the Convention into national legislation.

Several other governments have indicated that their legislation is at present under review and will probably be amended in the near future to adapt it to the requirements of the Convention or the Recommendation. For instance, in Luxembourg the provisions of the Recommendation were borne in mind in the framing of a Bill which is now before the competent authorities, while in Norway the proposed amendments to the Act concerning the protection of wage earners will probably bring the latter completely into line with the Convention. Similarly, the Governments of Finland and Yugoslavia state that the provisions of the Convention and the Recommendation will be borne in mind in the framing of Bills which are at present in preparation. Lastly, in certain countries amendments of varying degrees of importance are contemplated, but it is not known whether they can be effected in the near future.

Among the governments which have ratified the Convention, the Italian Government states that the opportuneness of giving effect to the standards contained in the Recommendation will be considered when a Bill to bring national legislation into line with the Convention (which was ratified in 1952), which is now under study, reaches the final drafting stage. Similarly, the Government of Cuba considers that it would be appropriate to include some of the more detailed provisions of the Recommendation in the regulations to be issued to apply a legislative decree on the work of children and young persons issued in 1953.

Among the governments which have not ratified the Convention, the Government of the Union of South Africa states that the principles embodied in the Convention represent an objective which it is hoped will be attained eventually, but that at present it is impossible to give any indication of how long this will take. In Switzerland the adoption of measures to give effect to the provisions of the Convention depends on a decision to be taken concerning general labour legislation, and in particular a Bill containing an article which will provide for medical examination before admission to employment, which is at present under study. The Government of the Federal Republic of Germany states that in spite of the difficulties it mentions it will consider whether and to what extent the provisions of the Convention and the Recommendation can be introduced into national legislation when the Act concerning the protection of children and young persons is revised. In the Netherlands consideration is being given to an extension of existing legislation, but only in industrial employment for the moment. The Government of Viet-Nam states that medical examination for fitness for employment may be envisaged when the machinery for medical labour inspection and

social security, which is now under study, has finally been established. In Japan, where the legislation concerning medical examination applies to all workers without distinction of age, a systematic study of labour in industrial and non-industrial occupations has been undertaken to determine whether special legislation on the medical examination of children and young persons is needed. In Austria efforts are being made to ensure that young persons undergo a general medical examination before being admitted to employment, and the Austrian Government adds that the authorities are making every effort to improve the state of law and practice in this field so as to achieve the aims of the Recommendation as far as possible. Lastly, the United States Government reports that at every session of the state legislatures efforts are made to improve the regulations applying to child labour.

### *Difficulties of Application*

In spite of the amendments which have been, or are to be, made in the legislation of a number of countries, a number of reports refer to general or specific obstacles preventing or delaying ratification of the Convention.

One of the more general difficulties mentioned is that the application of the Convention would involve the organisation of an extensive administrative service and heavy expenditure which cannot be undertaken at the present time (Federal Republic of Germany). In the United Kingdom, pending the further development of the health services, the Convention cannot be implemented, while in New Zealand there are not enough doctors available to make it possible to apply the Convention. One government (Ireland) does not consider that the benefits which would result from the implementation of the provisions of the Convention would justify the introduction of the complex legislation necessary to bridge the gap between present practice and full compliance with the terms of the Convention, while another country (Switzerland) considers that the provisions of the Recommendation are too detailed.

The reports from certain countries which already have legislation on the subject mention more specific obstacles hindering the application of the Convention and the Recommendation. These difficulties often arise from the scope of the two instruments, which is wider than that of national legislation on medical examinations. These difficulties are experienced in Austria, Belgium, Japan and Sweden, although in Belgium the difference in scope is very small and lies solely in the fact that family undertakings are completely excluded, whereas in the Convention their exclusion is subject to certain conditions. In Sweden a further difficulty arises from the fact that national legislation exempts certain categories of children and young persons from medical examination.

Difficulties have also arisen over the application of Article 6 of the Convention, which deals with measures for the guidance and the physical and vocational rehabilitation of children and young persons who are partially or completely unfit for employment (Denmark and El Salvador).

Other specific provisions of the Convention which are mentioned in certain reports as being difficult to apply include Article 2, concerning the issue of medical certificates (Japan); Article 2, paragraph 2, which states that the medical examination "shall be carried out by a qualified physician approved by the competent authority"; Article 3, paragraph 2, which states that the medical examination must be repeated at intervals of not more than one year; Article 4, relating to jobs entailing serious risks and in which medical examination is to be continued up to the age of 21 years (Denmark); and Article 7, paragraph 2 (a), concerning children and young persons engaged on their own account or that of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access (Belgium); and the corresponding provisions of Paragraph 14 of the Recommendation (Switzerland).

### *Ratification Prospects*

In spite of the difficulties mentioned above, certain reports indicate that ratification of the Convention in the near or not too distant future is contemplated. In two countries (Greece and Luxembourg), Bills for the ratification of the Convention have already been submitted to the legislative bodies, while in three others (Norway, Sweden and Yugoslavia) ratification depends on amendments to be made in the national legislation. Lastly, two countries (Argentina and Cuba) ratified the Convention recently after the Governments had sent in reports in which the Convention was treated as an unratified one.

### *Conclusion*

The foregoing analysis shows that, although for the reasons given this Convention deals solely with medical examinations in non-industrial employment (medical examinations in industry being dealt with in a different Convention), the legislation in the States which have sent in reports and adopted legislation on medical examination to ascertain fitness for employment makes no distinction between industrial and non-industrial employment and sometimes treats both adults and young workers in exactly the same way. As has been seen, the scope of the legislation varies from country to country; in particular, it has been observed that one of the main difficulties experienced by States Members in applying the Convention arises from its scope, which is often wider than that of national legislation. The application of the provisions concerning the vocational guidance and the physical and vocational rehabilitation of children and young persons partially or totally unfit for employment has also given rise to difficulties.

In spite of these difficulties, the reports submitted contain a number of positive elements. Thirty-two States which have not ratified the Convention have sent in reports; and 14 of them (Austria, Belgium, Colombia, Denmark, the Dominican Republic, the Federal Republic of Germany (Lower Saxony), Greece, Japan, Norway, the Philippines, Sweden, Turkey, the United States (more than two-thirds of the

states) and Yugoslavia) have more or less extensive systems of compulsory medical examination. In some of the reporting countries (Canada, New Zealand and the United Kingdom) different systems are in force under which medical examination takes place as part of the compulsory education system or within the framework of the national health service. Lastly, several countries are considering making amendments in their legislation to bring it into line with the Convention and the Recommendation; nine countries have already ratified the Convention; in two others, proposals to ratify it have been submitted to the national legislatures, and in three others ratification might be considered when certain amendments have been made in national legislation.

### NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946 (No. 79) AND RECOMMENDATION, 1946 (No. 80)

#### *Introduction*

When the International Labour Conference agreed, in 1946, on the adoption of standards governing the employment during the night of children and young persons in non-industrial occupations, it filled a gap which had existed ever since the vote, 27 years earlier, of the Convention concerning the night work of young persons in industry. It is true that the Minimum Age (Non-Industrial Employment) Conventions (Nos. 33 and 60) of 1932 and 1937 forbid children under 12 and 13 years respectively to be employed at night (cf. the remarks above concerning Convention No. 60), but this prohibition applies only to children under the admissible age for regular employment, and depends therefore necessarily on the existence of specific minimum age provisions.

The adverse effects of night work on the health, schooling and possibly the morals of the child and young person have always been thought to be particularly pronounced in the case of non-industrial occupations where the conditions of work and the legal safeguards enacted for their regulation are often much less satisfactory than those in industry. In addition the number of children and young persons employed on non-industrial tasks may well exceed that in industry. The war only served to accentuate these features: in adding to the juvenile labour force and in requiring a relaxation of protective measures, it accentuated still further the urgent need for defining and promoting minimum standards of protection in this field. The stage was thus set for international action, but the relevant discussions at the 27th and 29th Sessions of the Conference revealed the complexity of the task of formulating standards which, though sufficiently precise, would take account of the needs of the various age groups and of countries with differing climatic and economic problems. The 1946 Conference Committee entrusted with drafting the final text of the Convention and Recommendation approached the problem "in a spirit of realism", as its Reporter put it, and the ensuing compromise was designed to ensure a degree of flexibility likely to promote rather



than impede widespread acceptance. The developments which have occurred during the intervening period of almost a decade should give some indication of the results achieved.

Briefly, Convention No. 79 lays down the essential standards governing the night work of children and young persons in non-industrial occupations: these standards are keyed to the age and educational status of the child, take into account the necessities of climate, of a national emergency or of vocational training, and provide for supervisory and enforcement measures, with particular reference to minors engaged in public entertainment and in itinerant trading; the Convention also contains special provisions applying to countries which, before ratification, had no legislation on night work by juveniles in non-industrial occupations, and to undivided India. Recommendation No. 80 sets out in greater detail the scope of the international standards, the regulation of night-time employment in public entertainment and the methods best fitted to supervise and enforce compliance with the relevant national regulations.

The Convention has so far been ratified by nine Members<sup>1</sup> (Argentina, Bulgaria, Cuba, the Dominican Republic, Guatemala, Israel, Italy, Poland, Uruguay) and came into force on 29 December 1950. The government of a ratifying country is required under article 22 of the Constitution to submit an annual report on the application of the Convention<sup>2</sup> and the Committee's observations in respect of some of these reports are contained in Appendix I.

Table B below shows that 37 governments have discharged the obligation laid down in article 19 of the Constitution to report on the state of law and practice in their respective countries showing the extent to which effect has been given to the provisions of the Convention and the Recommendation. Thirty-three Governments<sup>3</sup> have supplied such reports on both the Convention and the Recommendation, while four ratifying countries (Bulgaria, the Dominican Republic, Italy, Poland) have reported on the Recommendation.

### Content of Reports

There is considerable diversity in the amount of information given. Particularly full reports on the Convention were received from Austria, Canada, Denmark, the Federal Republic of Germany, Ireland, New Zealand and the United States, with the last-mentioned report supplying very full and clear information on the federal legislation as well as on the position in the various states, the District of Columbia, Alaska, Hawaii and Puerto Rico.

<sup>1</sup> The Convention has not so far been the subject of any declarations of application to non-metropolitan territories (article 35 of the Constitution).

<sup>2</sup> For five of these States (Argentina, Cuba, the Dominican Republic, Israel, Uruguay) no article 22 reports are due as yet; the first annual reports were received this year from two States (Bulgaria and Italy) while the Polish report has been supplied since 1953 and the Guatemalan report had not yet arrived at the time of meeting of the Committee.

<sup>3</sup> Including the reports from Argentina and Cuba, which ratified the Convention after communicating article 19 reports; these ratifications were registered on 18 February 1955 and 7 September 1954 respectively.

In some cases, on the other hand, only very limited information is supplied (Afghanistan, Colombia, Iceland, Pakistan, the Philippines).

Finally, some countries report separately and in detail on the Recommendation (Belgium, the Dominican Republic, the Federal Republic of Germany, Ireland, Sweden, the United States), whereas a number of others merely refer to the information given on the Convention.

### *Position of Law and Practice in Regard to the Matters Dealt with in the Convention and the Recommendation*

It is possible, on the basis of the governments' reports, to review the effect given to the provisions of the Convention and Recommendation in the various countries, by legislation, administrative action or otherwise. The results of this survey, as set out below, are arranged in the order followed by the Convention.

#### *Scope (Article 1 of the Convention; Paragraphs 1 and 2 of the Recommendation).*

In accordance with paragraphs 1 and 2 of its Article 1, the Convention applies to children and young persons employed for wages or working directly or indirectly for gain in non-industrial occupations; the latter term includes all occupations not defined by the competent authority as being industrial, agricultural or maritime. To supplement this indirect definition, the Recommendation enumerates, in its Paragraph 1, the occupations to which the Convention should, in particular, be applied: commercial, postal, clerical and newspaper work, hotels and other catering establishments, hospitals, places of entertainment and all types of itinerant trading.

A review of the national provisions on night work of young persons, as reported by the various governments, clearly indicates not only that there is a great deal of variety in the scope of these provisions, but also that the definition of the field of application seldom, if ever, follows the pattern either of the Convention or of the Recommendation. There exist several reasons for this, and a fuller appreciation of the underlying factors may help to explain the complexity of the task of appraising the extent to which effect is given to this and certain other basic provisions of the international texts in question. Historically, the national provisions have often been developed, not with night work outside industry especially in mind, but rather as part of enactments which were more particularly designed to protect young persons in general, or to regulate night work as such, or again, to lay down conditions of work in certain occupations. The varied patterns which have thus evolved coincide only occasionally with the framework laid down by the International Labour Conference in drafting Convention No. 79 and Recommendation No. 80. Any variation in the national definition of non-industrial work or of the night period or of the age groups to be protected, involves a change of scope which renders comparison with the international standards difficult. Bearing these inherent limitations and obstacles in mind, it is none the less possible to discern and describe

certain features which the relevant provisions of a number of countries appear to have in common.

The reports from Members which have enacted legislation on the night work<sup>1</sup> of young persons indicate that the relevant laws and regulations frequently cover all persons below a certain age. In many, but by no means in all, cases the relevant age is made to coincide with the official school-leaving age.

The following countries prohibit young persons under 18 years from working during the night: Argentina (except in hospitals), Austria (except in certain public entertainments), Belgium (except in newspaper undertakings), Canada (Manitoba), Cuba, Greece (the minimum age for street trading at night is 16 years, for work in restaurants, etc., 14, for newsvendors, 12) and Poland. Children under 16 years may not work at night in the following countries: Bulgaria, Canada (Alberta, Newfoundland), Colombia (if working under a contract of employment), the Philippines, Sweden. In the United States federal legislation, which applies only to interstate commerce and activities related thereto, specifically excludes newsvendors and public entertainment. A blanket night-work prohibition also exists in the following cases: Canada (Nova Scotia: 14 years; Saskatchewan: 13 years), Denmark (14 years, including most non-industrial occupations), the Dominican Republic (14 years), the Federal Republic of Germany (14 years: 18 years for most occupations), Ireland (14 years), Japan (12 years), Netherlands (14 years), Switzerland (federal legislation: 15 years) and the United Kingdom (Great Britain: 13 years; Northern Ireland: 12 years outside school hours).

Some countries forbid night work of young persons in certain non-industrial undertakings, such as shops, offices, hotels, restaurants, etc., e.g. Canada (Ontario, Quebec), Ceylon, India (state laws), Ireland, Netherlands, Pakistan (East Bengal and Punjab), Yugoslavia. The only non-industrial occupation covered by such a prohibition in France is work in transport.

In view of the variety which exists both as regards the type and the scope of the relevant legislative provisions, it is not surprising that no report refers to the definition of a general line of division separating non-industrial from industrial, agricultural and maritime occupations, as specified in paragraph 3 of Article 1 of the Convention.

Under paragraph 4 of the same Article, domestic service and work in family undertakings, if it is not harmful, prejudicial, or dangerous to children or young persons, may be excluded from the scope of application of the Convention. Paragraph 2 of the Recommendation stresses, however, the desirability of restricting night work of persons under 18 years of age engaged in domestic service and of extending regulations on night work of such persons in non-industrial occupations to all family undertakings carried on for profit. Argentina, Denmark, the Federal Republic of Germany, Japan, Sweden and the United States (federal legislation) report that

both domestic service and family undertakings fall outside the scope of the relevant night work legislation. Colombia, the Dominican Republic, Greece, Ireland and the United States (most state laws) exempt domestic service in this connection, while Belgium (except for public entertainment, and dangerous and unhealthy work), Cuba and the United States (a few of the state laws) exempt family undertakings.

#### *Period of Night Rest for Children under 14 Years of Age (Article 2 of the Convention).*

Under this Article of the Convention the night period during which children under 14 years of age admissible to employment, or those over 14 years still under an obligation to attend school, are prohibited from working should consist of at least 14 consecutive hours including the interval between 8 p.m. and 8 a.m. Subject to local requirements the national legislation may substitute another 12-hour interval including the period 8.30 p.m. to 6 a.m.

Only six reports refer to legislative provisions specifically prohibiting non-industrial night work for children under 14 years and the standard set by the Convention does not appear to be met in any of these cases. In a number of other countries, however, children in this group are effectively prevented from doing such work either because they are not admitted to any employment below a certain age, thus rendering night work regulations unnecessary or because the blanket prohibition for night work relates to an age higher than 14 years, as indicated under Article 1 above.

The Federal Republic of Germany, India<sup>1</sup> and Pakistan report a prohibited period of 13 hours (7 p.m. to 8 a.m.); in Germany this relates to children still under an obligation to attend school and permitted to do certain light work; in India and Pakistan the relevant prohibition is contained in the Trade Employees Acts of East and West Punjab. A rest period of 11 hours is prescribed in the Canadian province of Saskatchewan (9 p.m. to 8 a.m.) for children under 13 years, and in Northern Ireland (8 p.m. to 7 a.m.) for children under 14 years. The prohibited period is ten hours in Austria (10 p.m. to 8 a.m.), and in Great Britain (8 p.m. to 6 a.m.) where it applies to children under the school-leaving age of 15 years. Finally, a nine-hour period (generally 9 p.m. to 6 a.m.) applies in Ireland and an eight-hour period (10 p.m. to 6 a.m.) in the Canadian province of Nova Scotia (under 13 years).

#### *Period of Night Rest for Young Persons between 14 and 18 Years of Age (Article 3 of the Convention).*

The Convention provides that the prohibited period for young persons over 14 years of age and no longer under an obligation to attend school, but under 18 years, should consist of at least 12 consecutive hours including the interval between 10 p.m. and 6 a.m. The com-

<sup>1</sup> The term "night" is used in the present context only if it is defined in the legislation as a specified period of time beginning at a certain hour of the evening and ending at a certain hour of the following morning.

<sup>1</sup> The Indian Government indicates that the relevant laws generally apply in the first instance to shops, commercial establishments, restaurants and places of amusement in selected urban areas.



petent authority may decide, after consulting the employers' and workers' organisations concerned, that the prohibited interval for young persons employed in a particular branch or area affected by exceptional circumstances shall be 11 p.m. to 7 a.m.

A number of countries report compliance with the prescribed period and interval, for persons over 14 years employed in all or some non-industrial occupations. Thus, the compulsory night rest of persons under 16 years employed in shops and restaurants in the Canadian province of Ontario is 16 hours (7 p.m. to 11 a.m.) and of persons under 18 years employed in offices in the Netherlands 14 hours (6 p.m. to 8 a.m.). A 12-hour period including the interval 10 p.m. to 6 a.m. is prescribed in Austria (all young persons under 18 years of age), Ceylon (persons under 18 years employed in shops), Colombia (all under 16 years), Cuba (all under 18 years), Denmark (practically all under 18 years), the Federal Republic of Germany (most persons under 18 years), the Indian states of Bihar (persons between 14 and 18 years employed in shops, etc.) and Delhi (children and young persons employed in shops, etc., during the winter), the Netherlands (persons under 18 years employed in shops, pharmacies, hotels and cafés), the Philippines (all under 16 years), Switzerland (federal legislation: all under 15 years), the United States (all from 14 to 16 years covered by federal legislation and all under 16 years in 29 states, the prohibited period covering up to 14 hours in some states), Yugoslavia (apprentices from 14 to 16 years and persons in the same age group employed in hotels, urban transport and the installation and operation of electrical and other machinery).

It appears from several other reports that, while the period of night rest falls one hour short of the 12 provided for by the Convention, the prohibited interval (10 p.m. to 6 a.m.) is in fact, almost always observed. This is the case in Argentina (all under 18 years; but only ten hours in summer), Belgium (all under 18 years of age), the Canadian provinces of Alberta and Newfoundland (all under 16 years), France (all persons under 18 years employed in transport undertakings, the prohibited interval being 10 p.m. to 5 a.m.), Greece (persons under 18 years not working in the street, the prohibited interval being 9 p.m. to 5 a.m.; in public entertainment the minimum age is 14 years), the Indian states of Bombay, Hyderabad (young persons between 12 and 17 years), Madras and Travancore-Cochin (14 to 17 years), Ireland (most persons under 18 years employed in refreshment houses, shops, hairdressing establishments, pawnbrokers' offices and dry-cleaning and laundry depots), Sweden (for persons under 16 years the prohibited interval is 7 p.m. to 6 a.m., for persons over 16 years it is of seven hours falling between 10 p.m. and 6 a.m.), the United Kingdom (persons between 15 and 18 years employed as shop assistants, messengers, theatre attendants, etc.), the United States (ten states prohibit the night time employment of persons under 16 years for periods ranging from 10 to 11½ hours).

Other governments report a prohibited period of ten hours or less but even in these cases the prohibited interval of 10 p.m. to 6 a.m. appears

to be mostly complied with: the Federal Republic of Germany (ten hours, including the interval 12 p.m. to 6 a.m. for persons over 16 years employed in the hotel industry and in restaurants), the Indian states of Delhi (ten hours for children and young persons employed during the summer) and Madhya Pradesh (persons from 12 to 17 years), the Canadian province of Manitoba (nine hours for persons under 18 years), Japan (nine hours, including 8 p.m. to 5 a.m. or 9 p.m. to 6 a.m., for persons from 12 to 15 years), the Canadian province of Quebec (eight hours—11 p.m. to 7 a.m.—for young persons under 18 years employed in shops in cities of over 10,000 population), Ceylon (eight hours for persons from 14 to 18 years working for hotels or restaurants), Greece (eight hours—9 p.m. to 5 a.m.—for persons under 16 years selling or carrying out work of any kind in the street or in public places), the Philippines (eight hours for persons from 16 to 18 years), Japan (seven hours—10 p.m. to 5 a.m. or 11 p.m. to 6 a.m.—for persons from 15 to 18 years), Viet-Nam (seven hours—10 p.m. to 5 a.m.—for persons under 18 years employed on night work which is obviously dangerous, e.g. in transport undertakings and theatres).

Austria and the Federal Republic of Germany mention the possibility of young persons being employed as late as 11 p.m. or midnight and as early as 5 a.m., but as this relates to shift work a night rest of at least 12 hours seems, at any rate, to be guaranteed in such cases.

#### *Exceptions (Article 4 of the Convention).*

Paragraph 1 of Article 4 authorises countries where the climate renders work during the day particularly trying to shorten the prohibited night period if compensatory rest is granted during the day. Only Turkey refers to the possibility of shortening the night period "according to the differences of climate" but adds that no regulations have as yet been issued to this effect.

Under paragraph 2 a government may authorise young persons of 16 years and over to work at night when, in case of serious emergency, the national interest demands it. Relatively few governments appear to have such authority. In Belgium and Sweden persons over 16 years may work at night in case of emergency but a minimum rest of ten hours is laid down in the former country and notice must be given to the Labour Protection Board in the latter. In the Federal Republic of Germany the employment of persons under 16 years between 5 a.m. and midnight, and of persons over 16 years at night may be authorised if urgently required by the public interest, in particular to prevent the spoiling of raw materials or foodstuffs; little use is, however, made of this power. In the United States eight states have laws specifically authorising an emergency suspension of some or all of the night work prohibitions. Cuba and Denmark indicate that such suspensions may be authorised but that this has not in fact been done. The Australian report states that there is little doubt that the extent of night work undertaken by children and young persons in times of emergency, such as wartime, is considerably increased.

Under paragraph 3 of Article 4, temporary individual licences may be granted to enable persons of 16 years and over to work at night if their vocational training requires it and if a rest period of at least 11 consecutive hours a day is assured. The only report referring to training necessities is that by the Federal Republic of Germany which adds that little use is made of the relevant legislative provision.

The Swedish report notes, in connection with this Article, that exemptions to the night work prohibition may be granted in the case of boys over 15 years employed at timber floating and boys over 16 years employed on shift work, where this is really necessary.

*Employment in Public Entertainment* (Article 5 of the Convention; Paragraphs 3-5 of the Recommendation).

Under Article 5, paragraphs 1 and 2 of the Convention, an appropriate authority may grant individual licences enabling persons under 18 years to participate as performers at night in public entertainments or in the making of cinematographic films; national laws or regulations must prescribe the minimum age at which such licences may be granted. According to Paragraph 3 of the Recommendation control over the issuing of licences should be vested in a higher authority to which the persons concerned may appeal.

A considerable number of countries have enacted special legislation on the employment of children and young persons in public entertainment but not all reports mentioning such provisions speak of the granting of individual licences. Where such licences are, in fact, referred to it is not always clear whether these are issued only for the employment of young persons in public entertainment at night, or generally. Ministerial licences are required in the Australian state of New South Wales (only for persons over 16 years), in Belgium (Ministry of Labour and Social Welfare, only exceptionally for persons under 16 years), and in France (Ministry of National Education, for children under 14 years). The licences are issued by local authorities in Austria (provincial governments, usually for persons under 16 years), in Italy (prefects, for child cinema actors under 12 years), in Sweden (outside Stockholm: city councils) and in a few states of the United States (mayor of a city). In other cases the licensing is done by the labour authorities: the Federal Republic of Germany (industrial inspection office, for children under 14 years), Japan (Labour Standards Offices for children under 12 years), most states of the United States (special permits by State Labor Departments, for persons under ages ranging from 16 to 18 years); by the judicial authorities: Ireland (district courts for children over 10 years), New Zealand (magistrates for children over 7 years), and a few states of the United States (juvenile court judges); by the police: Sweden (in Stockholm only); by the child welfare authorities: Canada (Alberta, Newfoundland and Saskatchewan); finally, in certain states of the United States, special permits are issued by the school authorities.

Paragraphs 3 and 4 of Article 5 of the Con-

vention call for safeguards in the granting of licences to young performers. Licences should be withheld when the nature of the entertainment or of the cinematographic film, and the circumstances surrounding the performance, may endanger the life, health or morals of the child or young person. If a licence is granted, the employment should terminate by midnight, a consecutive rest period of at least 14 hours should be guaranteed and the health, morals, treatment and education of the young performer should be safeguarded. Paragraphs 4 and 5 of the Recommendation further reinforce these protective measures by requiring licences to be limited in time and subject to such conditions as are necessary for the protection of the child or young person. Special conditions apply to children under 14 years of age: licences should be granted exceptionally and only if the vocational training or talent of the child warrants it; they should be restricted to music or drama students and permit employment during only three evenings a week on an average, either until 10 p.m., or subject to a consecutive rest period of 16 hours.

None of the reporting countries has provisions which comply fully with these requirements of the Convention and, less still, of the Recommendation, as evidenced by the following information available concerning the minimum age of young performers, the hours until which they may be employed at night and the types of entertainment from which they are debarred. In Argentina young persons over 16 years may participate in public performances at night if this is neither dangerous nor unhealthy. In Australia the state of New South Wales issues licences only to young persons over 16 years and their employment after 10 p.m. is prohibited; Queensland requires licences for performers under 14 years and forbids their employment at "a late hour"; Western Australia permits children by licence to perform until 9 p.m. In Austria performers below the age of 18 years may not be employed after 10 p.m. and licences are not granted to children under 14 years for work in music halls, cabarets, night bars, dancing and similar establishments; persons under 16 years may, under certain circumstances, act as entertainers until 10 p.m. In Belgium children under 16 years may be permitted to perform in theatres if their health and morals are safeguarded (heated premises, presence of parents, etc.). In Canada the provinces of Nova Scotia and Quebec prohibit children under 14 years altogether from employment in theatres (Quebec applies this to moving pictures and music halls as well); Alberta, Newfoundland, Ontario and Saskatchewan require licences for performers under 16 years; in Manitoba municipalities may license boy entertainers over 12 and girls over 18 years. In the Dominican Republic young persons under 18 years may appear in a public performance up to midnight if this is neither dangerous nor unhealthy. In France permits are granted to child actors under 14 years only if they regularly attend the special theatrical school. In the Federal Republic of Germany permits are issued to children under 14 years for a stipulated period and may be withdrawn if the relevant

legislation is seriously contravened. While no permits are required for persons over 14 years participating before midnight in musical, theatrical or similar performances, those under 16 years may be prohibited from participation after 8 p.m.; an appeal to the higher administrative authority is possible; itinerant performers must obtain prior permission in all cases. In Ireland provision must be made in granting a licence to child performers to secure their health and kind treatment. In Italy child cinema actors may not be employed late at night and their health and morality must be safeguarded. In Japan performers under 12 years may not be employed after 10 p.m. The New Zealand Government states that there may be rare occasions when a child employed in entertainment is not allowed a subsequent rest period of 14 hours but that such children usually act voluntarily without permission and for their own, as well as others' entertainment; street performances by girls under 16 and boys under 14 years are forbidden after 9 p.m. as is the employment of children under 10 years for public entertainments, in a circus, etc. Licences issued in the United Kingdom for a maximum period of six months are subject to the condition that employment of children under 15 (or the school-leaving age) is prohibited after 10 p.m., or exceptionally after 11 p.m. In the United States the federal child labour legislation does not cover employment as actors or performers but the relevant laws in 17 states authorise such employment, subject to a special permit for minors under 18 years (four states), boys under 16 and girls under 18 years (two states), and minors under 16 years (11 states); in some of these states certain types of performances, such as dancing or acrobatic exhibitions are prohibited outright, usually for persons under 16 years; in the remaining states no licences are required but in over 20 of them some provisions exist on employment in theatrical performances or, at least, in dance or acrobatic exhibitions, prohibiting them for persons under ages ranging from 14 to 18 years; the consecutive time off period, where employment in public entertainment is permitted, is generally of at least 14 hours. In Viet-Nam persons under 18 years may not work in theatres after 10 p.m.

The Danish report points out that the making of cinematographic films is considered to be an industry rather than a non-industrial occupation.

*Methods of Supervision* (Article 6 of the Convention; Paragraphs 6-9 of the Recommendation).

Article 6, paragraph 1 (a) of the Convention provides that the enforcement of its terms shall be ensured through a system of public inspection and supervision. Paragraph 6 of the Recommendation points to the experience of certain countries which have found it useful to entrust to women inspectors the enforcement of legislation protecting young workers; Paragraph 7 suggests that special attention be paid to the investigation of alleged violations reported by the public and, in particular, to complaints lodged by parents, so as to achieve effective application of the Convention in

small and scattered non-industrial undertakings.

The regular labour inspection authorities are those mentioned by most reports as responsible in whole or in part for the supervision of the relevant laws or regulations. Austria, Cuba, the Dominican Republic, Japan, the Philippines and the United States (about one-third of the states) indicate that special inspectorates responsible for the protection of children and young persons are entrusted with this task. Belgium reports a tendency to set up a special inspectorate for young workers, children and women.

In India, Ireland and New Zealand the inspectors charged with the enforcement of the Shop Acts participate in the work of supervision. Local, cantonal, provincial or state inspectorates are referred to in the Australian, Austrian, Canadian, Indian, Irish, Swiss and United States reports. Other bodies mentioned in this connection are the police (Argentina, Canada, Greece, the Netherlands), the "social inspectors" (Sweden), the education authorities (Australia, Austria, New Zealand, the United Kingdom, the United States), the health authorities (New Zealand, Turkey), the industrial councils (the Union of South Africa) and the "Workers' Chambers" (Austria).

The work of women inspectors is singled out for mention in the reports of the Federal Republic of Germany, Ireland, Japan, the Netherlands, Sweden and the United States.

Only the Federal Republic of Germany, Ireland, Japan, Sweden and the United States indicate specifically that complaints are investigated and acted upon immediately. In the last-mentioned country, reinspections are made to ensure compliance by an employer who previously has been found to have violated the Federal Fair Labor Standards Act; complaints are lodged more often by the school authorities and by representatives of the public than by parents.

Under Article 6, paragraph 1 (b) of the Convention national legislation must require employers to keep registers or official records showing the dates of birth and hours of work of all persons under 18 whom they employ. Paragraph 8 of the Recommendation stresses, in this connection, the advantages of the work permit or work book which, through issuing or stamping on each change of employment, facilitates the identification of the young worker, provides proof of his age, and fixes his conditions and hours of work.

Many countries require employers to keep records of young persons in their employ. Registers are provided for in some Australian state laws and awards (e.g. New South Wales), in Belgium (all workers), the Federal Republic of Germany, Japan, New Zealand (a wages and time book must be kept in shops and places of amusement), Norway (by handicraft, storage and transport undertakings), the Philippines, Turkey, the United Kingdom and the United States (most states). The posting of lists of young workers is compulsory in Argentina, Belgium, the Dominican Republic and Greece. Records of such persons must be kept in most Canadian provinces and in many states of the United States of America where federal legislation requires such records for all workers under 19 years. Only Argentina, Belgium,

Greece and Sweden mention work books and only the Federal Republic of Germany (for children under the school-leaving age) and the Philippines of work permits. In the United States employment certificates are issued to the employer and accepted as proof of age to protect him from unintentional violations of the Federal Fair Labor Standards Act; such certificates are compulsory in all but four states for persons under 16 years, and in 22 states for those between 16 and 18 years of age.

Article 6, paragraph 1 (*d*) of the Convention provides that the relevant legislation should include penalties applicable to employers or other responsible adults for breaches of the laws and regulations. Fines and imprisonment are mentioned in this connection by Belgium, the Dominican Republic, the Federal Republic of Germany, New Zealand, the Philippines and the United States. Ireland refers to fines imposed by courts. Argentina, Australia, Canada and Japan merely state that penalties are provided.

Special safeguards for enforcing the national provisions concerning children and young persons under 18 years who work in the streets or other public places are called for in the Convention and the Recommendation. Article 6, paragraph 1 (*b*) and (*c*) of the former lays down that the register or official records shall show the working hours agreed upon in the contract of such itinerant workers, and that their identification and supervision shall be assured, regardless of whether they work on account of an employer or on their own. Paragraph 9 of the Recommendation contains detailed suggestions relating to the supervision of national laws and regulations concerning young itinerant workers: such persons should carry permits, badges and individual licences containing full particulars of the bearer, his employer, hours of work, parents, etc.; these documents should be issued by a service under the labour department; the badges should be readily visible; local authorities should co-operate with the inspection service in controlling the working hours and enforcing night work provisions; finally, employers and parents should, as the case may be, be held legally responsible for violations.

Relatively few countries report on special measures giving effect to these provisions of the Convention and the Recommendation. Only Argentina mentions the existence of a special register of children and young persons engaged in occupations in the street. In the Australian state of New South Wales a licence for street trading is required for boys between 15 (14 with ministerial approval) and 16 years, and these are not permitted, if under 15 years, to work after 6.30 p.m.; in Victoria and Western Australia children between 12 and 16 years may be so licensed, and in the latter state the work of 12 to 14 year olds must cease by 8 p.m. and of 14 to 16 year olds by 9 p.m. In Belgium parents are responsible when they employ their children or allow them to be employed contrary to the law. Child welfare legislation in the Canadian provinces of Alberta, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan authorises municipal councils to pass by-laws requiring the licensing of children

engaged in street trading. In the Federal Republic of Germany persons under 25 years do not, as a rule, receive licences for itinerant employment, and, if a minor is so licensed, he can be prohibited from working after sunset; the licences are issued by lower administrative or by communal authorities and their co-operation in the enforcement activities is ensured. In Greece the police issue street-trading licences. In Ireland street traders under 16 years may be licensed by the local authority, which may also require the wearing of an identification badge; a special certificate is required in Dublin; in case of violation, the employers and, in some cases, the parents as well as the child involved are liable to prosecution. In the United Kingdom local education authorities may permit persons over the school-leaving age, but under 16 years (17 in Scotland) to engage in street trading for their parents, or may prohibit it altogether for persons under 18 years; a number of by-laws provide that persons under 18 years employed in street trading must wear a badge; application of the general and local legislation on street trading is supervised by officers of the local authority and by police constables. In the United States 26 states have laws specifically applying to children engaged in street trading, and most of these laws require work permits or badges for minors up to 16 years or, in a few states, 18 years; the enforcement is entrusted to the state and local agencies (police, school authorities), the employer and, in some laws, the parent are held legally responsible for violations.

#### *Special Provisions for Certain Countries (Articles 7 and 8 of the Convention).*

Article 7 of the Convention authorises Members which, before the date of the adoption of the legislation permitting its ratification, had no statutory restrictions on the night work of children and young persons in non-industrial occupations, to substitute an age limit between 16 and 18 years for the upper limit of 18 years prescribed in Article 3.

None of the reporting countries indicate that they intend to avail themselves of this provision in giving effect to the Convention.

Article 8, paragraph 1 provides for a certain number of modifications in the application of Articles 1 to 5 by India: the geographical as well as the industrial scope may be narrowed and somewhat lower minimum ages are fixed. The report of the Government of India states that the relevant legislation applies at present only to selected urban areas and not to all territories in respect of which the Indian legislature has jurisdiction, as laid down in Article 8, paragraph 1 (*a*).

#### *Co-operation by Employers and Workers*

Only a limited number of countries supply information, in reply to the forms of report, on the manner in which organisations of employers and workers may be called upon to co-operate in the application of the Convention and of the Recommendation. In the German Land of Hamburg a committee which includes employers' and workers' representatives advises

the authorities on all matters involving the protection of juvenile labour. In Sweden employers' and workers' representatives take part in all the proceedings of the Labour Protection Board regarding night work. In the Union of South Africa the industrial councils which administer collective agreements regulating, *inter alia*, night work provisions, are representative of employers and workers. In the United Kingdom the relevant associations are consulted when new or amending legislation is under consideration. In the United States federal and state labour laws are administered with the co-operation of employers' and workers' organisations. In Viet-Nam regional commissions set up under the Labour Code include employers and workers.

### Federal States

In reply to the forms of report, most of the federal states indicate whether the provisions of the Convention and Recommendation are considered appropriate for federal action or for action by the constituent units. Two countries (Argentina and the Federal Republic of Germany) state that the night work of young persons in non-industrial occupations is regulated by the federal authorities; it may be noted, however, that legislation in the matter exists in two German Länder (Württemberg-Hohenzollern and Lower Saxony). Most federal countries (Australia, India, Pakistan, the United States of America) indicate that both the central and the state governments are competent to give effect to the relevant international standards. Two countries, finally (Canada and Switzerland), indicate that jurisdiction in the matter rests mainly with the provinces and cantons respectively.

### Modifications in the National Legislation

Most reporting countries supply information on the extent to which legislative or other changes are being made so as to give fuller effect to the Convention and the Recommendation. The Cuban Government states that the legislative decree of 27 May 1953 concerning the employment of young persons was directly influenced by the terms of the Convention.

Eight countries explain that legislation on the subject is being prepared or revised: the Finnish Ministry of Social Affairs, which is drawing up legislation on the protection of young workers under 18 years, will, in so far as possible, take the terms of the Convention and the Recommendation into account. The Federal Republic of Germany also states that the Protection of Young Workers Act is about to be revised and that amendments to eliminate certain discrepancies between the national and international provisions will be considered on that occasion. Central legislation laying down uniform standards for adoption by the states is at present under study in India. The regulation of night work of children and young persons in non-industrial occupations is being examined by the Italian Ministry of Labour, with a view to drawing up legislation which will give full effect to the Convention and may also make for the full or partial implementation of the Recommendation. The Netherlands proposes to

examine the possibility of bringing its legislation into harmony with the Convention by making the night rest of 12 hours compulsory for young workers in all non-industrial undertakings when these are included in the Labour Act; consideration is being given in this connection to bringing a provision of the Act (employment in places other than factories, workshops, shops, etc.) into force, to amending a decree on hospital services and to adopting a decree on work in warehouses. The Swiss report states that measures to give effect to the Convention and the Recommendation may be adopted in connection with the preparation of general labour regulations and that the General Labour Bill of 1950 already takes into account, to a considerable degree, the principles laid down in the Convention. The United States report points out that the Department of Labor strives continuously to improve federal standards and administration and stipulates uniform action by the states through its advisory and technical services, thereby promoting fuller implementation of the Convention and Recommendation; Bills raising child-labour standards are enacted every year in the state legislatures and continuous progress is thus assured in this field. A Labour Bill is in course of preparation in Yugoslavia and the committees entrusted with this work give special consideration to the terms of the International Labour Code, including, in particular, unratified Conventions concerning the protection of young persons.

Four further countries signify their intention to make modifications in their law and practice if and as this proves necessary and feasible: the report of the Dominican Republic affirms that the legislature, which concerns itself increasingly with the conditions of minors, will undoubtedly take further measures in line with the Recommendation. The revision of Book II of the French Labour Code, which deals, *inter alia*, with the night work of young persons, is at present under consideration. The South African report points out that, while new laws aimed at restricting night work of young persons in non-industrial occupations cannot be promulgated at present, gradual progress takes place wherever any occupation is brought within the terms of a new wage determination or industrial agreement. The Vietnamese Government explains that it is fully aware of the importance of the Convention and will not fail to take such measures as the economic development of the country may necessitate.

Four other reports indicate that modifications in the relevant legislation may be made at some later date: the Austrian Government states that steps to adapt the provisions of the relevant legislation to those requirements of the Convention which have not as yet been implemented are not likely to be taken in the immediate future, but that the Government endeavours, in elaborating new social legislation, to take account of the standards and principles of I.L.O. Conventions and Recommendations. The New Zealand Government reports that no immediate measures are contemplated to give effect to the Convention, but that legislation would be introduced if any change in the position rendered this expedient. The Norwegian

report points out that no very far-reaching amendments to the Workers' Protection Act are necessary to secure conformity with the Convention, but that a committee for the revision of this Act has not submitted any proposals to this effect. Amending legislation regarding the general question of the employment of children is under consideration in the United Kingdom, and the provisions of the Convention will be taken into account in this connection.

Two governments finally, explain why they consider the adoption of new or amending legislation on night work of young persons in non-industrial occupations unnecessary. The Irish Government states that there is no evidence to show that the abuses which the Convention seeks to eliminate exist in the country. In Luxembourg, in the almost entire absence of any night work of the type under consideration, there has been little need to adopt special provisions on the matter.

### *Difficulties of Application*

A considerable amount of information is supplied, in response to the request in the forms of report, on the difficulties which prevent full effect being given to the Convention and the Recommendation. In some cases the reasons mentioned are of a general character, i.e. that the international standards are too advanced (Pakistan) or too detailed, especially as regards methods of application (Switzerland). In others, it is the inadequacy of the national provisions on the matter (Ceylon, Finland) which is referred to in this connection.

The main obstacles appear, however, to arise because of the precise requirements of the Convention as regards its scope of application (which is defined specifically in the Recommendation) and as regards the length and timing of the night period during which work is prohibited for children under and over 14 years of age.

Several countries indicate that the occupations and areas covered by their night work prohibition do not fully satisfy the terms of Article 1 of the Convention and Paragraph 1 of the Recommendation. Some reports merely refer to the scope (Sweden) or to the line of division separating non-industrial from industrial, agricultural and maritime occupations (Ireland, Turkey). Others (Belgium, Norway) state that not all non-industrial occupations are covered. The Federal Republic of Germany points out that the definition of family undertakings appearing in its Protection of Young Workers Act is broader than that contained in the Convention. India, finally, explains that the scope of its legislation does not go at present beyond selected urban areas.

A considerable number of countries (Austria, Belgium, the Federal Republic of Germany, Ireland, Japan, New Zealand, Sweden) indicate that the night period provided for in Articles 2 and 3 of the Convention for the various age groups is longer than that laid down in the relevant national enactments, as brought out by the review above of the effect given to the Articles concerned.

The Federal Republic of Germany states that the statutory exceptions (night work and period of uninterrupted rest) in case of emergency,

which have no counterpart in the Convention (Article 4), are not likely to disappear completely in any future legislation.

Reference is also made in several reports to provisions concerning children and young persons who appear at night as performers in public entertainments (Article 5 of the Convention). Austria explains that no minimum age has been fixed for this purpose, while the minimum age for Belgium is below that laid down by the Convention. In Austria and the Federal Republic of Germany nightly rest for young performers falls short of Convention standards. Both the minimum age fixed in this connection by Irish law and the scope of this law do not fully meet these standards.

Three countries make special mention of the difficulty of taking all the enforcement measures prescribed by the Convention and the Recommendation. Irish employers are not generally required by the existing legislation to keep the register provided for in Article 6 of the Convention. The South African report refers to practical difficulties of enforcement which prevent at present promulgation of any new laws aimed at restricting night work of young persons in non-industrial occupations. The Government of the Federal Republic of Germany states that the introduction and official stamping of the work permit or book mentioned in Paragraph 8 of the Recommendation would involve undue administrative work and adds that the wearing of a readily visible badge by itinerant workers (Paragraph 9 of the Recommendation) would not be compatible with prevailing views and customs since the carrying of official documents is considered sufficient for the purpose. The German report also inquires whether the intent of subparagraphs (6) and (7) of Paragraph 9, which stress the legal responsibility of the employer and the parents for violations of the laws and regulations, is that these persons shall be punished for failure to comply with regulations prescribing or prohibiting a specific line of conduct. Clearly these provisions of the Recommendation are designed to ensure the effective enforcement of regulations in relation to a category of workers which is in particular need of protection, i.e. young itinerant workers, by extending legislative control to the persons who supply these workers with the merchandise for sale.

### *Ratification Prospects*

Two of the reporting countries (Argentina, Cuba) have, as noted above, already ratified the Convention. Two further countries (Greece, Luxembourg) have submitted the Convention to their legislative authorities for approval and indicate that ratification should not give rise to any difficulty. Two other countries, finally, indicate that the question of ratification has not yet been settled: the Swedish Parliament took the view when it considered the Convention that the final decision should be deferred until the Bill to amend the Labour Protection Act had come before it; Yugoslavia's draft Labour Code, now in preparation, will take special account of Conventions for the protection of young persons so as to render possible their ratification.



### Conclusion

When the Night Work of Young Persons (Non-Industrial Occupations) Convention and Recommendation, 1946, were adopted, the Conference attempted, as noted in the Introduction, to give them sufficient flexibility in a deliberate effort to secure the widest possible measure of acceptance. To those who at that time criticised what they considered as an excessive degree of latitude left to governments in implementing the terms of the Convention, it was pointed out that over-rigid provisions were bound to impede widespread ratification. The findings which emerge from the present review of the effect given to the Convention and Recommendation by a sizeable proportion of the I.L.O. membership seem to indicate that despite this flexibility, especially in matters of detail, the Convention has not been extensively implemented.

There may be two main reasons for this. First, its scope is very broad and covers a rather disparate list of occupations which is easier to describe by exclusion than by enumeration. It is clear from the reports of many governments that the national measures to prohibit the night work of young persons often cover an area which is in fact much more extensive than that to which the Convention and the Recommendation are meant to apply but which nevertheless fails to include certain jobs, occupations or services considered as "neither industrial nor agricultural nor maritime". Secondly, the Convention sets on the whole such a high basic standard that some countries may have postponed up to now any attempt to comply with all of its requirements.

While fully recognising the validity of these factors as obstacles in the way of full implementation it should none the less be pointed out that the Convention does provide for a certain degree of latitude even as regards the two points just referred to. In so far as the definition of the scope of application is concerned, Article 1, paragraphs 2 and 3 of the Convention leaves it to the competent national authority to determine to which occupations it is to apply and governments may thus be able to draw the line of division separating non-industrial from other occupations according to the pattern laid down in the relevant national provisions. Even more important, perhaps, the Convention also provides in certain cases for a considerable amount of flexibility in the definition of the protected age groups. As mentioned above, its Article 7 enables any Member which before the date of the adoption of laws or regulations permitting the ratification had no legislation restricting non-industrial night work of children or young persons, to substitute an age limit of 16 years or over for that of 18 years prescribed in Article 3. While no use has been made of this clause thus far, some of the governments which until now have not felt in a position to ratify the Convention may wish to reconsider the whole situation in the light of this provision, which should go a long way to help overcome the practical difficulties arising during the early stages of implementation.

Despite the various considerations which may thus, as noted, have delayed or prevented formal ratification in a number of countries, it would be quite erroneous to conclude that the essential aim of the Convention and the Recommendation has not been reached to a significant degree. The governments' reports, as reviewed above, reveal that all persons under 18 years are prohibited from working at night in any occupation in three of the reporting countries (Canada (Manitoba), Cuba, Poland), while most persons under this age are so prohibited in five further countries (Argentina, Austria, Belgium, the Federal Republic of Germany, Greece); that night work is forbidden for practically all persons under 16 years in three countries (Bulgaria, the Philippines, Sweden) and for most persons under this age in three more (Canada (Alberta, Newfoundland), Colombia, the United States (federal legislation and laws of 26 states)); that a blanket prohibition fixing lower minimum ages exists for all children in seven countries: under 15 years: Switzerland (federal legislation); under 14 years: Canada (Nova Scotia), the Dominican Republic, Ireland, the Netherlands; under 13 or 12 years: Canada (Saskatchewan), Japan, the United Kingdom; and for most children under 14 years in Denmark.

The review has also brought out that, in addition to these 20 countries where broad prohibitive measures have been enacted, six other countries (Ceylon, France, India, Pakistan, Viet-Nam, Yugoslavia) have laid down periods of prohibited night work of varying length and applying to children or young persons in some non-industrial occupations.

In so far as employment in public entertainment is concerned, 16 reporting countries (Australia, Austria, Belgium, Canada, Denmark, the Dominican Republic, France, the Federal Republic of Germany, Greece, Ireland, Italy, Japan, New Zealand, Sweden, the United Kingdom, the United States) provide to a greater or lesser degree for the protection of young performers appearing during the night.

Finally, while practically all reports speak of measures of enforcement, nine (Argentina, Australia, Belgium, Canada, the Federal Republic of Germany, Greece, Ireland, the United Kingdom, the United States) mention special steps to supervise the employment of young itinerant workers.

Despite the difficulties which may in many cases have stood in the way of anything like full implementation of the international standards so far, the present review makes it thus clear that, in addition to the nine countries which have ratified the Convention and the four others which might follow suit, a number of other countries have already been able to take steps for protecting their young non-industrial workers from the dangers of night-time employment. The most notable feature of the review is perhaps the impressive array of countries which signify their intention to move further ahead in this field: eight reports mention legislative revisions currently under way and eight other reports indicate that modifications in line with the international standards will be made as and when the occasion arises.



B. Reports Requested and Reports Received by 21 March 1955

Country <sup>1</sup>	Reports requested			Reports received		
	Conventions Nos.	Recommendations Nos.	Number of reports requested	Conventions Nos.	Recommendations Nos.	Number of reports received
Afghanistan . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Albania . . . . .	60, 78, 79	79, 80	5	—	—	0
Argentina . . . . .	60, 78, 79	79, 80	5	60, 78 <sup>2</sup> , 79 <sup>2</sup>	79, 80	5
Australia . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Austria . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Belgium . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Bolivia . . . . .	60, 78, 79	79, 80	5	—	—	0
Brazil . . . . .	60, 78, 79	79, 80	5	—	—	0
Bulgaria . . . . .	—	79, 80	2	—	79, 80	2
Burma . . . . .	60, 78, 79	79, 80	5	—	—	0
Canada . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Ceylon . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Chile . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
China . . . . .	60, 78, 79	79, 80	5	—	—	0
Colombia . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Costa Rica . . . . .	60, 78, 79	79, 80	5	—	—	0
Cuba . . . . .	60, 78, 79	79, 80	5	60 <sup>2</sup> , 78 <sup>2</sup> , 79 <sup>2</sup>	79, 80	5
Czechoslovakia . . . . .	60, 78, 79	79, 80	5	—	—	0
Denmark . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Dominican Republic . . . . .	60, 78	79, 80	4	60, 78	79, 80	4
Ecuador . . . . .	60, 78, 79	79, 80	5	—	—	0
Egypt . . . . .	60, 78, 79	79, 80	5	—	—	0
Ethiopia . . . . .	60, 78, 79	79, 80	5	—	—	0
Finland . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
France . . . . .	60, 79	79, 80	4	60, 79	79, 80	4
Germany (Fed. Rep.) . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Greece . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Guatemala . . . . .	60	79, 80	3	—	—	0
Haiti . . . . .	60, 78, 79	79, 80	5	—	—	0
Hungary . . . . .	60, 78, 79	79, 80	5	—	—	0
Iceland . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
India . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Indonesia . . . . .	60, 78, 79	79, 80	5	—	—	0
Iran . . . . .	60, 78, 79	79, 80	5	—	—	0
Iraq . . . . .	60, 78, 79	79, 80	5	—	—	0
Ireland . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Israel . . . . .	60, 78, 79	79, 80	5	60 <sup>3</sup>	—	1
Italy . . . . .	—	79, 80	2	—	79, 80	2
Japan . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Lebanon . . . . .	60, 78, 79	79, 80	5	—	—	0
Liberia . . . . .	60, 78, 79	79, 80	5	—	—	0
Libya . . . . .	60, 78, 79	79, 80	5	—	—	0
Luxembourg . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Mexico . . . . .	60, 78, 79	79, 80	5	—	—	0
Netherlands . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
New Zealand . . . . .	60, 78, 79	79, 80	4	60, 78, 79	79, 80	4
Norway . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Pakistan . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Panama . . . . .	60, 78, 79	79, 80	5	—	—	0
Peru . . . . .	60, 78, 79	79, 80	5	—	—	0
Philippines . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Poland . . . . .	60	79, 80	3	60	79, 80	3
Portugal . . . . .	60, 78, 79	79, 80	5	—	—	0
El Salvador . . . . .	60, 78, 79	79, 80	5	60, 78	79	3
Sweden . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Switzerland . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Syria . . . . .	60, 78, 79	79, 80	5	—	—	0
Thailand . . . . .	60, 78, 79	79, 80	5	—	—	0
Turkey . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Union of South Africa . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
United Kingdom . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
United States . . . . .	60, 78, 79	79, 80	5	60, 78, 79 <sup>3</sup>	79, 80	5
Uruguay . . . . .	60, 78, 79	79, 80	5	—	—	0
Venezuela . . . . .	60, 78, 79	79, 80	5	—	—	0
Viet-Nam . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Yugoslavia . . . . .	60, 78, 79	79, 80	5	60, 78, 79	79, 80	5
Total . . . . .	63, 61, 61	66, 66	317	36, 34, 33	38, 37	178

<sup>1</sup> Members on 3 November 1953, date on which reports were requested.  
<sup>2</sup> This Convention was ratified after the States had forwarded their reports under article 19.  
<sup>3</sup> This Convention was ratified after the date on which reports had been requested under article 19.